

1999-2000

**HOUSE
LOCAL GOVERNMENT
II
COMMITTEE**

MINUTES

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
1999 SESSION**

| MEMBER | ASSISTANT | PHONE | OFFICE | SEAT |
|-----------------------------------|--|----------|--------|------|
| JARRELL, Mary, Chair | Edna Lee Collar Committee Assistant | 733-5749 | 2219 | 3 |
| BONNER, Donald, Vice Chair | Lucy Johnson | 733-5803 | 1313 | 83 |
| BARBEE, Bobby | Rosa Murray | 733-5908 | 1025 | 54 |
| CAPPS, Russell | Pamela Ahlin | 715-2526 | 1424 | 85 |
| HAIRE, R. Phillip | Sara Jane Lennard | 715-3005 | 419B | 47 |
| HUNTER, Howard | Barbara Phillips | 733-2962 | 613 | 68 |
| HURLEY, John | Melissa Riddle | 733-5601 | 2215 | 23 |
| McALLISTER, Mary | Annecia Norwood | 733-5959 | 638 | 34 |
| OWENS, Bill | Judy Veorse | 733-0010 | 632 | 9 |
| SEXTON, Wayne | Debbie Turner | 733-5974 | 506 | 87 |
| SMITH, Ronnie | Jane Bass | 733-5773 | 2223 | 2 |
| WARREN, Edith | Nancy Willis | 733-3019 | 417A | 93 |
| WILSON, Gene | Rebecca Jones | 733-7727 | 1109 | 61 |
| MANHEIMER, Esther, Staff Attorney | | 733-2578 | 545 | |

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
1999-2000 SESSION
MEMBERSHIP**



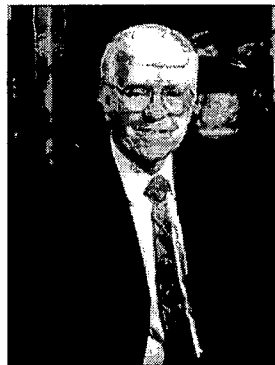
Mary L. Jarrell, CHAIR



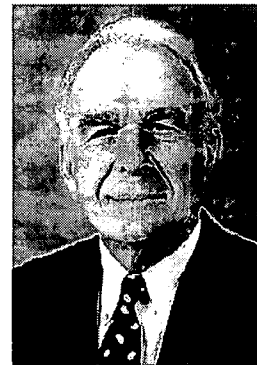
Donald Bonner, VICE CHAIR



Bobby Barbee



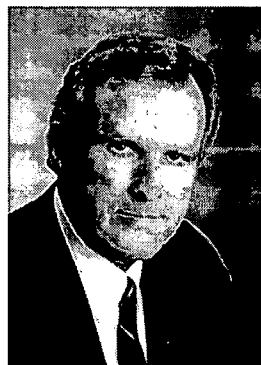
J. Russell Capps



R. Phillip Haire



Howard J. Hunter



John W. Hurley



Mary E. McAllister



Bill Owens



P. Wayne Sexton



Gene Wilson

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
1999-2000 SESSION
MEMBERSHIP**



Ronnie Smith



Edith Warren

ATTENDANCE

LOCAL GOVERNMENT II

[illegible]

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT
HOUSE: LOCAL GOVERNMENT II

| 1999-2000 Biennium | | Valid Through 14-JUL-1999 | | |
|--------------------|------------|-------------------------------------|----------------------------|-------------------|
| BILL | INTRODUCER | SHORT TITLE | LATEST ACTION ON BILL | IN DATE OUT DATE |
| H 21= | CREECH | CLAYTON SATELLITE ANNEXATION | *H -RE-REF COM ON FINANCE | 02-16-99 02-25-99 |
| H 31 | DEDMON | SHELBY PRIVATE SALE | R -CH. SL 99-0005 | 02-16-99 02-24-99 |
| H 44= | DEDMON | FOREST CITY/ALEXANDER MILLS | *H -RE-REF COM ON FINANCE | 02-16-99 02-25-99 |
| H 68= | MCCOMBS | TOWN OF CHINA GROVE | *R -CH. SL 99-0007 | 02-11-99 02-25-99 |
| H 85 | GOODWIN | SCOTLAND LOCAL ACT-1 | HF-POSTPONED INDEFINITELY | 02-16-99 04-20-99 |
| H 86 | GOODWIN | RICHMOND LOCAL ACT-1 | HF-POSTPONED INDEFINITELY | 02-16-99 04-20-99 |
| H 87 | GOODWIN | RICHMOND SALES TAX USE | *H -RE-REF COM ON FINANCE | 02-16-99 04-20-99 |
| H 88 | GOODWIN | SCOTLAND LOCAL ACT-2 | HF-POSTPONED INDEFINITELY | 02-16-99 04-20-99 |
| H 119 | SUTTON | ECONOMIC DEVELOPMENT EMINENT DOMAIN | *H -RE-REF COM ON RULES | 02-22-99 04-07-99 |
| H 123 | HAIRE | MUNICIPAL IN 52ND HOUSE DIST. | HF-POSTPONED INDEFINITELY | 02-23-99 04-20-99 |
| H 153 | YONGUE | HOKE SCHOOL ELECTION FILING | R -CH. SL 99-0018 | 02-25-99 03-17-99 |
| H 332 | GILLESPIE | YANCEY SCHOOL ELECTIONS | S -REF TO COM ON STLOCVT | 03-04-99 03-17-99 |
| H 378 | CRAWFORD | ROANOKE RAPIDS REDEVELOPMENT | R -CH. SL 99-0067 | 03-10-99 03-17-99 |
| H 419 | BAKER | MOUNT AIRY SATELLITE ANNEXATION | *R -CH. SL 99-0232 | 04-21-99 04-27-99 |
| H 426 | JARRELL | LOCAL RED LIGHT CAMERAS | *R -CH. SL 99-0181 | 03-15-99 03-24-99 |
| H 429= | HAIRE | MADISON COMMISSIONERS ELECTION | R -CH. SL 99-0037 | 03-15-99 03-24-99 |
| H 487= | HAIRE | MADISON COMMISSIONERS ELECTION | H -REF TO COM ON LOGGOVII | 03-18-99 |
| H 504 | PRESTON | CARTERET PLANNING/ZONING CHANGES | *R -CH. SL 99-0154 | 03-18-99 04-07-99 |
| H 587 | BOWIE | INCREASE BID LIMIT/GREENSBORO | R -CH. SL 99-0052 | 03-24-99 04-07-99 |
| H 614 | OWENS | PASQUOTANK PEACE OFFICER | H -REF TO COM ON LOGGOVII | 03-25-99 |
| H 615 | OWENS | ELIZABETH CITY WATERCRAFT REG. | *R -CH. SL 99-0174 | 03-25-99 04-07-99 |
| H 637 | OWENS | COINJOCK CANAL NO-WAKE ZONE | R -CH. SL 99-0038 | 03-29-99 04-07-99 |
| H 638 | OWENS | TRANSFER CERTAIN SEPTIC SYSTEMS | *H -CONCURRED IN S/COM SUB | 03-29-99 04-08-99 |
| H 650 | REDWINE | BRUNSWICK PERSONAL WATERCRAFT | *R -CH. SL 99-0087 | 03-29-99 04-22-99 |
| H 677 | HAIRE | CERTAIN COUNTIES DELINQUENT TAXES | *S -REF TO COM ON FINANCE | 03-29-99 04-14-99 |
| H 684 | MOSLEY | MUNIC. TREE ORD/HUNTERVILLE TDR | *S -CONF COM APPOINTED | 03-30-99 04-15-99 |
| H 707 | COX | BROADWAY FORM OF GOVT. | R -CH. SL 99-0230 | 03-30-99 04-14-99 |
| H 708= | COX | AIRPORT AUTHORITY REFUNDS | *R -CH. SL 99-0104 | 03-30-99 04-14-99 |
| H 749 | RAYFIELD | BELMONT ABC PROFITS | S -REF TO COM ON STLOCVT | 03-31-99 04-15-99 |
| H 797= | MELTON | UNION COUNTY FIRE FEES | R -CH. SL 99-0039 | 04-01-99 04-14-99 |

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.

BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT
HOUSE: LOCAL GOVERNMENT II

| 1999-2000 Biennium | | HOUSE: LOCAL GOVERNMENT II | | Valid Through 14-JUL-1999 | |
|--------------------|--------------|--------------------------------------|----------------------------|---------------------------|----------|
| BILL | INTRODUCER | SHORT TITLE | LATEST ACTION ON BILL | IN DATE | OUT DATE |
| H 802= | MICHAUX | DURHAM CITY DEVELOPMENT PLANS | S - REF TO COM ON STLOGVGT | 04-01-99 | 04-14-99 |
| H 803 | MICHAUX | DURHAM COUNTY ZONING NOTICES | S - REF TO COM ON STLOGVGT | 04-01-99 | 04-14-99 |
| H 810= | MCMAHAN | MECKLENBURG SCHOOL ACQUISITION | H - REF TO COM ON LOGGOVII | 04-01-99 | |
| H 828 | GILLESPIE | REVALUATION TAX RATE NOTICE | S - REF TO COM ON FINANCE | 04-01-99 | 04-21-99 |
| H 829 | WALEND | TRANSYLVANIA SCH. CONSTRUCTION FLEX. | R - CH. SL 99-0053 | 04-01-99 | 04-21-99 |
| H 840 | GRADY | ONSLOW BID EXEMP/CHAR-MECK SCH CONST | *R - CH. SL 99-0207 | 04-01-99 | 04-21-99 |
| H 844 | INSKO | ORANGE COUNTY CIVIL RIGHTS | *HF-FAILED 2ND READING | 04-01-99 | 04-22-99 |
| H 846 | WARREN EDITH | FARMVILLE ETJ | *R - CH. SL 99-0043 | 04-01-99 | 04-26-99 |
| H 847 | WARREN EDITH | PITT COUNTY INVESTMENTS | *R - CH. SL 99-0048 | 04-01-99 | 04-27-99 |
| H 855 | HORN | KINGS MOUNTAIN ETJ | R - CH. SL 99-0259 | 04-01-99 | 04-23-99 |
| H 867 | FITCH | WILSON ANNEXATIONS | *S - REF TO COM ON FINANCE | 04-01-99 | 04-26-99 |
| H 870 | OWENS | MAGIST. ACCEPT WAIVER/VEHICLE VIOL. | R - CH. SL 99-0080 | 04-01-99 | 04-23-99 |
| H 880 | ALLRED | BID PROCESS/CAPITAL PROJ. | R - CH. SL 99-0093 | 04-01-99 | 04-26-99 |
| H 886 | LUEBKE | DURHAM FIREWORKS - 2 | H - REF TO COM ON LOGGOVII | 04-01-99 | |
| H 900 | HUNTER | GATES COUNTY FIRE PROTECTION | *R - CH. SL 99-0242 | 04-01-99 | 04-23-99 |
| S 33= | WELLONS | CLAYTON SATELLITE ANNEXATION | R - CH. SL 99-0010 | 02-24-99 | 03-11-99 |
| S 156 | WELLONS | LAKE ROYALE MV REG. SUNSET OFF | R - CH. SL 99-0011 | 03-16-99 | 03-24-99 |
| S 299 | HARTSELL | CABARRUS/CONCORD FORCE ACCT. INCR. | R - CH. SL 99-0034 | 03-23-99 | 05-05-99 |

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATION BUILDING**

February 24, 1999

11:00 A.M.

AGENDA

OPENING REMARKS

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

HB 21 – CLAYTON SATELITE ANNEXATION
Representative Creech

HB 31 – SHELBY PRIVATE SALE
Representative Dedmon

HB 44 – FOREST CITY/ALEXANDER MILLS
Representative Dedmon

HB 68 – TOWN OF CHINA GROVE
Representative McCombs

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

February 24, 1999

The House Committee on Local and Regional Government II met at 11:00 a.m. Wednesday, February 24, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Barbee, , Capps, Haire, Hurley, Sexton, G. Wilson. Also in attendance were Susan Hayes and Esther Manheimer, staff counselors. A Visitor Registration Sheet is attached and made part of the minutes.

The Chair called the meeting to order and welcomed members to the first meeting of the 1999 Session of the House Local and Regional Government II Committee. Representative Jarrell introduced the staff and assistants, the pages, and called on the committee members to introduce themselves.

The following bills were considered:

HB 21 – CLAYTON SATELLITE ANNEXATION. Representative Creech, sponsor, was recognized. He called on Mr. Steve Biggs, Town Manager of Clayton, to explain the bill which concerns voluntary satellite annexation of certain property by the Town of Clayton. He stated that the town is in support of the bill. A proposed committee substitute for HB 21 was adopted for discussion. Representative Sexton moved for a favorable report to committee substitute for HB 21, unfavorable to original bill, and be re-referred to the Committee on Finance. Motion carried.

HB 31 – SHELBY PRIVATE SALE. The Chair recognized Representative Horne, co-sponsor, to explain the bill which allows the City of Shelby to convey by private negotiation certain property to the Council on Aging of Cleveland County. He stated that there was no opposition by the City of Shelby and that the Council on Aging wants the property. Representative Gene Wilson moved for a favorable report and the motion carried.

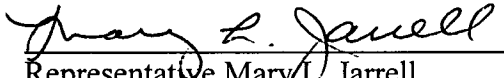
HB 44 – FOREST CITY/ALEXANDER MILLS. Representative Dedmon, sponsor, was recognized to explain the bill which would allow the Town of Alexander Mills to merge into the Town of Forest City. Representative Haire offered an amendment which was adopted. Copy of the amendment is attached to the minutes. He then made a motion that the amendment be incorporated into a committee substitute for HB 44 with a favorable report, unfavorable to original bill, and be re-referred to the committee on Finance. The motion carried.

HB 68 – TOWN OF CHINA GROVE. The Chair recognized Representative McCombs, sponsor, to explain the bill which would allow the Town of China Grove to elect the

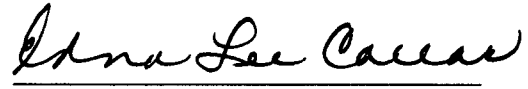
Mayor and five aldermen to terms of four years instead of two years. A proposed committee substitute was adopted. Representative Sexton moved that committee substitute be given a favorable report, unfavorable to original bill . Motion carried.

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

Respectfully submitted,



Representative Mary L. Jarrell
Chairman



Edna Lee Collar
Committee Assistant

1999 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 21 A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF CERTAIN PROPERTY BY THE TOWN OF CLAYTON.

☐ 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

1

HOUSE BILL 21*

Short Title: Clayton Satellite Annexation.

(Local)

Sponsors: Representative Creech.

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

February 3, 1999

1 A BILL TO BE ENTITLED

2 AN ACT CONCERNING ANNEXATION OF CERTAIN PROPERTY BY THE
3 TOWN OF CLAYTON.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 160A-58.1(b)(5) does not apply to the Town of Clayton
6 for any noncontiguous annexation with the following area:

7 Lying and being situate in Wilder Township, Johnston County, containing 786.19
8 acres, more or less, and more particularly described as follows:

9 BEING all of that property as shown on the plats entitled "Survey for the Raleigh
10 Rescue Mission, Inc., Wilder Township, Johnston County, North Carolina," dated
11 August 1, 1990, prepared by Derward W. Baker and Associates P.A., Registered Land
12 Surveyors, and recorded in Plat book 35, Page 381, Johnston County Registry and
13 "Property of Joseph M. Hester, Jr., et al." dated October 4, 1996, prepared by Joyner,
14 Keeny & Associates, Registered Land Surveyors, and recorded in Plat Book 48, Page
15 359, Johnston County Registry, to which reference is hereby made for a more
16 particular description.

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

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 21*
H21-PCSSK-001

This is a draft: line numbers may change after adoption.
16:27:5118-FEB-99

Short Title: Clayton Satellite Annexation.

(Local)

Sponsors:

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

February 3, 1999

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING ANNEXATION OF CERTAIN PROPERTY BY THE TOWN OF
3 CLAYTON.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 160A-58.1(b)(5) does not apply to the
6 Town of Clayton for any noncontiguous annexation with the
7 following area:
8 Lying and being situated in Wilder Township, Johnston County,
9 containing 786.19 acres, more or less, and more particularly
10 described as follows:
11 BEING all of that property as shown on the plats entitled "Survey
12 for the Raleigh Rescue Mission, Inc., Wilder Township, Johnston
13 County, North Carolina," dated August 1, 1990, prepared by
14 Derward W. Baker and Associates P.A., Registered Land Surveyors,
15 and recorded in Plat book 35, Page 381, Johnston County Registry
16 and "Property of Joseph M. Hester, Jr., et al." dated October 4,
17 1996, prepared by Joyner, Keeny & Associates, Registered Land
18 Surveyors, and recorded in Plat Book 48, Page 359, Johnston
19 County Registry, to which reference is hereby made for a more
20 particular description.
21 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 21*
Proposed Committee Substitute H21-PCS1025-SK

Short Title: Clayton Satellite Annexation.

(Local)

Sponsors:

Referred to:

February 3, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING ANNEXATION OF CERTAIN PROPERTY BY THE
3 TOWN OF CLAYTON.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 160A-58.1(b)(5) does not apply to the Town of Clayton
6 for any noncontiguous annexation with the following area:
7 Lying and being situated in Wilder Township, Johnston County, containing 786.19
8 acres, more or less, and more particularly described as follows:
9 BEING all of that property as shown on the plats entitled "Survey for the Raleigh
10 Rescue Mission, Inc., Wilder Township, Johnston County, North Carolina," dated
11 August 1, 1990, prepared by Derward W. Baker and Associates P.A., Registered Land
12 Surveyors, and recorded in Plat book 35, Page 381, Johnston County Registry and
13 "Property of Joseph M. Hester, Jr., et al." dated October 4, 1996, prepared by Joyner,
14 Keeny & Associates, Registered Land Surveyors, and recorded in Plat Book 48, Page
15 359, Johnston County Registry, to which reference is hereby made for a more
16 particular description.
17 Section 2. This act is effective when it becomes law.



North Carolina General Assembly Legislative Services Office

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February 24, 1999

TO: Committee on Local Government II
FROM: Esther Manheimer, Committee Counsel and Martha K. Walston, Staff Attorney
RE: Proposed Committee Substitute for House Bill 21 – Clayton Satellite Annexation – Representative Creech

House Bill 21 is a local bill that concerns voluntary satellite annexations by the Town of Clayton. The bill will give the Town of Clayton the ability to annex certain property that is not contiguous with its primary corporate limits even though the annexed property, when added to the area within all other satellite corporate limits, will exceed 10% of the area within the primary corporate limits. The bill is effective when it becomes law. Senate Bill 33, introduced by Senator Wellons, is identical to HB 21.

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

Seven towns have eliminated this standard altogether. They are Hickory, New Bern, Statesville, Kenly, Troy, Catawba, and Mooresville. In 1993, legislation was passed allowing Clayton and Apex to eliminate only certain property from this standard. In 1997, the Town of Beaufort eliminated certain property from the standard.

House Bill 21 does not release the proposed satellite annexation from meeting the other standards listed in G.S. 160A-58.1(b):

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.

¹⁹⁹⁹
~~1998~~ COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 31 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SHELBY TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE COUNCIL ON THE AGING OF CLEVELAND COUNTY, NORTH CAROLINA, INC.

☒ 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.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ 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)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 31

Short Title: Shelby Private Sale.

(Local)

Sponsors: Representatives Dedmon; and Horn.

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

February 4, 1999

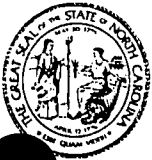
1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF SHELBY TO CONVEY CERTAIN
3 DESCRIBED PROPERTY BY PRIVATE SALE TO THE COUNCIL ON THE
4 AGING OF CLEVELAND COUNTY, NORTH CAROLINA, INC.

5 The General Assembly of North Carolina enacts:

6 Section 1. Notwithstanding Article 12 of Chapter 160A of the General
7 Statutes, the City of Shelby may convey by private negotiation and sale to the
8 Council on the Aging of Cleveland County, North Carolina, Inc., with or without
9 monetary consideration, any or all of its right, title, and interest in the following
10 described property:

11 Beginning at a point in the right-of-way on the south side of East Marion Street, a
12 common corner of the properties shown on Cleveland County Tax Map number S-4,
13 and being lots 7 and 8 of block number 4 of said tax map. Thence with the south
14 right-of-way of East Marion Street S 89-48-15 E 187.22' to the common corner of lots
15 8 and 11. Thence leaving East Marion Street right-of-way and continuing with the
16 common line between lots 8 and 11 S 04-09-15 E 240.00' to a point. Thence
17 continuing a new line across the City of Shelby property as shown on tax map
18 number 14, block 1, and lot 11 S 04-09-15 E 200.00' to the north right-of-way of East
19 Warren Street. Thence with the north right-of-way of East Warren Street N 84-51-00
20 W 125.41' to a point. Thence leaving the right-of-way the following calls: N 02-34-10
21 E 110.00', N 04-08-56 W 78.91', N 04-09-15 W 90.00', N 89-48-15 W 76.00', N 04-09-
22 15 W 150.00' to the place of beginning.

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



**North Carolina General Assembly
Legislative Services Office**

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February 24, 1999

TO: Committee on Local Government II
FROM: Esther Manheimer and Susan Hayes, Co-Committee Counsel
RE: House Bill 31 – City of Shelby to Convey Certain Property by Private Sale to the Council on Aging of Cleveland County – Representative Dedmon

House Bill 31 allows the City of Shelby to convey by private negotiation and sale certain described property to the Council on Aging of Cleveland County without adhering to the requirements of 160A-266(b). 160A-266(b) would prohibit the private negotiation and sale of the property at issue as the City is not seeking to exchange the property, sell the property to a volunteer fire department or to a volunteer rescue squad, or sell the property to an entity carrying out a public purpose.

The property at issue consists of a building and piece of land whose tax value totals \$313,252.00. The Council on Aging of Cleveland County currently leases the premises from the City of Shelby and is the only tenant of the property. The Council on Aging has greatly expanded the original building on the property and made many improvements to the building. The expansion and improvements contributed to the majority of the tax value of the property.

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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 44 A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE TOWN OF
ALEXANDER MILLS INTO THE TOWN OF FORREST 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 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

1

HOUSE BILL 44*

Short Title: Forest City/Alexander Mills.

(Local)

Sponsors: Representatives Dedmon; and Horn.

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

February 8, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO CONSOLIDATE THE TOWN OF ALEXANDER MILLS INTO THE
3 TOWN OF FOREST CITY.
4 The General Assembly of North Carolina enacts:
5 Section 1. (a) The Town of Alexander Mills is merged into the Town of
6 Forest City. The effective date of the merger is July 1, 1999. The Town of
7 Alexander Mills is abolished as a separate municipal corporation.
8 (b) Subsection (a) of this section is effective only if approved in a
9 referendum by the qualified voters of the Town of Alexander Mills.
10 (c) The referendum shall be held on a date set by the Rutherford County
11 Board of Elections, but no later than May 31, 1999. It may be held on the same day
12 as any other referendum or election in the county, but may not otherwise be held
13 during the period beginning 50 days before and ending 50 days after the day of any
14 other referendum or election to be conducted by the board of elections conducting
15 the referendum and already validly called or scheduled by law. The proposition
16 submitted to the voters shall be in the form approved by the Rutherford County
17 Board of Elections.
18 Section 2. (a) On the effective date of the merger, all property, real and
19 personal and mixed, including accounts receivable, belonging to the Town of
20 Alexander Mills, shall by operation of law vest in, belong to, and be the property of
21 the Town of Forest City. The governing body of the Town of Alexander Mills shall
22 take such additional actions and execute such documents as will carry into effect the
23 provisions and the intent of this section.

1 (b) All judgments, liens, rights of liens, and causes of action of any
2 nature in favor of the Town of Alexander Mills shall vest in and remain and inure to
3 the benefit of the Town of Forest City.

4 (c) All taxes, assessments, water or sewer charges, and any other charges
5 or fees, owed to the Town of Alexander Mills shall be owed to and collected by the
6 Town of Forest City.

7 (d) All actions, suits, and proceedings pending against, or having been
8 instituted by the Town of Alexander Mills, shall not be abated by this act or by the
9 merger herein provided for, but all such actions, suits, and proceedings shall be
10 continued and completed in the same manner as if merger had not occurred, and the
11 Town of Forest City shall be a party to all such actions, suits, and proceedings in the
12 place and stead of the Town of Alexander Mills and shall pay or cause to be paid any
13 judgments rendered against the Town of Alexander Mills in any such actions, suits, or
14 proceedings. No new process need be served in any such action, suit, or proceeding.

15 (e) All obligations of the Town of Alexander Mills, including
16 outstanding indebtedness, shall be assumed by the Town of Forest City, and all such
17 obligations and outstanding indebtedness are hereby constituted obligations and
18 indebtedness of the Town of Forest City.

19 (f) The Town of Forest City may adopt any ordinances, rules, and
20 regulations under Article 19 of Chapter 160A of the General Statutes prior to July 1,
21 1999, as to the area of the Town of Alexander Mills, to become effective not earlier
22 than July 1, 1999. All other ordinances of the Town of Forest City become effective
23 July 1, 1999, in the area formerly of the Town of Alexander Mills except as provided
24 by subsection (g) of this section.

25 (g) All franchises heretofore granted by the Town of Alexander Mills,
26 which are still in force, shall continue as valid franchises of the Town of Forest City
27 for the purposes granted within the area formerly comprising the Town of Alexander
28 Mills, but shall not hereby be constituted valid franchises for any other portion of the
29 corporate limits of the Town of Forest City.

30 (h) The Town of Forest City shall assume responsibility for all current
31 and future liabilities of the Town of Alexander Mills for unemployment insurance
32 benefit charges under G.S. 96-9(f)(1).

33 Section 3. The Charter of the Town of Forest City, being Chapter 209,
34 Session Laws of 1981, is amended by adding the following new section:

35 "Sec. 1.4. The corporate limits of the Town of Forest City also include all areas
36 within the corporate limits of the Town of Alexander Mills on the date the Town of
37 Alexander Mills was merged into the Town of Forest City."

38 Section 4. The Mayor and Town Commissioners of the Town of Forest
39 City continue in existence after the consolidation. The Mayor and Commissioners of
40 the Town of Alexander Mills are abolished as of July 1, 1999, but shall continue from
41 that date until the organizational meeting after the 1999 Forest City municipal
42 election as an advisory panel of the Town of Forest City to provide information and
43 guidance in regard to matters pertaining to the area which was formerly the Town of
44 Alexander Mills. In the 1999 municipal election, residents of the area formerly the

1 Town of Alexander Mills shall have full rights to be candidates for elective office in
2 the Town of Forest City as provided by law.

3 Section 5. All property that had a tax situs in the Town of Alexander
4 Mills on January 1, 1999, shall be considered to have a tax situs in the Town of
5 Forest City for the appropriate fiscal year, and any property properly listed for
6 taxation in the Town of Alexander Mills is properly listed for taxation in the Town of
7 Forest City.

8 Section 6. Chapter 99, Private Laws of 1925, being the Charter of the
9 Town of Alexander Mills, is repealed.

10 Section 7. Sections 2 through 6 of this act become effective only if the
11 Town of Alexander Mills is merged into the Town of Forest City under Section 1 of
12 this act.

13 Section 8. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

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Terrence D. Sullivan, Director
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February 24, 1999

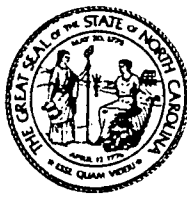
TO: Committee on Local Government II
FROM: Esther Manheimer and Susan Hayes, Co-Committee Counsel
RE: House Bill 44 – Consolidation of the Town of Alexander Mills into the Town of Forest City – Representative Dedmon

House Bill 44 allows the Town of Alexander Mills to merge into the Town of Forest City pending the approval by referendum by the voters of the Town of Alexander Mills. Senate Bill 43 is identical to House Bill 44.

Once the merger is effective, the Town of Forest City will acquire the property of Alexander Mills. In addition, certain monies owed the Town of Alexander Mills prior to the merger will be owed the Town of Forest City. For example, property taxes formerly paid to the Town of Alexander Mills will now be paid to the Town of Forest City.

The mayor and town commissioners of the Town of Forest City will remain in existence after the merger. The mayor and town commissioners of the Town of Alexander Mills will be abolished and will remain for a limited period as an advisory panel to the Town of the Forest City.

This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 44

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

H44-ASK-001

Date _____, 1999

Comm. Sub. ☐
Amends Title ☐

Representative

1 moves to amend the bill on page 3, line 8,
2 by deleting "Chapter 99," and inserting "Chapter 5,".
3

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

1999
~~1998~~ COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 68 - A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR
THE MAYOR AND ALDERMEN OF THE TOWN OF CHINA GROVE.

☐ 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.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ 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)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 68

Short Title: Town of China Grove.

(Local)

Sponsors: Representatives McCombs, Gardner (Primary Sponsors); and Setzer.

Referred to: Local Government II.

February 11, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND
3 ALDERMEN OF THE TOWN OF CHINA GROVE.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 3 of the Charter of the Town of China Grove, being
6 Chapter 309 of the Private Laws of 1903, reads as rewritten:
7 "Sec. 3. The officers of ~~said corporation~~ the town shall be a Mayor and five
8 Aldermen, who shall be elected ~~biennially, and whose term of office shall begin as~~
9 ~~provided in the general election law for municipal corporations, as passed by the~~
10 ~~Legislature of 1901. to four-year terms. In 1999, the two persons receiving the highest~~
11 number of votes are elected to four-year terms and the three persons receiving the
12 next highest number of votes are elected to two-year terms. In 2001, and
13 quadrennially thereafter, three persons are elected to four-year terms. In 2003, and
14 quadrennially thereafter, two persons are elected to four-year terms."
15 Section 2. This act applies beginning with persons elected in 1999.
16 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 68
Proposed Committee Substitute H68-CSSA-003

Short Title: Town of China Grove.

(Local)

Sponsors:

Referred to: Local Government II.

February 11, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND ALDERMEN OF
3 THE TOWN OF CHINA GROVE.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 3 of the Charter of the Town of
6 China Grove, being Chapter 309 of the Private Laws of 1903, reads
7 as rewritten:
8 "Sec. 3. The officers of ~~said corporation~~ the town shall be a
9 Mayor and five Aldermen, who shall be elected ~~biennially, and~~
10 ~~whose term of office shall begin as provided in the general~~
11 ~~election law for municipal corporations, as passed by the~~
12 ~~Legislature of 1901.~~ to four-year terms, except as provided
13 otherwise in this section.
14 In 1999, and quadrennially thereafter, a Mayor shall be elected
15 to a four-year term.
16 In 1999, for the position of Alderman, the two persons
17 receiving the highest number of votes shall be elected to four-
18 year terms and the three persons receiving the next highest
19 number of votes shall be elected to two-year terms. In 2001, and
20 quadrennially thereafter, three persons shall be elected to four-
21 year terms. In 2003, and quadrennially thereafter, two persons
22 shall be elected to four-year terms."

1 Section 2. This act applies beginning with persons
2 elected in 1999.

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



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February 24, 1999

TO: Committee on Local Government II
FROM: Esther Manheimer and Susan Hayes, Co-Committee Counsel
RE: House Bill 68 – Four-Year Terms for the Mayor and Aldermen of the Town of China Grove – Representative McCombs

House Bill 68 allows the Town of China Grove to elect the Mayor and five aldermen to terms of four years. Under current law, the mayor and five aldermen serve terms of two years. This bill is identical to Senate Bill 69.

This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Local Government II

2-24, 1999

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

**MINUTES
HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

March 9, 1999

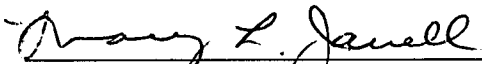
Representative Mary Jarrell, Chair, called a meeting of the Local Government II Committee around her desk in the House Chamber at 5:40 PM on Tuesday, March 9, 1999, to consider SB 33, CLAYTON SATELLITE ANNEXATION.

The following members were present: Representative Jarrell, Barbee, Haire, Hurley, Owens and Cunningham, ex-officio member.

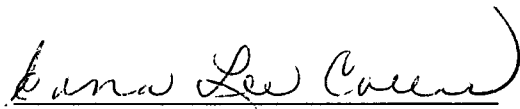
A House committee substitute was offered and Representative Owens moved for its adoption for discussion. He then moved to give the House committee substitute a favorable report with an unfavorable report to original bill and recommendation that the committee substitute be re-referred to Finance. Motion carried.

The meeting adjourned at 5:00.

Respectfully submitted:



Representative Mary L. Jarrell
Committee Chairman



Edna Lee Collar
Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

☐ Committee Substitute for

S.B. 33 A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF
CERTAIN PROPERTY BY THE TOWN OF CLAYTON.

☐ 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 ^{House} committee substitute bill #) be re-referred to the Committee on ~~FINANCE~~ ^{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

S

1

SENATE BILL 33*

Short Title: Clayton Satellite Annexation.

(Local)

Sponsors: Senator Wellons.

Referred to: Finance.

February 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING ANNEXATION OF CERTAIN PROPERTY BY THE
3 TOWN OF CLAYTON.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 160A-58.1(b)(5) does not apply to the Town of Clayton
6 for any noncontiguous annexation with the following area:
7 Lying and being situate in Wilder Township, Johnston County, containing 786.19
8 acres, more or less, and more particularly described as follows:
9 BEING all of that property as shown on the plats entitled "Survey for the Raleigh
10 Rescue Mission, Inc., Wilder Township, Johnston County, North Carolina," dated
11 August 1, 1990, prepared by Derward W. Baker and Associates P.A., Registered Land
12 Surveyors, and recorded in Plat Book 35, Page 381, Johnston County Registry and
13 "Property of Joseph M. Hester, Jr., et al." dated October 4, 1996, prepared by Joyner,
14 Keeny & Associates, Registered Land Surveyors, and recorded in Plat Book 48, Page
15 359, Johnston County Registry, to which reference is hereby made for a more
16 particular description.
17 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 33*
Proposed Committee Substitute S33-PCS2586-SK

Short Title: Clayton Satellite Annexation.

(Local)

Sponsors:

Referred to:

February 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING ANNEXATION OF CERTAIN PROPERTY BY THE
3 TOWN OF CLAYTON.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 160A-58.1(b)(5) does not apply to the Town of Clayton
6 for any noncontiguous annexation with the following area:

7 Lying and being situated in Wilder Township, Johnston County, containing 786.19
8 acres, more or less, and more particularly described as follows:

9 BEING all of that property as shown on the plats entitled "Survey for the Raleigh
10 Rescue Mission, Inc., Wilder Township, Johnston County, North Carolina," dated
11 August 1, 1990, prepared by Derward W. Baker and Associates P.A., Registered Land
12 Surveyors, and recorded in Plat Book 35, Page 381, Johnston County Registry and
13 "Property of Joseph M. Hester, Jr., et al." dated October 4, 1996, prepared by Joyner,
14 Keeny & Associates, Registered Land Surveyors, and recorded in Plat Book 48, Page
15 359, Johnston County Registry, to which reference is hereby made for a more
16 particular description.

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

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING**

**March 17, 1999
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

HB 119 - ECONOMIC DEVELOPMENT EMINENT DOMAIN
Representative Sutton

HB 153 - HOKE SCHOOL ELECTION FILING
Representative Yongue

HB 332 - YANCEY SCHOOL ELECTIONS
Representative Gillespie

HB 378 - ROANOKE RAPIDS REDEVELOPMENT
Representative Crawford

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT II
March 17, 1999

The House Committee on Local Government II met at 11:00 a.m. Wednesday, March 17, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Barbee, Capps, Haire, Hurley, Owens, Sexton and G. Wilson. Also in attendance were Susan Hayes and Esther Manheimer, committee counselors. A Visitor registration sheet is attached and made part of the minutes.

Representative Jarrell, Chair, called the meeting to order to consider the following bills:

HB 119 – ECONOMIC DEVELOPMENT EMINENT DOMAIN, sponsored by Representative Sutton, was removed from the agenda for further study to be considered at a later meeting.


HB 153 – HOKE SCHOOL ELECTION FILING. Representative Yongue, sponsor, was recognized to explain the bill. He said that this is a non-partisan bill requested by the Hoke County Board of Education, the Hoke County Board of Elections, and the Hoke County Commissioners. It would change the filing period for the Hoke County Board of Education. Representative Hurley made a motion to give H.B. 153 a favorable report and the motion carried.

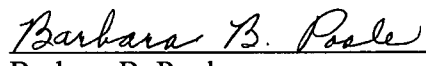
HB 332 – YANCEY SCHOOL ELECTIONS. The Chair recognized Representative Gillespie, sponsor, to explain the bill which would allow the Yancey County Board of Education election to be moved from the time of the primary election to the time of the general election. There being no opposition, Representative Owens moved for a favorable report and the motion carried.

HB 378 – ROANOKE RAPIDS REDEVELOPMENT. Representative Crawford, sponsor, was recognized to explain the bill which would allow the Roanoke Rapids Housing Authority and the Roanoke Rapids Redevelopment Commission to convey by private sale real property located within a redevelopment project area. Representative Sexton moved for a favorable report and the motion carried.

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

Respectfully submitted:


Representative Mary L. Jarrell
Chair


Barbara B. Poole
Acting Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for
H.B. 153 A BILL TO BE ENTITLED AN ACT TO CHANGE THE FILING PERIOD FOR
THE HOKE COUNTY BOARD OF EDUCATION.

- ☒ 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

745

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 153

Short Title: Hoke School Election Filing.

(Local)

Sponsors: Representatives Yongue, Bonner, and Sutton (Primary Sponsors).

Referred to: Local Government II.

February 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE FILING PERIOD FOR THE HOKE COUNTY
3 BOARD OF EDUCATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 707 of the 1973 Session Laws is amended by adding a
6 new section to read:
7 "Section 2.1. Candidates shall file notice of candidacy not earlier than 12:00 noon
8 on the first Monday in July (except that if that day is a holiday, then not earlier than
9 12:00 noon on the next day) and not later than 12:00 noon on the first Monday in
10 August of the year of election."
11 Section 2. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

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300 N. Salisbury St.
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(919) 733-4910

Tony C. Goldman, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
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Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 10, 1999

To: Committee on Local Government II

From: Esther Manheimer, Committee Counsel

**Re: House Bill 153 – Hoke County Board of Education Election Filing –
Representative Yongue**

House Bill 153 is a local bill that would amend Chapter 707 of the 1973 Session Laws by adding a new section. The new section, section 2.1, would require that candidates for the Hoke County Board of Education file notice of candidacy between the first Monday in July and the first Monday in August of the election year.

This act is effective when it becomes law, subject to preclearance by the U.S. Justice Department under section 5 of the Voting Rights Act.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 332 A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF
ELECTION OF THE YANCEY COUNTY BOARD OF EDUCATION FROM
NONPARTISAN ELECTION AT THE TIME OF THE PRIMARY TO NONPARTISAN
ELECTION AT THE TIME OF THE GENERAL ELECTION..

☒ 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

726

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 332

Short Title: Yancey School Elections.

(Local)

Sponsors: Representative Gillespie.

Referred to: Local Government II.

March 4, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO CHANGE THE MANNER OF ELECTION OF THE YANCEY
3 COUNTY BOARD OF EDUCATION FROM NONPARTISAN ELECTION AT
4 THE TIME OF THE PRIMARY TO NONPARTISAN ELECTION AT THE
5 TIME OF THE GENERAL ELECTION.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 1 of Chapter 203, Session Laws of 1973, as amended
8 by Chapter 135 of the 1985 Session Laws, reads as rewritten:

9 "Section 1. The Yancey County Board of Education shall consist of five members
10 who shall be elected by the voters of Yancey County, for staggered terms of four
11 years, in a nonpartisan election as herein provided.

12 ~~Beginning with the primary election for county offices to be held in 1974, there~~
13 ~~shall be a nonpartisan election to elect successors to the present members of the~~
14 ~~school board whose terms expire in 1974, and every two years thereafter, as the terms~~
15 ~~of the members expire.~~

16 ~~The nonpartisan election and runoff election method shall be used with the results~~
17 ~~determined as provided in G.S. 163-293, except that the runoff shall be held on the~~
18 ~~date provided by G.S. 163-111(e).~~

19 Notwithstanding the provisions of G.S. 115C-37, beginning in 2000, the Yancey
20 County Board of Education shall be elected on a nonpartisan basis at the time set by
21 G.S. 163-1 for the general election in each even-numbered year as terms expire. The
22 election shall be conducted on a nonpartisan plurality basis, with the results
23 determined in accordance with G.S. 163-292. Candidates shall file notices of
24 candidacy not earlier than noon on the first Monday in June and not later than noon

1 on the last Friday in July. The names of the candidates shall be printed on the ballot
2 without reference to any party affiliations. Except as provided by this act, the
3 election shall be conducted in accordance with the applicable provisions of Chapters
4 115C and 163 of the General Statutes."

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



HOUSE BILL 332: Yancey School Elections

BILL ANALYSIS

Committee: Local Government II
Date: March 17, 1999
Version: First Edition

Introduced by: Represenataive Gillespie
Summary by: Esther Manheimer
Committee Counsel

SUMMARY:

House Bill 332 is a local bill that would allow the Yancey County Board of Education election to be moved from the time of the primary election to the time of the general election. Under current law, G.S. 115C-37, county boards of education are elected at the time of the primary election. The Yancey County Board of Education shall be elected on a nonpartisan plurality basis. Candidates must file notices of candidacy between noon on the first Monday in June and noon on the last Friday in July.

This act is effective when it becomes law and is not subject to preclearance by the U.S. Justice Department under section 5 of the Voting Rights Act.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 378 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ROANOKE RAPIDS HOUSING AUTHORITY AND THE ROANOKE RAPIDS REDEVELOPMENT COMMISSION TO CONVEY BY PRIVATE SALE REAL PROPERTY LOCATED WITHIN A REDEVELOPMENT 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)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 378

Short Title: Roanoke Rapids Redevelopment.

(Local)

Sponsors: Representative Crawford.

Referred to: Local Government II.

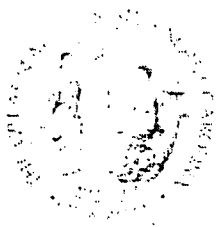
March 10, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE ROANOKE RAPIDS HOUSING AUTHORITY
3 AND THE ROANOKE RAPIDS REDEVELOPMENT COMMISSION TO
4 CONVEY BY PRIVATE SALE REAL PROPERTY LOCATED WITHIN A
5 REDEVELOPMENT PROJECT AREA.

6 The General Assembly of North Carolina enacts:

7 Section 1. The Roanoke Rapids Housing Authority and the Roanoke
8 Rapids Redevelopment Commission may sell, exchange, or otherwise transfer real
9 property located within a redevelopment project area as provided in G.S. 160A-
10 457(4).

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



HOUSE BILL 378: Roanoke Rapids Redevelopment

BILL ANALYSIS

Committee: Local Government II
Date: March 17, 1999
Version: First Edition

Introduced by: Representative Crawford
Summary by: Esther Manheimer
Committee Counsel

SUMMARY:

House Bill 378 is a local bill that would allow the Roanoke Rapids Housing Authority and the Roanoke Rapids Redevelopment Commission to sell, exchange, or transfer real property located within a redevelopment project area to any redeveloper as provided in G.S. 160A-457(4). G.S. 160A-457(4) states that such a transfer may be affected at a private sale and be for residential, recreational, commercial, industrial or other uses or for public use in accordance with the community redevelopment plan. Such sale, exchange, or transfer of property requires a public hearing and the approval of the municipal governing body. Consideration for the conveyance may not be less than the appraised value of the property.

Under current law, municipalities are already authorized, under G.S. 160A-457(4), to transfer property in the manner and for the purposes described above.

This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Local Government II

3-17, 1999

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING
March 24, 1999
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

HB 426 HIGH POINT RED LIGHT CAMERAS

HB 429 MADISON COMMISSIONERS ELECTION

SB 156 LAKE ROYALE MOTOR VEHICLE REGULATION
SUNSET OFF

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT II
March 24, 1999

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, March 24, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Capps, Haire, Hurley, Owens, Sexton and G. Wilson. Also in attendance was Esther Manheimer, committee counselor. A Visitor registration sheet is attached and made a part of the minutes.

Representative Jarrell called the meeting to order to consider the following bills:

HB 426 - HIGH POINT RED LIGHT CAMERAS. As the bill was sponsored by Representative Jarrell, she called on Representative Hurley to preside. This bill would allow the City of High Point to adopt a local ordinance to enforce traffic offenses such as running a red light or stop sign through the use of a "traffic control photographic system." The owner of a vehicle photographed would be responsible for the violation unless they can furnish evidence that, at the time of the offense, the vehicle was under the care, custody of another person. A summary of the bill furnished by Committee Counsel is attached as part of the minutes.

Several members raised questions as to whether this will be seen as a revenue source or as a safety factor.

Representative Owens made a motion to give HB 426 a favorable report and the motion carried.

HB 429 - MADISON COMMISSIONERS ELECTION. Representative Haire, sponsor, was called upon to explain the bill. He explained that HB 429 is a local bill that would expand the Board of Commissioners of Madison County from three members to five members beginning in the year 2002. A summary of the bill is attached.

Speaker Ramsey spoke in support of the bill and hopes that it will be passed.

Representative Owens made a motion to give HB 429 a favorable report and the motion carried.

SB 156 - LAKE ROYALE MV REG. SUNSET OFF. The Chair recognized Senator Wellons, sponsor of the bill. SB 156 would remove the July 1, 1999, sunset date as it affects Lake Royale. The bill would require golf carts, all terrain vehicles, and dirt bikes operated within the Lake Royale community to display a banner or pennant of a specified size, be registered with the property owner's association and be operated only during

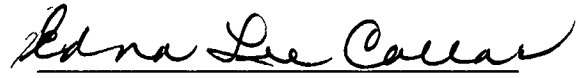
daylight hours by a licensed driver (unless equipped with front and rear lights).
Representative Hurley made a motion to give SB 156 a favorable report. Motion carried.
A summary of the bill is attached.

There being no further business, the meeting adjourned at 10:35 A.M.

Respectfully submitted:



Rep. Mary L. Jarrell
Committee Chair



Edna Lee Collar
Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

- ☐ Committee Substitute for
H.B. 426 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HIGH
POINT TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A
TRAFFIC VIOLATION.
- ☒ 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 426

Short Title: High Point Red Light Cameras.

(Local)

Sponsors: Representatives Jarrell; and Adams.

Referred to: Local Government II.

March 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO USE
3 PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC
4 VIOLATION.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 2 of S.L. 1997-216 reads as rewritten:
7 "Section 2. This act applies to the City of Charlotte and the City of High Point
8 only."
9 Section 2. This act is effective when it becomes law.



HOUSE BILL 426: High Point Red Light Cameras

BILL ANALYSIS

Committee: Local Government II
Date: March 24, 1999
Version: First Edition

Introduced by: Representative Jarrell
Summary by: Esther Manheimer
Committee Counsel

SUMMARY:

House Bill 426 would allow the City of High Point to adopt a local ordinance to enforce traffic offenses such as running a red light or stop sign through the use of a "traffic control photographic system". A traffic control photographic system is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor that works in conjunction with a traffic control device to automatically produce photographs, video or digital images of vehicles violating these types of statutes or ordinances.

The owner of a vehicle photographed would be responsible for the violation unless they can furnish evidence that, at the time of the offense, the vehicle was under the care, custody or control of another person. The violation is noncriminal and a civil penalty of \$50 shall be assessed. The citation will be mailed to the owner with no personal service required. If the owner fails to provide evidence or pay the civil penalty they waive the right to contest the responsibility and will be subject to a civil penalty not to exceed \$100. The City must institute a nonjudicial administrative hearing to review objections to citations or penalties issued.

Currently this provision applies only to the City of Charlotte. House Bill 426 applies only to the city of High Point.

This act is effective when it becomes law.

BACKGROUND:

There exists a dispute regarding whether the monies collected under this statute belong to the City of Charlotte, the only city to implement this system thus far, or the school board as required by the North Carolina Constitution, article IX, section 7. The City of Charlotte has invited the Charlotte City School Board to sue them to resolve this matter and in the meantime they have set aside all monies collected under this statute.

(2) Before placement with a prospective adoptive parent occurs, the agency and the person relinquishing the minor agree to rescind the relinquishment.

(d) This section applies to relinquishments executed on or after August 1, 1997.

Section 20. Sections 14, 16, and 17 become effective October 1, 1997. Except as otherwise provided, the remaining sections of this act are effective when the act becomes law.

In the General Assembly read three times and ratified this the 9th day of June, 1997.

Became law upon approval of the Governor at 5:11 p.m. on the 19th day of June, 1997.

S.B. 741

CHAPTER 216

AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-300.1. Use of traffic control photographic systems.

(a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subdivision (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 21 days after notification of the violation, furnishes the officials or agents of the municipality which issued the citation:

- a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle; or
 - b. An affidavit stating that the vehicle involved was, at the time stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.
- (2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle.
 - (3) The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the owner shall comply with the directions on the citation: The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.
 - (4) The municipality shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section."

Section 2. This act applies to the City of Charlotte only.

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

In the General Assembly read three times and ratified this the 23rd day of June, 1997.

Became law on the date it was ratified.

H.B. 103

CHAPTER 217

AN ACT TO DESIGNATE NINETEEN PRECINCTS IN AVERY COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S.163-128, 163-132.5C, or 163-132.3 or any action by the county or State boards of elections, the voting precincts of Avery County shall be the 19 precincts that were in existence on January 1, 1995, provided that Avery County reports in 1997 to the United States Bureau of the Census in the Boundary and Annexation Survey that the county has 19 townships which are coterminous with the 19 precincts that were in existence on January 1, 1995.

Section 2. This act shall become effective when Avery County reports in 1997 to the United States Bureau of the Census in the Boundary and Annexation Survey that the county has 19 townships which are coterminous

with the 19 precincts that w
subsequent time Avery Coun
United States Bureau of the C
then at that time the provis
purposes of this act, the Chai
or the Avery County Manag
to the United States Bureau
Survey.

In the General Assembly
of June, 1997.

Became law on the date:

H.B. 834

**AN ACT TO ALLOW THE
TO USE WHEEL LOCKS**

The General Assembly of North

Section 1. Section 2 of the
amended by Chapter 381 of the

Sec. 2. This act applies
Salem, and Greensboro Dr

Winston-Salem only. This act
only as to the area in the cer
zoning ordinance as of June 1

Section 2. This act is effective
In the General Assembly
of June, 1997.

Became law on the date it

H.B. 698

AN ACT LIMITING THE
E MOREHEAD CITY
ON NONCONTIGUOUS ARE
Y RELATING TO SATELLI
MOORESVILLE.

The General Assembly of North Carolina

Section 1. The Towns of _____ may annex noncontiguous areas as provided in the General Statutes if the area

corporate limits than it is to annex the area. However, either within an area where the Town has jurisdiction under Article 19 of

Section 2. Section 2 of
rewritten:

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 429 A BILL TO BE ENTITLED AN ACT TO VALIDATE A REFERENDUM
CHANGING THE MANNER OF ELECTION OF THE BOARD OF COMMISSIONERS
OF MADISON COUNTY, EFFECTIVE IN 2002, AS APPROVED BY THE VOTERS OF
THAT 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 429*

Short Title: Madison Commissioners Election.

(Local)

Sponsors: Representatives Haire and Ramsey.

Referred to: Local Government II.

March 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO VALIDATE A REFERENDUM CHANGING THE MANNER OF
3 ELECTION OF THE BOARD OF COMMISSIONERS OF MADISON
4 COUNTY, EFFECTIVE IN 2002, AS APPROVED BY THE VOTERS OF THAT
5 COUNTY.

6 Whereas, the Board of Commissioners of Madison County, under the
7 authority of Part 4 of Article 4 of Chapter 153A of the General Statutes conducted a
8 referendum in November of 1998 on the issue of providing staggered terms for the
9 Madison County Board of Commissioners, and the language in both the ballot and
10 resolution stated this was to become effective beginning with the 2002 election; and

11 Whereas, the voters of Madison County approved that question in the
12 referendum; and

13 Whereas, G.S. 153A-62 provides that all such referenda become effective
14 "at the first succeeding primary and general election for county officers"; and

15 Whereas, the next election for county officers in Madison County is in
16 2000; and

17 Whereas, there is some doubt as to the legality of the clause in the
18 resolution calling the referendum which stated it would become effective in 2002, but
19 the General Assembly wishes to follow the will of the voters and validate the
20 referendum; Now, therefore,

21 The General Assembly of North Carolina enacts:

22 Section 1. Section 1 of Chapter 169 of the 1973 Session Laws reads as
23 rewritten:

1 "Section 1. ~~Beginning~~ (a) Except as provided in subsection (b) of this section,
2 ~~beginning~~ with the primary and general election to be held in 1974, the members of
3 the Board of Commissioners of Madison County shall be elected for terms of four
4 years.

5 (b) In the 2002 general election, the three persons receiving the highest numbers of
6 votes shall be elected for four-year terms, and the two persons receiving the next
7 highest numbers of votes shall be elected for two-year terms. Successors shall be
8 elected for four-year terms.

9 (c) Effective on the first Monday in December of 2002, the Board of
10 Commissioners of Madison County is expanded from three to five members."

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



HOUSE BILL 429: Madison Commissioners Election

BILL ANALYSIS

Committee: Local Government II
Date: March 24, 1999
Version: First Edition

Introduced by: Representative Haire
Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS:

House Bill 429 is a local bill that would expand the Board of Commissioners of Madison County from three members to five members beginning in the year 2002. In the 2002 general election, the three candidates receiving the highest number of votes will serve four-year terms and the other two will serve two-year terms. Successors will be elected for four-year terms.

Currently, Madison County has three county commissioners serving four-year terms.

This act is effective when it becomes law and is not subject to preclearance by the U.S. Justice Department under Section 5 of the Voting Rights Act.

volunteer fireman of the city who shall retire with twenty (20) years service or more".

Sec. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. This act shall become effective upon ratification
In the General Assembly read three times and ratified, this the 11th day of April, 1973.

H. B. 579

CHAPTER 169

AN ACT PROVIDING FOUR-YEAR TERMS FOR THE BOARD OF COMMISSIONERS OF MADISON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Beginning with the primary and general election to be held in 1974, the members of the Board of Commissioners of Madison County shall be elected for terms of four years.

Sec. 2. Chapter 201 of the Public-Local Laws of 1917 and Section 4 of Chapter 354 of the Public-Local Laws of 1941 are repealed, effective upon the expiration of the term of office of the incumbent Auditor or Accountant of Madison County. From and after the expiration of the term of office of the incumbent officer, the Madison County finance officer shall be appointed in the manner provided in Chapter 159 of the General Statutes of North Carolina.

Sec. 3. This act is effective upon ratification.
In the General Assembly read three times and ratified, this the 11th day of April, 1973.

H. B. 610

CHAPTER 170

AN ACT AUTHORIZING MUNICIPALITIES TO USE A CORPORATE STAMP WHICH IS A FACSIMILE OF ITS SEAL IN LIEU OF AN EMBOSSED CORPORATE SEAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-11 is hereby amended by adding a second paragraph thereto to read as follows:

"All documents required or permitted by law to be executed by municipal corporations will be legally valid and binding in this respect when a legible corporate stamp, which is a facsimile of its seal, is used in lieu of an imprinted or embossed corporate or common seal."

Sec. 2. This act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 11th day of April, 1973.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

- ☐ Committee Substitute for
S.B. 156 A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE
AUTHORITY OF THE LAKE ROYALE COMMUNITY IN FRANKLIN AND NASH
COUNTIES TO REGULATE THE OPERATION OF CERTAIN MOTOR VEHICLES
AND TO ENHANCE THAT 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 156

Short Title: Lake Royale MV Reg. Sunset Off.

(Local)

Sponsors: Senator Wellons.

Referred to: Transportation.

February 22, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO REMOVE THE SUNSET ON THE AUTHORITY OF THE LAKE
3 ROYALE COMMUNITY IN FRANKLIN AND NASH COUNTIES TO
4 REGULATE THE OPERATION OF CERTAIN MOTOR VEHICLES AND TO
5 ENHANCE THAT AUTHORITY.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 1.1 of S.L. 1997-294 reads as rewritten:

8 "Section 1.1. Chapter 96 of the 1995 Session Laws is amended by adding new
9 section to read:

10 'Section 3.1. (a) The provisions of Chapter 20 of the General Statutes relating to
11 the use of the highways of the State and the operation of motor vehicles are
12 applicable to the streets, roadways, and alleys on the properties owned by or under
13 the control of the Lake Royale Property Owners Association, Inc., or the members of
14 the Lake Royale Property Owners Association, Inc. For purposes of this act, streets,
15 roadways, and alleys in the Lake Royale Community shall have the same meaning as
16 highways and public vehicular areas pursuant to G.S. 20-4.01. A violation of any of
17 those laws is punishable as prescribed by those laws.

18 (b) This section is enforceable by any company policeman appointed under
19 Chapter 74E of the General Statutes, certified by the North Carolina Criminal Justice
20 Education and Training Standards Commission, and employed by the Lake Royale
21 Property Owners Association, Inc.

22 (c) Golf carts, all terrain vehicles (ATVs), and dirt bikes may be operated within
23 the confines of the Lake Royale Community only if all of the following conditions are
24 met:

(1) The vehicle displays a banner or pennant of not less than 24 square inches and which is attached to a support or antenna extending at least six feet above the pavement.

(2) The vehicle is registered with the Lake Royale Property Owners Association, Inc., and has affixed to it a current Lake Royale registration sticker.

(3) The vehicle is not operated between dusk and sunrise unless equipped with front and rear lights as described in G.S. 20-131.

(4) The vehicle is operated on streets, roadways, alleys, and designated trails by a person holding a valid drivers license.

(e) (d) This section shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Lake Royale Property Owners Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Lake Royale Community shall be the same as those in effect at the time of ratification of this act. Any proposed change in the speed limit shall be submitted to and approved by the Boards of Commissioners of Franklin or Nash County, whichever has jurisdiction. Pursuant to G.S. 20-141, the Franklin and Nash County Boards of Commissioners may authorize by ordinance higher or lower speeds.

(d) (e) This section applies only to the Lake Royale Community in Franklin and Nash Counties."

Section 2. Section 5 of Chapter 96 of the 1995 Session Laws, as amended by Section 1 of S.L. 1997-294, insofar as it applies to the Lake Royale Community in Franklin and Nash Counties, is repealed.

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



SENATE BILL 156: Lake Royale MV Reg. Sunset Off

BILL ANALYSIS

Committee: Local Government II
Date: March 24, 1999
Version: First Edition

Introduced by: Senator Wellons
Summary by: Brenda Carter
Committee Counsel: Esther Manheimer

SUMMARY: *Senate Bill 156 is a local bill that would remove the sunset on the authority of the Lake Royale Community to regulate the operation of motor vehicles. The bill would also regulate the use of golf carts, all terrain vehicles, and dirt bikes within the Lake Royale Community.*

BILL ANALYSIS:

Chapter 96 of the 1995 Session Laws made the motor vehicle laws of the state applicable to the operation of vehicles on the private streets of Carolina Trace, a community in Lee County. The provision was scheduled to expire on July 1, 1997. Chapter 294 of the 1997 session laws extended the application of that act to the Lake Royale Community in Franklin and Nash counties, and extended the expiration date until July 1, 1999.

*In general, the motor vehicle laws govern the actions of persons who drive any vehicle "upon a highway or any public vehicular area." The term "highway", which includes street and other similar terms, is defined as an area open to the use of the public as a matter of right for the purposes of vehicular traffic. Similarly, a "public vehicular area" is defined as any area within the State of North Carolina that is generally open to and used by the public for vehicular traffic. The statute specifically does not include any private property not generally open to and used by the public, and a private road is defined as one that is not open to the use of the public as a matter of right for the purpose of vehicular traffic. In short, **in a private, gated community that is not open to the use of the public as a matter of right, many provisions of Chapter 20 do not apply. This local act specifically provides that the provisions of Chapter 20 are applicable to the streets, roadways and alleys in Lake Royale.** The provisions are enforceable by any company policeman appointed under Chapter 74E of the General Statutes. Those officers, while in the performance of the duties of their employment, possess all the powers of municipal and county police officers to make arrests for felonies and misdemeanors and to charge for infractions upon property owned by or in the possession and control of their employers.*

Senate Bill 156 would remove the July 1, 1999, sunset date as it affects Lake Royale. The bill would also require that golf carts, all terrain vehicles, and dirt bikes operated within the Lake Royale Community display a banner or pennant of a specified size, be registered with the property owner's association, and be operated only during daylight hours by a licensed driver (unless equipped with front and rear lights). **The bill would be effective when it becomes law.**

representatives of the Indian community. These Indian members shall be selected by tribal or community consent from the Indian groups that are recognized by the State of North Carolina and are principally geographically located as follows: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa Saponi of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke and Scotland Counties; the Meherrin of Hertford County; the Waccamaw-Siouan from Columbus and Bladen Counties; and the Native Americans located in Cumberland, Guilford and Mecklenburg Counties. The Coharie shall have two members; the Eastern Band of Cherokees, two; the Haliwa, Haliwa Saponi, two; the Lumbees, three; the Meherrin, one; the Waccamaw-Siouan, two; the Cumberland County Association for Indian People, two; the Guilford Native Americans, two; the Metrolina Native Americans, two. Of the two appointments made by the General Assembly, one shall be made upon the recommendation of the Speaker, and one shall be made upon recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121 and vacancies shall be filled in accordance with G.S. 120-122."

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

In the General Assembly read three times and ratified this the 1st day of July, 1997.

Became law upon approval of the Governor at 11:54 a.m. on the 10th day of July, 1997.

H.B. 42

CHAPTER 294

AN ACT TO EXTEND AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE CAROLINA TRACE COMMUNITY IN LEE COUNTY AND TO EXTEND THE APPLICATION OF THAT ACT TO THE LAKE ROYALE COMMUNITY IN FRANKLIN AND NASH COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. Section 5 of Chapter 96 of the 1995 Session Laws reads as rewritten:

"Sec. 5. This act is effective upon ratification and shall expire July 1, 1997, July 1, 1999."

Section 1.1. Chapter 96 of the 1995 Session Laws is amended by adding new sections to read:

"Section 3.1. (a) The provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles are applicable to the streets, roadways, and alleys on the properties owned by or under the control of the Lake Royale Property Owners Association, Inc., or the members of the Lake Royale Property Owners Association, Inc. For purposes of this act, streets, roadways, and alleys in the Lake Royale Community shall have the same meaning as highways and public vehicular areas pursuant to G.S. 20-4.01. A violation of any of those laws is punishable as prescribed by those laws.

(b) This section is enforceable by any company policeman appointed under Chapter 74E of the General Statutes, certified by the North Carolina Criminal Justice Education and Training Standards Commission, and employed by the Lake Royale Property Owners Association, Inc.

(c) This section shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Lake Royale Property Owners Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Lake Royale Community shall be the same as those in effect at the time of ratification of this act. Any proposed change in the speed limit shall be submitted to and approved by the Boards of Commissioners of Franklin or Nash County, whichever has jurisdiction. Pursuant to G.S. 20-141, the Franklin and Nash County Boards of Commissioners may authorize by ordinance higher or lower speeds.

(d) This section applies only to the Lake Royale Community in Franklin and Nash Counties.

Section 3.2. Sections 3 and 4 of Chapter 96 of the 1995 Session Laws are amended by deleting 'This act', and substituting 'Sections 1 through 3 of this act'."

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

In the General Assembly read three times and ratified this the 14th day of July, 1997.

Became law on the date it was ratified.

H.B. 340

CHAPTER 295

AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT OF THE ROWAN COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 153A-15, the City of Kannapolis may condemn or acquire real property or an interest in real property located in Rowan County without the consent or approval of the Rowan County Board of Commissioners.

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

In the General Assembly read three times and ratified this the 14th day of July, 1997.

Became law on the date it was ratified.

H.B. 675

CHAPTER 296

AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED HOUSING CODE CASES IN THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina enacts:

Section
as rewritten
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Rocky Mo
Section
In the
of July, 19
Became

S.B. 910

AN ACT
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VISITOR REGISTRATION SHEET

Local Government II

Name of Committee

March 24, 1999

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Phelps

NCLM

***HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425
March 31, 1999
11:00 A.M.***

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

David Lawrence of the Institute of Government will speak to our Committee regarding HB 119 – ECONOMIC DEVELOPMENT EMINENT DOMAIN.

No bills will be considered.

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
March 31, 1999

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, March 31, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Capps, Haire, Hunter, Hurley, Owens, Sexton, and G. Wilson. Also in attendance was Esther Manheimer, committee counsel. The pages and staff were recognized. A Visitor registration sheet is attached and made a part of the minutes.

Representative Jarrell called the meeting to order for explanation and discussion of eminent domain as it related to HB 119, ECONOMIC DEVELOPMENT EMINENT DOMAIN, introduced by Representative Sutton. The Chair pointed out that we are now seeing a wide variety of eminent domain, the taking of property for community development.

The Chair introduced Dr. David M. Lawrence of the Institute of Government to speak on the use of eminent domain and what HB 119 would allow local governments to do specifically in North Carolina. A copy of this information is attached as part of the minutes. The floor was opened for questions from committee members.

Representative Jarrell asked what governmental bodies have the power of eminent domain. Mr. Lawrence responded that this bill applies to cities and counties.

Representative Owens asked if land could be condemned on which to put a dog pound, nature trail, parks, airport. Or if the Industrial Development Commission had a building and needed to build a larger building, could this be done because it is a commission of the county or city? Mr. Lawrence responded that he believes there is authority to condemn public buildings, or if it were a building to be used by an industrial commission for its offices, they could condemn to expand or to build a building but do not have the authority to condemn in order to build a commercial or industrial building. He stated that individuals may give land for offices; however commercial agencies cannot use power of condemnation to acquire land.

Representative Haire posed a question in regard to urban renewal projects and asked if there is any way language could be brought over to help or hurt. Mr. Lawrence responded that urban redevelopment is probably the closest kind of corollary for condemnation for this purpose because many times, with an urban renewal or redevelopment project, the property ultimately ends up in private hands.

Representative Hurley questioned tax increment financing and was also concerned about loss of tax revenue. Mr. Lawrence explained how this is done by issuing bonds secured by additional revenue raised by projects.

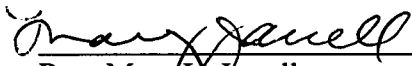
Representative Sutton gave a background of HB 119. A summary is attached as part of the minutes.

Representative Hunter expressed concern that gates could be opened up in areas other than Robeson County. Representative Sutton stated that most organizations are hesitant to use power of eminent domain even if it passes statewide.


The Chair stated that HB 119 will be considered at the next meeting on Wednesday, April 7, 1999.

There being no further business, the meeting adjourned at 11:50 A.M.

Respectfully submitted:



Rep. Mary L. Jarrell
Committee Chair



Edna Lee Collar
Committee Assistant

Eminent Domain for Economic Development

David M. Lawrence
Institute of Government

A. Economic Development Pursuant to G.S. 158-7.1

G.S. 158-7.1 authorizes counties and cities to engage in a wide variety of economic development activities. The specific authorizations that involve acquisition of real property are as follows:

1. *Industrial Park.* A local government may acquire land in order to develop an industrial park. Despite the use of the term "industrial" park, such a project may be for commercial as well as industrial purposes.
2. *Single Sites.* A local government may acquire, assemble and hold for resale specific sites that are suitable for industrial or commercial use.
3. *Shell Buildings.* A local government may acquire shell buildings or acquire the land for and then construct shell buildings.

For each of these purposes, the statute then allows the local government to convey the property (a site in an industrial park, an industrial or commercial site, or a shell building) to a private company for use by the company. The statute requires that the government receive fair market value for the property conveyed, but the government may include in the consideration it receives any taxes or other revenues received, over ten years, because of improvements constructed on the property.

B. Constitutional Issues

The *public purpose* doctrine limits governmental expenditures. The closely-related *public use* doctrine limits government's power of eminent domain. In recent years the North Carolina Supreme Court has treated the terms *public purpose* and *public use* as being essentially synonymous. For at least 50 years, the Court has regularly used the term *public purpose* in discussing whether government could condemn for a particular project, blurring any distinction between the two doctrines.¹ More recently, in 1960, in a case holding that it served a public use when government condemned property for an urban renewal project, the court not only followed the developing practice of using the terms interchangeably but cited a public purpose case, involving the constitutionality of an expenditure, in support of its conclusion that the condemnation did serve a public use

¹E.g., in *Charlotte v. Heath*, 226 N.C. 750, 754 (1946), the Court wrote "In the exercise of the right of eminent domain, private property can be taken only for a public purpose and upon just compensation. But in any proceeding for condemnation under the power of eminent domain, what is a public purpose, or, more properly speaking, a public use, is one for the court." (citations omitted) See also, *Nash v. Town of Tarboro*, 227 N.C. 283, 287 (1947) ("A municipal corporation, in the exercise of a proprietary right, just as in the exercise of a governmental power, cannot invoke the power of taxation or the right of eminent domain except for a public purpose.")

THE HISTORY OF THE UNITED STATES

OF THE
UNITED STATES OF AMERICA

BY
JAMES M. SMITH, M.D., LL.D., F.R.S.

OF THE
UNIVERSITY OF CHICAGO, CHICAGO, ILL.

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and was therefore constitutional.² Finally, in 1968 the Court used the congruence of the two terms in support of its first decision invalidating industrial revenue bonds. In *Mitchell v. N.C. Industrial Development Financing Authority*,³ the Court wrote:

In passing upon the validity of an act, this Court must consider the consequences of its decision. Were we to hold that Authority serves a public purpose when it acquires a site, constructs a manufacturing plant, and leases it to a private enterprise, we would thereby authorize the legislature to give [the] Authority the power to condemn private property as a site for any project which it undertook.⁴

The Court has now held that it is a public purpose to subsidize industries in order to further economic development,⁵ and if future decisions follow the logic of the *Mitchell* opinion, it is also now a public use to use condemnation to acquire a site for such industries, again in order to further economic development. Such an outcome would accord with the case law in about half the states that have considered whether to allow eminent domain for economic development. See the cases cited below, in Part C of this memorandum.

Despite the North Carolina pattern of equating public purpose and public use, and despite the national case law cited in Part C that supports eminent domain for economic development projects, there remains some chance that the North Carolina courts might reject an extension of *Maready's* public purpose holding to eminent domain. The Court's equation of public purpose and public use in *Mitchell* was to some extent rhetorical; making the equation strengthened the Court's argument against the constitutionality of industrial development bond financing. Courts in a number of other states have denied government the power to condemn for economic development, even when they have upheld economic development expenditures as a public purpose. For example, in *City of Little Rock v. Raines*,⁶ the city proposed to condemn property in order to develop an industrial park; the Arkansas supreme court held such a condemnation did not serve a public use. Similarly, in *Karesh v. City Council of City of Charleston*,⁷ the city proposed to condemn a half block of property in its downtown, and then lease the property for up to 60 years to the private developer of the remaining half of the block, who would construct and operate a parking deck and convention center on the site. The court viewed

²*Redevelopment Commission v. Security Nat'l Bank*, 252 N.C. 595, 605 (1960), citing *Wells v. Housing Auth.*, 213 N.C. 744 (1938).

³273 N.C. 137 (1968).

⁴*Id.*, at 158. The Court used the congruence to make a similar argument in *Foster v. N.C. Medical Care Comm'n*, 283 N.C. 110 (1973). In that case the question was whether it served a public purpose for the Medical Care Commission to issue revenue bonds in order to finance improvements to privately-owned hospitals. In deciding that question in the negative, the Court noted that "if the General Assembly may authorize a State agency to expend public money for the purpose of aiding in the construction of a hospital facility to be leased to and ultimately conveyed to a private agency, it may also authorize the acquisition of a site for such facility by exercise of the power of eminent domain." *Id.*, at 126.

⁵ *Maready v. City of Winston-Salem*, 342 N.C. 708 (1996).

⁶411 S.W.2d 486 (Ark. 1967).

⁷247 S.E.2d 342 (S.C. 1978).

the long-term lease as the equivalent of conveying the fee and held that it was not a public use to condemn the site for the benefit of the private developer.⁸

C. Examples of Condemnation for Economic Development from Other States

Industrial Park.

City of New Haven v. Town of East Haven, 402 A.2d 345 (Conn. Super. Ct. 1977).

Prince George's County v. Collington Crossroads, Inc., 339 A.2d 278 (Maryland 1975).

Specific Industrial or Commercial Sites.

Poletown Neighborhood Council v. City of Detroit, 304 N.W.2d 455 (Mich. 1981) (residential and commercial properties, to be conveyed for car plant).

City of Duluth v. State, 390 N.W.2d 757 (Minn. 1986) (existing, but unused, industrial building, to be conveyed for paper mill).

City of Minneapolis v. Wurtele, 291 N.W.2d 386 (Minn. 1980) (downtown properties, for downtown project).

City of Jamestown v. Leever's Supermarkets, Inc., 552 N.W.2d 365 (N.D. 1996) (downtown parking lot, to be conveyed for grocery store)

Atwood v. Willacy County Navigation Dist., 271 S.W.2d 137 (Tex. Civ. Ct. App. 1954) (vacant properties, to be leased for industrial facilities).

⁸See also City of Owensboro v. McCormick, 581 S.W.2d 3 (Ky. 1979), in which the Kentucky Supreme Court rejected condemnation by the city for an industrial park; Wilmington Parking Auth. v. Land with Improvements, 521 A.2d 227 (Del. 1987), in which the court rejected condemnation for expansion of an existing newspaper plant; Baycol, Inc. v. Downtown Development Auth., 315 So.2d 451 (Fla. 1975), in which the court rejected condemnation for a downtown mall; Merrill v. City of Manchester, 499 A.2d 216 (N.H. 1985), in which the court rejected condemnation for an industrial park; Hogue v. Port of Seattle, 341 P.2d 171 (Wash. 1959), in which the Washington Supreme Court rejected condemnation by the port authority for an industrial park; and Petition of City of Seattle, 638 P.2d 549 (Wash. 1981), in which the same court rejected condemnation by the city for a project much like that rejected by the South Carolina court in Karesh.



HOUSE BILL 119:

Economic Development Eminent Domain

BILL ANALYSIS

Committee: Local Government II
Date: March 31, 1999
Version: First Edition

Introduced by: Representative Sutton
Summary by: Esther Manheimer
Committee Counsel

SUMMARY: *House Bill 119 is a public bill that would amend G.S. 40A-3(b) to allow municipalities and counties to use eminent domain, for the public use or benefit, to acquire by purchase, gift, or condemnation any real property for economic development activities authorized by G.S. 158-7.1. Under G.S. 158-7.1, "real property for economic development activities" includes: land for an industrial park, property that is suitable for industrial or commercial use, "shell buildings" for use by a variety of industrial or commercial businesses, utility facilities, etc.*

CURRENT LAW: Under current law, G.S. 158-7.1, municipalities and cities may already acquire by purchase real property for economic development activities, but they have not been able to use eminent domain to condemn properties for this purpose. Under G.S. 40A-3(b)(1)-(9), municipalities and counties may use eminent domain, for the public use or benefit, to acquire by purchase, gift, or condemnation any property for the purposes of:

1. Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. (Note: number one applies only to municipalities, and the remainder apply to both municipalities and counties.)
2. Establishing, extending, enlarging, or improving public enterprises (e.g., electric power systems, water systems, wastewater systems, public transportation, cable television, airports, etc.).
3. Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
4. Establishing, extending, enlarging, or improving storm sewer and drainage systems or sewer and septic tanks systems.
5. Establishing, enlarging, or improving hospital facilities, cemeteries, or library facilities.
6. Constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails, and other buildings for use by any department, board, commission or agency.
7. Establishing drainage programs.
8. Acquiring historic properties or landmarks that an application has been made for demolition.
9. Opening, widening, extending, or improving public wharves.

VISITOR REGISTRATION SHEET

LOCAL GOVT II 3-31-99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. Aime Garland

Electricities

2. Andre Romenet

N.C.L.M.

3. CHARS SINCLAIR

N.C.M.H.E

4. Paul Johnson

High Point Enterprise

5. Russell Harpwell

Hollowell Oil Co

6. Matt Wood

Astro Inc Andon NC

7. Wood Beasley Jr

Easteris Fuels Inc.

8. [Signature]

[Signature]

9. Ed Regan

N.C.A.B.C

10. Sam Flowers

Comm Oil Co.

11. Walter Price

Ch. chamber

12. Jim Blackburn

NC Association of
County Commissioners

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____

21. _____

***HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING
APRIL 7, 1999
11:00 A.M.***

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

**HB 119 ECONOMIC DEVELOPMENT EMINENT DOMAIN
Representative Sutton**

**HB 504 CARTERET PLANNING/ZONING CHANGES
Representative Preston**

**HB 587 INCREASE BID LIMIT/GREENSBORO
Representative Bowie**

**HB 615 ELIZABETH CITY WATERCRAFT REG.
Representative Owens**

**HB 637 COINJOCK CANAL NO-WAKE ZONE
Representative Owens**

**HB 638 TRANSFER OF CERTAIN SEPTIC SYSTEMS
Representative Owens**

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
April 7, 1999

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, April 7, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Barbee, Hunter, Hurley, Owens, Sexton and G. Wilson. Representatives Cunningham and Dedmon, Ex-Officio members, and Esther Manheimer, committee counselor, were also in attendance. A visitor registration sheet is attached and made a part of the minutes.

Representative Jarrell called the meeting to order to consider the following bills:

HB 119 - ECONOMIC DEVELOPMENT EMINENT DOMAIN. Representative Sutton, sponsor, explained the bill which would amend G.S. 40A-3(b) to allow municipalities and counties to use eminent domain for the public use or benefit to acquire by purchase, gift, or condemnation any real property for economic development activities authorized by G.S. 158-7.1.

Representative Hurley moved to give HB 119 a favorable report. No action was taken on the motion. A substitute motion was made by Representative Hunter to report the bill without prejudice and re-refer it to the Committee on Economic Growth and Development. Motion carried.

HB 504 - CARTERET PLANNING/ZONING CHANGES – Representative Preston, sponsor, was recognized to explain the bill which allows Carteret County the option of adopting and enforcing planning, zoning, and subdivision ordinances under Chapter 1033 of the 1959 Session Laws. A summary of the bill furnished by Committee Counsel is attached as part of the minutes.

A committee substitute for HB 504 was offered. Representative Barbee moved to adopt the committee substitute for discussion and motion carried. Representative Hunter made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 587 - INCREASE BID LIMIT/GREENSBORO. Representative Bowie, sponsor, was recognized to explain the bill which would amend G.S. 143-129(a) to increase the informal bid limits regarding the letting of purchase contracts by the City of Greensboro from \$30,000 to \$50,000. A summary of the bill is attached.

Representative Hunter made a motion to give HB 587 a favorable report and motion carried.

HB 615 - ELIZABETH CITY WATERCRAFT REG. – The Chair recognized Representative Owens, sponsor, to explain his bill which would allow the City of Elizabeth City to adopt ordinances to regulate and control the speed and operation of vessels in waterways within its boundaries or within its extraterritorial jurisdiction, as that term is used in Article 19 of Chapter 160A of the General Statutes. A summary of the bill is attached.

A motion was made by Representative Hunter to give HB 615 a favorable report. Motion carried.

HB 637 – COINJOCK CANAL NO-WAKE ZONE – Representative Jarrell called on Representative Owens, sponsor, to explain the bill which would make it a misdemeanor to operate a vessel at greater than a no-wake speed in the Coinjock Canal Waterway in Currituck County.

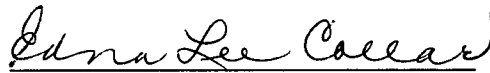
Representative Hunter made a motion to give HB 637 a favorable report. Motion carried.

HB 638 – TRANSFER CERTAIN SEPTIC SYSTEMS. Representative Owens, sponsor, was recognized. This bill would allow the owners of provisional septic tanks or innovative septic systems in the Counties of Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, Perquimans, Tyrrell, and Washington to transfer ownership of those tanks or systems to one or more units of local government. A summary of the bill is attached.

A committee substitute was offered and Representative Hurley moved for its adoption. Motion carried. Representative Hurley then moved to give committee substitute for HB 638 a favorable report, unfavorable report to original bill. Motion carried.

There being no further business, the meeting adjourned at 11:50 A.M.


Representative Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for
H.B. 119 A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES AND COUNTIES TO
EXERCISE THE POWER OF EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT
PURPOSES.

- ☐ 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 and re-referred to the Committee on Economic Growth and Community Development.
- ☐ 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 119

Short Title: Economic Development Eminent Domain.

(Public)

Sponsors: Representatives Sutton, Yongue, Bonner; Barefoot, Church, Earle, Fox, Haire, Hill, Moore, Nye, Owens, Saunders, and Tolson.

Referred to: Local Government II.

February 22, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CITIES AND COUNTIES TO EXERCISE THE POWER OF
3 EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 40A-3(b) reads as rewritten:
6 "(b) Local Public Condemnors. -- For the public use or benefit, the governing
7 body of each municipality or county shall possess the power of eminent domain and
8 may acquire by purchase, gift or condemnation any property, either inside or outside
9 its boundaries, for the following purposes.
10 (1) Opening, widening, extending, or improving roads, streets, alleys,
11 and sidewalks. The authority contained in this subsection is in
12 addition to the authority to acquire rights-of-way for streets,
13 sidewalks and highways under Article 9 of Chapter 136. The
14 provisions of this subdivision (1) shall not apply to counties.
15 (2) Establishing, extending, enlarging, or improving any of the public
16 enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for
17 counties.
18 (3) Establishing, enlarging, or improving parks, playgrounds, and other
19 recreational facilities.
20 (4) Establishing, extending, enlarging, or improving storm sewer and
21 drainage systems and works, or sewer and septic tank lines and
22 systems.

- 1 (5) Establishing, enlarging, or improving hospital facilities, cemeteries,
2 or library facilities.
- 3 (6) Constructing, enlarging, or improving city halls, fire stations, office
4 buildings, courthouse jails and other buildings for use by any
5 department, board, commission or agency.
- 6 (7) Establishing drainage programs and programs to prevent
7 obstructions to the natural flow of streams, creeks and natural
8 water channels or improving drainage facilities. The authority
9 contained in this subdivision is in addition to any authority
10 contained in Chapter 156.
- 11 (8) Acquiring designated historic properties, designated as such before
12 October 1, 1989, or acquiring a designated landmark designated as
13 such on or after October 1, 1989, for which an application has
14 been made for a certificate of appropriateness for demolition, in
15 pursuance of the purposes of G.S. 160A-399.3, Chapter 160A,
16 Article 19, Part 3B, effective until October 1, 1989, or G.S. 160A-
17 400.14, whichever is appropriate.
- 18 (9) Opening, widening, extending, or improving public wharves.
- 19 (10) Acquiring real property for economic development activities
20 authorized by G.S. 158-7.1.

21 The board of education of any municipality or county or a combined board may
22 exercise the power of eminent domain under this Chapter for purposes authorized by
23 other statutes.

24 The power of eminent domain shall be exercised by local public condemnors
25 under the procedures of Article 3 of this Chapter."

26 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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 504 A BILL TO BE ENTITLED AN ACT RELATING TO THE ADOPTION OF
PLANNING, ZONING, AND SUBDIVISION ORDINANCES IN CARTERET 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 504

Short Title: Carteret Planning/Zoning Changes.

(Local)

Sponsors: Representative Preston.

Referred to: Local Government II.

March 18, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE ADOPTION OF PLANNING, ZONING, AND
3 SUBDIVISION ORDINANCES IN CARTERET COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. The County of Carteret may adopt and enforce planning,
6 zoning, and subdivision ordinances and regulations pursuant to Chapter 1033 of the
7 1959 Session Laws or, in accordance with G.S. 153A-3, pursuant to Article 18 of
8 Chapter 153A of the General Statutes. County ordinances adopted under the local
9 act shall remain in effect until the adoption of ordinances under the general law.
10 Section 2. After the County of Carteret adopts ordinances, in accordance
11 with G.S. 153A-3, pursuant to Article 18 of Chapter 153A of the General Statutes,
12 all current members of the Carteret County Planning Board shall continue to serve as
13 members until their respective terms expire or they resign. After the current planning
14 board members' terms expire, then the County may replace those members pursuant
15 to the Planning/Zoning and Subdivision ordinances or regulations that have been
16 adopted in accordance with G.S. 153A-3 pursuant to Article 18 of Chapter 153A of
17 the General Statutes.
18 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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

- ☐ Committee Substitute for
H.B. 587 A BILL TO BE ENTITLED AN ACT TO INCREASE THE INFORMAL BID
LIMITS RELATING TO THE LETTING OF PURCHASE CONTRACTS BY THE CITY
OF GREENSBORO.
- ☒ 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 587

Short Title: Increase Bid Limit/Greensboro.

(Local)

Sponsors: Representatives Bowie; Adams, Jarrell, Jeffus, and Boyd-McIntyre.

Referred to: Local Government II.

March 24, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE INFORMAL BID LIMITS RELATING TO THE
3 LETTING OF PURCHASE CONTRACTS BY THE CITY OF GREENSBORO.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 143-129(a) reads as rewritten:
6 "(a) No construction or repair work requiring the estimated expenditure of public
7 money in an amount equal to or more than one hundred thousand dollars (\$100,000)
8 or purchase of apparatus, supplies, materials, or equipment requiring an estimated
9 expenditure of public money in an amount equal to or more than ~~thirty thousand~~
10 ~~dollars (\$30,000)~~, fifty thousand dollars (\$50,000), except in cases of group purchases
11 made by hospitals through a competitive bidding purchasing program or in cases of
12 special emergency involving the health and safety of the people or their property,
13 shall be performed, nor shall any contract be awarded therefor, by any board or
14 governing body of the State, or of any institution of the State government, or of any
15 county, city, town, or other subdivision of the State, unless the provisions of this
16 section are complied with. For purposes of this Article, a competitive bidding group
17 purchasing program is a formally organized program that offers purchasing services at
18 discount prices to two or more hospital facilities. The limitation contained in this
19 paragraph shall not apply to construction or repair work undertaken during the
20 progress of a construction or repair project initially begun pursuant to this section.
21 Further, the provisions of this section shall not apply to the purchase of gasoline,
22 diesel fuel, alcohol fuel, motor oil or fuel oil. Such purchases shall be subject to G.S.
23 143-131.

1 For purchases of apparatus, supplies, materials, or equipment, the governing body
2 of any municipality, county, or other political subdivision of the State may, subject to
3 any restriction as to dollar amount, or other conditions that the governing body elects
4 to impose, delegate to the manager or the chief purchasing official the authority to
5 award contracts, reject bids, readvertise to receive bids on behalf of the unit, or waive
6 bid bonds or deposits, or performance and payment bond requirements. Any person
7 to whom authority is delegated under this subsection shall comply with the
8 requirements of this Article that would otherwise apply to the governing body."

9 Section 2. This act applies only to the City of Greensboro.

10 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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 615 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ELIZABETH CITY TO REGULATE THE OPERATION OF VESSELS WITHIN THE 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 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 615

Short Title: Elizabeth City Watercraft Reg.

(Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

March 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF ELIZABETH CITY TO REGULATE THE
3 OPERATION OF VESSELS WITHIN THE CITY.
4 The General Assembly of North Carolina enacts:
5 Section 1. A city may adopt ordinances to regulate and control the speed
6 and operation of vessels in waterways within its boundaries or within its
7 extraterritorial jurisdiction, as that term is used in Article 19 of Chapter 160A of the
8 General Statutes.
9 Section 2. This act applies only to the City of Elizabeth City.
10 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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 637 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE SPEED
ZONE IN COINJOCK CANAL IN CURRITUCK 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 637

Short Title: Coinjock Canal No-Wake Zone.

(Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NO-WAKE SPEED ZONE IN COINJOCK CANAL
3 IN CURRITUCK COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. It is unlawful to operate a vessel at greater than a no-wake
6 speed in the Coinjock Canal Intracoastal Waterway in Currituck County. No-wake
7 speed is idle speed or a slow speed creating no appreciable wake.

8 Section 2. With regard to marking the no-wake speed zone established in
9 Section 1 of this act, Currituck County or its designee may place and maintain the
10 markers in accordance with the Uniform Waterway Marking System and any
11 supplementary standards for such system adopted by the Wildlife Resources
12 Commission. All markers of the no-wake speed zone shall be buoys or floating signs
13 placed in the water and must be sufficient in number and size as to give adequate
14 warning of the no-wake speed zone to the vessels approaching from various
15 directions.

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

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

19 Section 5. This act applies only to Currituck County.

20 Section 6. This act is effective when it becomes law and is enforceable
21 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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

- ☐ Committee Substitute for
H.B. 638 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE OWNERS OF CERTAIN INNOVATIVE SEPTIC SYSTEMS IN THE COUNTIES OF CAMDEN, CHOWAN, CURRITUCK, GATES, HERTFORD, PASQUOTANK, PERQUIMANS, TYRRELL, AND WASHINGTON TO TRANSFER THE OWNERSHIP OF THE SYSTEMS TO THE PASQUOTANK-PERQUIMANS-CHOWAN-CAMDEN DISTRICT HEALTH DEPARTMENT OR TO ONE OR MORE UNITS OF LOCAL GOVERNMENT.
- ☐ 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 638
Proposed Committee Substitute H638-PCS3264-SK

Short Title: Transfer of Certain Septic Systems.

(Local)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE OWNERS OF CERTAIN INNOVATIVE SEPTIC
3 SYSTEMS IN THE COUNTIES OF CAMDEN, CHOWAN, CURRITUCK,
4 GATES, HERTFORD, PASQUOTANK, PERQUIMANS, TYRRELL, AND
5 WASHINGTON TO TRANSFER THE OWNERSHIP OF THE SYSTEMS TO
6 ONE OR MORE UNITS OF LOCAL GOVERNMENT.

7 The General Assembly of North Carolina enacts:

8 Section 1. The full title of Chapter 577 of the 1995 Session Laws reads as
9 rewritten:

10 "AN ACT TO AUTHORIZE THE COUNTIES OF CAMDEN, CHOWAN,
11 CURRITUCK, PASQUOTANK, PERQUIMANS, TYRRELL, AND WASHINGTON
12 TO TAKE A LIEN ON REAL PROPERTY FOR DELINQUENT FEES FOR
13 CERTAIN ~~INSPECTIONS~~. INSPECTIONS AND TO AUTHORIZE THE OWNERS
14 OF CERTAIN INNOVATIVE SEPTIC SYSTEMS IN THE COUNTIES OF
15 CAMDEN, CHOWAN, CURRITUCK, GATES, HERTFORD, PASQUOTANK,
16 PERQUIMANS, TYRRELL, AND WASHINGTON TO TRANSFER THE
17 OWNERSHIP OF THE SYSTEMS TO ONE OR MORE UNITS OF LOCAL
18 GOVERNMENT."

19 Section 2. Chapter 577 of the 1995 Session Laws is amended by adding a
20 new section to read:

21 "Section 1.1. The owners of any provisional septic tanks or other innovative septic
22 systems may transfer ownership of any lands, easements, rights to maintain drainage
23 facilities associated with the systems, including pumps, tanks, lines, buildings, fences,

1 and other elements of the system, to one or more units of local government. As used
2 in this section, 'unit of local government' has the same meaning as in G.S. 160A-
3 460."

4 Section 3. Section 2 of Chapter 577 of the 1995 Session Laws reads as
5 rewritten:

6 "Sec. 2. ~~This~~ Section 1 of this act applies to the Counties of Camden, Chowan,
7 Currituck, Pasquotank, Perquimans, Tyrrell, and Washington only. Section 1.1 of this
8 act applies to the Counties of Camden, Chowan, Currituck, Gates, Hertford,
9 Pasquotank, Perquimans, Tyrrell, and Washington only."

10 Section 4. Section 3 of Chapter 577 of the 1995 Session Laws reads as
11 rewritten:

12 "Sec. 3. ~~This~~ Section 1.1 of this act is effective when it becomes law. The
13 remainder of this act becomes effective July 1, 1996, and applies to fees imposed for
14 inspections performed on or after that date."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 638

Short Title: Transfer of Certain Septic Systems.

(Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

March 29, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE OWNERS OF CERTAIN INNOVATIVE SEPTIC
3 SYSTEMS IN THE COUNTIES OF CAMDEN, CHOWAN, CURRITUCK,
4 GATES, HERTFORD, PASQUOTANK, PERQUIMANS, TYRRELL, AND
5 WASHINGTON TO TRANSFER THE OWNERSHIP OF THE SYSTEMS TO
6 THE PASQUOTANK-PERQUIMANS-CHOWAN-CAMDEN DISTRICT
7 HEALTH DEPARTMENT OR TO ONE OR MORE UNITS OF LOCAL
8 GOVERNMENT.

9 The General Assembly of North Carolina enacts:

10 Section 1. The full title of Chapter 577 of the 1995 Session Laws reads as
11 rewritten:

12 "AN ACT TO AUTHORIZE THE COUNTIES OF CAMDEN, CHOWAN,
13 CURRITUCK, PASQUOTANK, PERQUIMANS, TYRRELL, AND WASHINGTON
14 TO TAKE A LIEN ON REAL PROPERTY FOR DELINQUENT FEES FOR
15 CERTAIN ~~INSPECTIONS~~. INSPECTIONS AND TO AUTHORIZE THE OWNERS
16 OF CERTAIN INNOVATIVE SEPTIC SYSTEMS IN THE COUNTIES OF
17 CAMDEN, CHOWAN, CURRITUCK, GATES, HERTFORD, PASQUOTANK,
18 PERQUIMANS, TYRRELL, AND WASHINGTON TO TRANSFER THE
19 OWNERSHIP OF THE SYSTEMS TO THE PASQUOTANK-PERQUIMANS-
20 CHOWAN-CAMDEN DISTRICT HEALTH DEPARTMENT OR TO ONE OR
21 MORE UNITS OF LOCAL GOVERNMENT."

22 Section 2. Chapter 577 of the 1995 Session Laws is amended by adding a
23 new section to read:

1 "Section 1.1. The owners of any provisional septic tanks or other innovative septic
2 systems may transfer ownership of any lands, easements, rights to maintain drainage
3 facilities associated with the systems, including pumps, tanks, lines, buildings, fences,
4 and other elements of the system, to the Pasquotank-Perquimans-Chowan-Camden
5 District Health Department or to one or more units of local government. As used in
6 this section, 'unit of local government' has the same meaning as in G.S. 160A-460."

7 Section 3. Section 2 of Chapter 577 of the 1995 Session Laws reads as
8 rewritten:

9 "Sec. 2. This Section 1 of this act applies to the Counties of Camden, Chowan,
10 Currituck, Pasquotank, Perquimans, Tyrrell, and Washington only. Section 1.1 of this
11 act applies to the Counties of Camden, Chowan, Currituck, Gates, Hertford,
12 Pasquotank, Perquimans, Tyrrell, and Washington only."

13 Section 4. Section 3 of Chapter 577 of the 1995 Session Laws reads as
14 rewritten:

15 "Sec. 3. This Section 1.1 of this act is effective when it becomes law. The
16 remainder of this act becomes effective July 1, 1996, and applies to fees imposed for
17 inspections performed on or after that date."

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

VISITOR REGISTRATION SHEET

Local Government II

Name of Committee

April 7, 1999

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

***HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING
APRIL 14, 1999
11:00 A.M.***

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

**HB 650 BRUNSWICK PERSONAL WATERCRAFT
HB 677 CERTAIN COUNTIES DELINQUENT TAXES
HB 684 MUNICIPALITIES' TREE ORDINANCES
HB 707 BROADWAY FORM OF GOVT.
HB 708 SANFORD-LEE AIRPORT AUTH. FUNDS
HB 749 BELMONT ABC PROFITS
HB 797 UNION COUNTY FIRE FEES
HB 802 DURHAM CITY DEVELOPMENT PLANS**

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT II**

April 14, 1999

The House Committee on Local Government II met at 11:00 a.m. Wednesday, April 14, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Barbee, Capps, Haire, Hunter, Owens, Sexton, and G. Wilson. Also in attendance was Esther Manheimer, committee counselor. A Visitor Registration sheet is attached as part of the Minutes.

Representative Jarrell called the meeting to order to consider the following bills:

HB 677 – Certain Counties Delinquent Taxes introduced by Representatives Haire and Ramsey. The Chair recognized Representative Ramsey to explain this bill which would allow the counties of Graham, Haywood, Jackson, Madison and Swain to adopt resolutions that require the register of deeds not to accept any deeds for registration unless the county tax collector has certified there are no delinquent taxes of certain types that have resulted in a lien on the property. Representative Owens moved to give HB 677 a favorable report and the motion carried.

HB 684 – Municipalities' Tree Ordinances introduced by Representatives Mosley and Hensley. A proposed committee substitute was offered and adopted on motion of Representative Hunter. Representative Mosley was recognized to explain the proposed committee substitute which would allow the towns of Apex, Cary, Garner and Morrisville to adopt ordinances regulating the planting, removal and preservation of trees and shrubs on public and private property within the municipalities and the extraterritorial planning jurisdictions. Representative Hunter moved to give committee substitute for HB 684 a favorable report, unfavorable to original bill. Motion carried.

HB 707 –Broadway Form of Government introduced by Representative Cox who explained that this bill would require the Town of Broadway to operate under a council-manager form of government. Representative Sexton moved to give the bill a favorable report. The motion carried.

HB 708 – Sanford-Lee Airport Authority Refunds introduced by Representative Cox. He explained the bill which would allow the Sanford-Lee Regional Airport Authority to receive sales tax refunds. Representative Hunter made a motion to give HB 708 a favorable report and be re-referred to Finance. The motion carried.

HB 749 – Belmont ABC Profits introduced by Representative Rayfield. A proposed committee substitute was adopted on motion by Representative Barbee and Representative Rayfield was recognized. He explained that this bill would provide for the distribution of net profits from the sale of alcoholic beverages by the City of Belmont

local ABC system. Representative Owens moved to give committee substitute for HB 749 a favorable report, unfavorable to original bill. The motion carried.

HB 797 – Union County Fire Fees introduced by Representative Melton. Representative Melton explained that this bill was requested by the Board of County Commissioners and would exempt certain state property from fire protection fees imposed by Union County. Representative Owens made a motion to give HB 797 a favorable report. The motion carried.

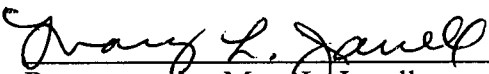
HB 802 – Durham City Development Plans was introduced by Representative Michaux. He explained that this bill would allow the City of Durham to make changes in rezoning and development plans. Representative Barbee moved to give HB 802 a favorable report. The motion carried.

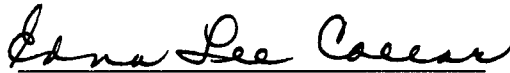
HB 803 – Durham County Zoning Notices introduced by Representative Michaux. Representative Michaux said this bill was requested by the City of Durham and would provide Durham with additional options for service of process in zoning code cases. Representative Capps made a motion to give HB 803 a favorable report and the motion carried.

In the absence of Representation Redwine, sponsor of **HB 650 – Brunswick Personal Watercraft** was removed from the agenda.

The meeting adjourned at 11:50 a.m.

Respectfully submitted,


Representative Mary L. Jarrell
Chair


Edna Lee Collar
Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 677 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRAHAM, HAYWOOD, JACKSON, MADISON, AND SWAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 677

Short Title: Certain Counties Delinquent Taxes.

(Local)

Sponsors: Representatives Haire; and Ramsey (Primary Sponsors).

Referred to: Local Government II.

March 29, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE GRAHAM, HAYWOOD, JACKSON, MADISON,
3 AND SWAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT
4 PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING
5 PROPERTY.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article 2 of Chapter 161 of the General Statutes is amended
8 by adding a new section to read:

9 "**§ 161-31. Tax certification.**

10 The board of commissioners of a county may, by resolution, require the register of
11 deeds not to accept any deed for registration unless the county tax collector has
12 certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or
13 taxes with which the collector is charged are a lien on the property described in the
14 deed."

15 Section 2. This act applies only to Graham, Haywood, Jackson, Madison,
16 and Swain Counties.

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



BILL ANALYSIS

HOUSE BILL 677: Certain Counties Delinquent Taxes.

Committee: Local Government II

Date: April 14, 1999

Version: First Edition

Introduced by: Representatives Haire and Ramsey

Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS: House Bill 677 is a local bill that would allow the counties of Graham, Haywood, Jackson, Madison, and Swain to adopt resolutions that require the register of deeds not to accept any deeds for registration unless the county tax collector has certified that there are no delinquent taxes, of the following types, that have resulted in a lien on the property described in the deed:

1. Ad valorem county taxes,
2. Ad valorem municipal taxes, and
3. Taxes with which the collector is charged.

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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 684 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF APEX, CARY, GARNER, AND MORRISVILLE TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES AND SHRUBS WITHIN THE TOWNS AND TOWNS' 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 684

Short Title: Municipalities' Tree Ordinances.

(Local)

Sponsors: Representatives Mosley and Hensley (By Request) (Primary Sponsors).

Referred to: Local Government II.

March 30, 1999

1 A BILL TO BE ENTITLED

2 AN ACT AUTHORIZING THE TOWNS OF APEX, CARY, GARNER, AND
3 MORRISVILLE TO ADOPT ORDINANCES REGULATING REMOVAL,
4 REPLACEMENT, AND PRESERVATION OF TREES AND SHRUBS WITHIN
5 THE TOWNS AND THE TOWNS' EXTRATERRITORIAL PLANNING
6 JURISDICTION.

7 The General Assembly of North Carolina enacts:

8 Section 1. In order to preserve and enhance one of the most valuable
9 natural resources of the community and to protect the health, safety, and welfare of
10 its citizens, a municipality may adopt ordinances to regulate the planting, removal,
11 and preservation of trees and shrubs on public and private property within the
12 municipality.

13 Section 2. Prior to adopting an ordinance authorized by Section 1 of this
14 act, a public hearing shall be held before the municipality's governing board. Notice
15 of the hearing shall be given in accordance with G.S. 160A-364.

16 Section 3. This act shall apply only to the Towns of Apex, Cary, Garner,
17 and Morrisville and to the areas within the Towns' extraterritorial planning
18 jurisdiction under Article 19 of Chapter 160A of the General Statutes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 684
Proposed Committee Substitute H684-PCS3342-SK

Short Title: Municipalities' Tree Ordinances.

(Local)

Sponsors:

Referred to:

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE TOWNS OF APEX, CARY, GARNER, AND
3 MORRISVILLE TO ADOPT ORDINANCES REGULATING REMOVAL,
4 REPLACEMENT, AND PRESERVATION OF TREES AND SHRUBS WITHIN
5 THE TOWNS AND THE TOWNS' EXTRATERRITORIAL PLANNING
6 JURISDICTION.

7 The General Assembly of North Carolina enacts:

8 Section 1. In order to preserve and enhance one of the most valuable
9 natural resources of the community and to protect the health, safety, and welfare of
10 its citizens, a municipality may adopt ordinances to regulate the planting, removal,
11 and preservation of trees and shrubs on public and private property within the
12 municipality. Any ordinance adopted pursuant to this section shall exclude property
13 to be developed for single-family or duplex residential uses, and shall exclude normal
14 forestry activities conducted pursuant to a forestry management plan prepared by a
15 forester registered pursuant to Chapter 89B of the General Statutes.

16 Section 2. Prior to adopting an ordinance authorized by Section 1 of this
17 act, a public hearing shall be held before the municipality's governing board. Notice
18 of the hearing shall be given in accordance with G.S. 160A-364.

19 Section 3. This act shall apply only to the Towns of Apex, Cary, Garner,
20 and Morrisville and to the areas within those towns' extraterritorial planning
21 jurisdiction under Article 19 of Chapter 160A of the General Statutes.

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



HOUSE BILL 684: Municipalities' Tree Ordinances

BILL ANALYSIS

Committee: Local Government II
Date: April 14, 1999
Version: Proposed Committee Substitute
H684-PCSSK-001

Introduced by: Representatives Mosely and
Hensley
Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS: House Bill 684 is a local bill that would allow the towns of Apex, Cary, Garner, and Morrisville to adopt ordinances to regulate the planting, removal, and preservation of trees and shrubs on public and private property within the municipality and the municipality's extraterritorial planning jurisdiction. Ordinances must exclude:

1. Property to be developed for single-family or duplex residential uses.
2. Normal forestry activities conducted under a forestry management plan.

A public hearing is required prior to the adoption of an ordinance.

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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

- ☐ Committee Substitute for
H.B. 707 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE
TOWN OF BROADWAY TO ALLOW THE TOWN TO OPERATE UNDER A COUNCIL-
MANAGER FORM OF GOVERNMENT.
- ☒ 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 707

Short Title: Broadway Form of Government.

(Local)

Sponsors: Representative Cox.

Referred to: Local Government II.

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF BROADWAY TO
3 ALLOW THE TOWN TO OPERATE UNDER A COUNCIL-MANAGER FORM
4 OF GOVERNMENT.
5 The General Assembly of North Carolina enacts:
6 Section 1. The Charter of the Town of Broadway, being Chapter 548 of
7 the 1947 Session Laws, is amended by adding a new section to read:
8 "Sec. 4A. The Town shall operate under the council-manager form of government
9 in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes. The
10 town manager shall have all the powers and duties conferred by general law and the
11 additional powers and duties conferred by the council so far as authorized by general
12 law."
13 Section 2. This act is effective when it becomes law.



HOUSE BILL 707: Broadway Form of Government

BILL ANALYSIS

Committee: Local Government II
Date: April 14, 1999
Version: First Edition

Introduced by: Representative Cox
Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS: House Bill 707 is a local bill that would require the Town of Broadway to operate under a council-manager form of government.

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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 708 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SANFORD-LEE
REGIONAL AIRPORT AUTHORITY TO RECEIVE SALES TAX REFUNDS.

☐ 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 708*

Short Title: Sanford-Lee Airport Authority Refunds.

(Local)

Sponsors: Representative Cox.

Referred to: Local Government II.

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE SANFORD-LEE REGIONAL AIRPORT
3 AUTHORITY TO RECEIVE SALES TAX REFUNDS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 3(a) of Chapter 903 of the 1991 Session Laws is
6 amended by adding a new subdivision to read:
7 "Sec. 3. (a) The authority shall, in addition to the powers conferred in Chapter
8 63 of the General Statutes of North Carolina, have the following powers:
9 (11) To receive refunds of sales and use taxes under G.S. 105-
10 164.14(c)."
11 Section 2. This act is effective when it becomes law.



HOUSE BILL 708: Sanford-Lee Airport Authority Refunds

BILL ANALYSIS

Committee: Local Government II

Date: April 14, 1999

Version: First Edition

Introduced by: Representative Cox

Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS: House Bill 708 is a local bill that would allow the Sanford-Lee Regional Airport Authority to receive sales tax refunds. Currently, under G.S. 105-164.14(c), there are certain governmental entities that are allowed to receive an annual refund of sales taxes paid on direct purchases of tangible personal property. These governmental entities include cities, counties, various city and county departments, districts (e.g. sewer districts), authorities (e.g. water authorities), etc. G.S. 105-164.14(c)(16) provides that local airport authorities created by a local act may also be included among the governmental entities permitted to receive the sales tax refund so long as the General Assembly specifically authorizes them to receive the refund. The Sanford-Lee Regional Airport was created by a local act and thus this bill would allow it to receive sales tax refunds.

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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

- ☐ Committee Substitute for
H.B. 749 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION
OF THE NET PROFITS FROM THE SALE OF ALCOHOLIC BEVERAGES BY THE
CITY OF BELMONT LOCAL ABC 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 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 749

Short Title: Belmont ABC Profits.

(Local)

Sponsors: Representative Rayfield.

Referred to: Local Government II.

March 31, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE DISTRIBUTION OF THE NET PROFITS
3 FROM THE SALE OF ALCOHOLIC BEVERAGES BY THE CITY OF
4 BELMONT LOCAL ABC SYSTEM.

5 The General Assembly of North Carolina enacts:

6 Section 1. Out of the net revenue remaining after the payment of all
7 costs and operating expenses and after retaining a sufficient working capital, the City
8 of Belmont Board of Alcoholic Control shall:

- 9 (1) Expend ten percent (10%) for law enforcement purposes.
10 (2) Expend ten percent (10%) for rehabilitation.
11 (3) Expend twenty-five percent (25%) for Gaston County Public
12 Schools.
13 (4) Pay over, on a quarterly basis, fifteen percent (15%) to the general
14 fund of Gaston County.
15 (5) Pay over, on a quarterly basis, twenty-five percent (25%) to the
16 general fund of the City of Belmont for capital improvements.
17 (6) Pay over, on a quarterly basis, fifteen percent (15%) to the general
18 fund of the City of Belmont to promote tourism and economic
19 development.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 749

Proposed Committee Substitute H749-PCS1195-LK

Short Title: Belmont ABC Profits.

(Local)

Sponsors:

Referred to:

March 31, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE DISTRIBUTION OF THE NET PROFITS
3 FROM THE SALE OF ALCOHOLIC BEVERAGES BY THE CITY OF
4 BELMONT LOCAL ABC SYSTEM.

5 The General Assembly of North Carolina enacts:

6 Section 1. Out of the net revenue remaining after the payment of all
7 costs and operating expenses and after retaining a sufficient working capital, the City
8 of Belmont Board of Alcoholic Control shall:

- 9 (1) Expend ten percent (10%) for law enforcement purposes.
10 (2) Expend ten percent (10%) for rehabilitation.
11 (3) Expend twenty-five percent (25%) for Gaston County Public
12 Schools.
13 (4) Pay over, on a quarterly basis, fifteen percent (15%) to the general
14 fund of Gaston County.
15 (5) Pay over, on a quarterly basis, twenty-five percent (25%) to the
16 general fund of the City of Belmont for capital improvements.
17 (6) Pay over, on a quarterly basis, fifteen percent (15%) to the general
18 fund of the City of Belmont to promote tourism and economic
19 development.

20 Section 2. In the event the ABC referendum to be held on April 24,
21 1999, in the City of Belmont, fails to carry, this bill is void.

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



HOUSE BILL 749: Belmont ABC Profits

BILL ANALYSIS

Committee: Local Government II
Date: April 14, 1999
Version: First Edition

Introduced by: Representative Rayfield
Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS: House Bill 749 is a local bill that allows the City of Belmont Board of Alcoholic Control to distribute, in a specific manner, its net revenue remaining after the payment of all costs and operating expenses and after retaining a sufficient working capital. The net revenue remaining would be distributed as follows:

1. 10% - Law Enforcement
2. 10% - Rehabilitation
3. 25% - Gaston County Schools
4. 15% - General Fund of Gaston County
5. 25% - General Fund of Belmont for Capital Improvements
6. 15% - General Fund of Belmont for Tourism and Economic Development.

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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 797 A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN STATE
PROPERTY FROM FIRE PROTECTION FEES IMPOSED BY UNION 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 797*

Short Title: Union County Fire Fees.

(Local)

Sponsors: Representative Melton.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT EXEMPTING CERTAIN STATE PROPERTY FROM FIRE
3 PROTECTION FEES IMPOSED BY UNION COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S 153A-236(c), as it applies to Union County pursuant to
6 Chapter 883 of the 1991 Session Laws, as amended by Chapter 61 of the 1995 Session
7 Laws, reads as rewritten:

8 "(c) Fees. -- The fees imposed by the county may not exceed the cost of providing
9 fire protection services within the district and may be imposed on owners of all real
10 property that benefits from the availability of fire protection and on owners of all
11 manufactured or mobile homes that benefit from the availability of fire ~~protection.~~
12 protection; provided, however, that the fees shall not be imposed on the North
13 Carolina Department of Transportation for real property owned by the Department
14 and used solely for highway purposes. For the purpose of this section, the term 'fire
15 protection' includes furnishing emergency medical, rescue, and ambulance services to
16 protect persons in the district from injury or death. The county shall establish a
17 schedule of fees for different classes of property and the fee for each class of property
18 shall be proportional to the estimated cost of providing fire protection services to that
19 class of property. The schedule of fees shall include the following classes of property
20 and the fee on each class of property shall not exceed the following maximums:

21 (1) A single-family dwelling or manufactured or mobile home, and
22 appurtenant structures, plus up to five acres of surrounding land.
23 The fee on this class of property may not exceed fifty dollars
24 (\$50.00) per site per year.

- 1 (2) Unimproved land other than the five acres of land classified as part
2 of a single-family dwelling or manufactured or mobile home. The
3 fee on this class of property may not exceed two cents (2¢) per
4 acre per year. The county may establish a minimum fee for
5 unimproved land of not more than five dollars (\$5.00) per year.
6 (3) An animal production or horticultural operation. The fee on this
7 class of property may not exceed ten dollars (\$10.00) per site per
8 year.
9 (4) A commercial facility other than an animal production or
10 horticultural operation. The fee on this class of property may not
11 exceed fifty dollars (\$50.00) per site per year for commercial
12 facilities with structures encompassing less than 5,000 square feet
13 and one hundred dollars (\$100.00) per site per year for commercial
14 facilities with structures encompassing 5,000 square feet or more.
15 (5) A multiple-family dwelling. The fee on a duplex may not exceed
16 fifty dollars (\$50.00) per building per year. The fee on a triplex
17 may not exceed seventy-five dollars (\$75.00) per building per year.
18 The fee on any other multiple-family dwelling may not exceed one
19 hundred dollars (\$100.00) per building per year.
20 (6) Any other class of property selected by the county. The fee on
21 these classes of property may not exceed fifty dollars (\$50.00) per
22 year."

23 Section 2. This act applies to Union County only.

24 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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

HB 802 A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF DURHAM TO CONSIDER LIMITATIONS ON USES AS REQUESTED IN THE DEVELOPMENT PLANS SUBMITTED FOR REZONINGS AND TO MAKE OTHER CHANGES REGARDING THE CONSIDERATION OF DEVELOPMENT PLANS.

☒ 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 802

Short Title: Durham City Development Plans.

(Local)

Sponsors: Representatives Michaux; and Luebke.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING THE CITY OF DURHAM TO CONSIDER LIMITATIONS
3 ON USES AS REQUESTED IN THE DEVELOPMENT PLANS SUBMITTED
4 FOR REZONINGS AND TO MAKE OTHER CHANGES REGARDING THE
5 CONSIDERATION OF DEVELOPMENT PLANS.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 92 of Chapter 671 of the 1975 Session Laws, being the
8 Charter of the City of Durham, as amended by Chapter 380 of the 1991 Session
9 Laws, reads as rewritten:

10 "Sec. 92. Development Plans and Site Plans. -- In exercising the zoning power
11 granted to municipalities by G.S. 160A-381, the City Council may require that a
12 development plan showing the proposed development of property be submitted with
13 any request for rezoning of such property. The City Council may consider such
14 development plan in its deliberations and may require that any site plan subsequently
15 submitted be in conformity with any such approved development plan. The City
16 Council may also consider any limitations an applicant who submits a development
17 plan may propose on the number, range, or type of uses to be made of the property
18 and may limit its consideration of uses to those proposed uses. Such use proposals,
19 where approved, shall be binding as part of the zoning of the property. In
20 considering development plans and developer-proposed use limitations, the City
21 Council shall use the legislative public hearing procedures applicable to general use
22 district rezonings.

23 In addition, the Council is authorized to require that a site plan be submitted and
24 approved prior to the issuance of any building permit. The Council may specify the

1 information to be set forth in a site plan and may require that such site plan be
2 prepared by a professional engineer, architect, or land surveyor licensed to practice in
3 North Carolina. The Council may prescribe procedures for the review of such site
4 plans to insure that development of property shall conform to applicable zoning and
5 building laws and regulations or any other relevant law or regulation. The Council
6 may require that site plans be in conformity with previously approved development
7 plans for the same property. In approving development ~~plans and plans~~, site plans,
8 and subdivision plats, the City may require that on-site and off-site street and utility
9 rights-of-way be dedicated to the public, that necessary street and utility
10 improvements be constructed, and that provision be made for recreational space and
11 facilities where appropriate."

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



HOUSE BILL 802: Durham City Development Plans

BILL ANALYSIS

Committee: Local Government II
Date: April 14, 1999
Version: First Edition

Introduced by: Representatives Michaux and
Luebke
Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS: House Bill 802 is a local bill that would amend the Charter of the City of Durham to allow the City Council to consider the limitations of uses included in a development plan submitted by an applicant for rezoning. If the use proposal is approved, then it is binding as part of the zoning on the property. A rezoning of this type requires notice and a public hearing. In addition, House Bill 802 would allow the City Council to require that on-site and off-site street and utility rights-of-way be dedicated to the public, that necessary street and utility improvements be constructed, and that provisions be made for recreational space facilities where appropriate, in the approval of development plans, site plans, and subdivision plats. Under current law, the City may already have these requirements for development plans and site plans.

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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 803 A BILL TO BE ENTITLED AN ACT TO PROVIDE DURHAM COUNTY
WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN ZONING CODE
CASES.

☒ 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 803

Short Title: Durham County Zoning Notices.

(Local)

Sponsors: Representatives Michaux; and Luebke.

Referred to: Local Government II.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE DURHAM COUNTY WITH ADDITIONAL OPTIONS
3 FOR SERVICE OF PROCESS IN ZONING CODE CASES.
4 The General Assembly of North Carolina enacts:
5 Section 1.(a) Notice of violation of an ordinance adopted under Parts 1,
6 2, and 3 of Article 18 of Chapter 160A of the General Statutes shall be served upon
7 violators either personally or by registered or certified mail. When service is made by
8 registered or certified mail, a copy of the notice of violation may also be sent by
9 regular mail. Service shall be deemed sufficient if the registered or certified mail is
10 unclaimed or refused, but the regular mail is not returned by the post office within 10
11 days after the mailing. If regular mail is used, a notice of violation shall be posted in
12 a conspicuous place on the premises affected.
13 Section 1.(b) If the identities or the whereabouts of violators are
14 unknown and cannot be ascertained after the exercise of reasonable diligence, or if
15 the violators are known but refuse to accept service by registered or certified mail
16 and an affidavit is made to that effect, then the serving of the notice of violation upon
17 the violators may be made by publication at least once in a newspaper having general
18 circulation in the county. When service is made by publication, a notice of violation
19 shall be posted in a conspicuous place on the premises affected.
20 Section 2. This act applies to Durham County only.
21 Section 3. This act is effective when it becomes law.

4-14, 1999

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS[illegible]

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING
APRIL 21, 1999
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

**HB 650 BRUNSWICK PERSONAL WATERCRAFT (Rep. Redwine)
HB 828 REVALUATION TAX RATE NOTICE (Rep. Gillespie)
HB 829 TRANSYLVANIA SCH. CONSTRUCTION FLEX. (Rep. Walend)
HB 840 BID LAW EXEMPTIONS/ONSLOW COURTHOUSE
(Rep. Grady)
HB 844 ORANGE COUNTY CIVIL RIGHTS (Rep. Insko)
HB 846 FARMVILLE ETJ (Rep. Warren)
HB 847 PITT COUNTY INVESTMENTS (Rep. Warren)
HB 855 KINGS MOUNTAIN ETJ (Rep. Horn)
HB 867 WILSON ANNEXATIONS (Rep. Fitch)
HB 870 MAGIS. ACCEPT WAIVER/VEHICLE VIOLATION
(Rep. Owens)**

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 21, 1999

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, April 21, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Barbee, Capps, Haire, Hunneter, Hurley, Owens, Sexton, Smith, Warren and G. Wilson. Joe Hackney, Ex-Officio Member, and Esther Manheimer, committee counselor, were also in attendance. A Visitor registration sheet is attached and made part of the minutes.

Representative Jarrell, Chair, called the meeting to order to consider the following bills:

HB 650 – BRUNSWICK COUNTY PERSONAL WATERCRAFT. Representative Redwine, sponsor, was recognized to explain this bill which would allow Brunswick County to adopt ordinances to regulate the operation of personal watercraft. Municipalities within Brunswick County may, by resolution, permit the county watercraft ordinances to be applicable within the municipality. Rep. Owens offered a proposed committee substitute and moved for its adoption. He then moved for a favorable report to the committee substitute, unfavorable to original bill. Motion carried.

HB 828 – REVALUATION TAX RATE NOTICE. Representative Gillespie, sponsor, explained the bill which would require the budget officer to include in the budget a statement of the revenue-neutral property tax rate. He stated that the county commissioners supported this bill. Representatives Haire, Owens and Smith expressed concerns with the bill. Representative Capps spoke in support of it and moved for a favorable report. The motion carried by a vote of 6 – 4.

HB 829 – TRANSYLVANIA SCHOOL CONSTRUCTION FLEX. Representative Walend, sponsor, explained the bill which would allow the Transylvania County Board of Education to be exempt from the bidding requirements of Article 8 of Chapter 143. Representative Hunter made a motion to give HB 829 a favorable report. The motion carried.

HB 840 – BID LAW EXEMPTION/ONSLow COURTHOUSE. Representative Grady, sponsor, was present to explain the bill which would allow Onslow County to be exempt from certain requirements for building contracts in the renovation of the Onslow County Courthouse. Representative Barbee offered an amendment which he later withdrew. Representative Owens moved for a favorable report. The motion carried.

HB 844 – ORANGE COUNTY CIVIL RIGHTS. Representatives Insko and Hackney introduced the bill which Representative Hackney explained. The bill would allow the Orange County Board of Commissioners to adopt ordinances to prohibit discrimination in

employment, housing, and public accommodations on the basis of sexual orientation. A proposed committee substitute was offered. Representative Hunter moved for its adoption. The motion carried. Representative Hackney stated that this bill was requested by the county commissioners. There was considerable discussion concerning the bill with Representatives Capps and Sexton speaking in opposition. Representative Hunter spoke in support of the bill.

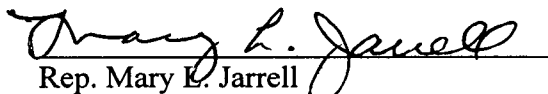
The Chair recognized Mr. John Rustin, representing the N.C. Family Policy Council , who spoke in opposition to this bill.

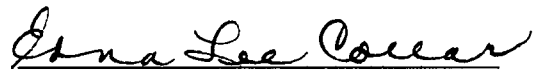
Representative Hunter made a motion to give HB 844 a favorable report. The motion carried by a vote of 6 – 5 with Representative Hackney voting an ex-officio member.

A bill analysis by Committee Counsel is attached.

There being no further business, the meeting adjourned.

Respectfully submitted:


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

H.B. 650 A BILL TO BE ENTITLED AN ACT TO ALLOW BRUNSWICK COUNTY TO
REGULATE THE OPERATION OF PERSONAL WATERCRAFT.

☐ 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, 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 650

Short Title: Brunswick Personal Watercraft.

(Local)

Sponsors: Representatives Redwine; and Hill.

Referred to: Local Government II.

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW BRUNSWICK COUNTY TO REGULATE THE
3 OPERATION OF PERSONAL WATERCRAFT.

4 The General Assembly of North Carolina enacts:

5 Section 1. A county may adopt ordinances to regulate the operation of
6 personal watercraft in the Atlantic Ocean and other waterways adjacent to that
7 portion of the county within its boundaries or within its territorial jurisdiction. The
8 governing board of a municipality within the county may by resolution permit a
9 county ordinance adopted pursuant to this act to be applicable within the
10 municipality consistent with the provisions of G.S. 153A-122.

11 Section 2. This act applies only to Brunswick County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 650

Proposed Committee Substitute: H650-PCSSK-001
Attention: line numbers may change after adoption.

Short Title: Brunswick Personal Watercraft.

(Local)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW BRUNSWICK COUNTY TO REGULATE THE OPERATION OF
3 PERSONAL WATERCRAFT.
4 The General Assembly of North Carolina enacts:
5 Section 1. A county may adopt ordinances to regulate
6 the operation of personal watercraft in the Atlantic Ocean and
7 other waterways within its territorial jurisdiction. The
8 governing board of a municipality within the county may by
9 resolution permit a county ordinance adopted pursuant to this act
10 to be applicable within the municipality consistent with the
11 provisions of G.S. 153A-122.
12 Section 2. This act applies only to Brunswick County.
13 Section 3. This act is effective when it becomes law.



BILL ANALYSIS

Committee: Local Government II
Date: April 21, 1999
Version: See Below

Introduced by: See Below
Summary by: Esther Manheimer
Committee Counsel

House Bill 650: Brunswick Personal Watercraft

Version: Proposed Committee Substitute (H650-PCSSK-001)

Sponsors: Representatives Redwine and Hill

Bill Analysis: House Bill 650 is a local bill and would allow Brunswick County to adopt ordinances to regulate the operation of personal watercraft, and municipalities within Brunswick County may, by resolution, permit the county watercraft ordinances to be applicable within the municipality. **This act is effective when it becomes law.**

House Bill 828: Revaluation Tax Rate Notice

Version: First Edition

Sponsor: Representative Gillespie

Bill Analysis: House bill 828 is a local bill that would require the budget officer to include in the budget, a statement of the revenue-neutral property tax rate. The bill defines "revenue-neutral property tax rate" and how it should be calculated. **This act is effective when it becomes law.**

House Bill 829: Transylvania Sch. Construction Flex

Version: First Edition

Sponsor: Representative Walend

Bill Analysis: House Bill 829 is a local bill that would allow the Transylvania County Board of Education to be exempt from the bidding requirements of Article 8 of Chapter 143. This exemption is limited to Phase II of the Brevard High School project and the exemption would expire June 30, 2001. **This act is effective when it becomes law and expires on June 30, 2001.**

House Bill 840: Bid Law Exemption/Onslow Courthouse

Version: First Edition

Sponsor: Representatives Grady, Preston, Smith, Tucker, and Warwick

Bill Analysis: House Bill 840 is a local bill that would allow Onslow County to be exempt from certain requirements for building contracts in the renovation of the Onslow County Superior Courthouse. The bill contains various requirements for the bidding process. **This act is effective when it becomes law and expires on July 1, 2002.**

House Bill 844: Orange County Civil Rights

Version: Proposed Committee Substitute (H844-PCSSK-001)

Sponsor: Representatives Insko, Hackney, and Adams

Bill Analysis: House Bill 844 is a local bill that would allow the Orange County Board of Commissioners to adopt ordinances to prohibit discrimination in employment, housing, and

public accommodations on the basis of sexual orientation. The County may already adopt ordinances to prohibit discrimination in employment, housing, and public accommodations on the basis of race, color, religion, gender, national origin, age, disability, marital status, familial status, and veteran status. **This act is effective when it becomes law.**

House Bill 846: Farmville ETJ

Version: Proposed Committee Substitute (H846-PCSSK-001)

Sponsor: Representative Warren

Bill Analysis: House Bill 846 is a local bill that would allow the Town of Farmville to exercise its ETJ up to two mile beyond the town limits. Under current law, Farmville may have an ETJ of up to one mile beyond the town limits.

This act is effective when it becomes law.

House Bill 855: Kings Mountain ETJ

Version: First Edition

Sponsor: Representative Horn

Bill Analysis: House Bill 855 is a local bill that would allow the Town of Kings Mountain to exercise its ETJ up to two mile beyond the town limits. Under current law, Kings Mountain may have an ETJ of up to one mile beyond the town limits.

This act is effective when it becomes law.

House Bill 870: Magist. Accept Waiver/Vehicle Viol

Version: First Edition

Sponsor: Representative Owens

Bill Analysis: House Bill 870 is a **PUBLIC** bill that would expand the areas in which magistrates have power. Under current law, magistrates have power in numerous types of misdemeanor and infraction cases including traffic offenses, cases involving alcohol, hunting, and fishing offenses, etc. House Bill 870 would expand magistrates' power to include misdemeanor cases involving the violation of a county ordinance regulating the use of vehicles on beaches, and allow magistrates to carry out various court procedures associated with these misdemeanor cases. **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) **Jarrell** for the Committee on **Local Government II**.

- ☐ Committee Substitute for
H.B. 828 A BILL TO BE ENTITLED AN ACT TO REQUIRE MCDOWELL COUNTY
TO PUBLICIZE THE REVENUE-NEUTRAL TAX RATE IN THE YEARS WHEN
THERE IS A GENERAL REVALUATION OF REAL 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 828

Short Title: Revaluation Tax Rate Notice.

(Local)

Sponsors: Representative Gillespie.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE MCDOWELL COUNTY TO PUBLICIZE THE
3 REVENUE-NEUTRAL TAX RATE IN THE YEARS WHEN THERE IS A
4 GENERAL REVALUATION OF REAL PROPERTY.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 159-11 reads as rewritten:

7 "**§ 159-11. Preparation and submission of budget and budget message.**

8 (a) Upon receipt of the budget requests and revenue estimates and the financial
9 information supplied by the finance officer and department heads, the budget officer
10 shall prepare a budget for consideration by the governing board in such form and
11 detail as may have been prescribed by the budget officer or the governing board. The
12 budget shall comply in all respects with the limitations imposed by G.S. 159-13(b),
13 and unless the governing board ~~shall have~~ has authorized or requested submission of
14 an unbalanced budget as provided in subsection (c) of this section, the budget shall
15 be balanced.

16 (b) The budget, together with a budget message, shall be submitted to the
17 governing board not later than June 1. The budget and budget message should, but
18 need not, be submitted at a formal meeting of the board. The budget message should
19 contain a concise explanation of the governmental goals fixed by the budget for the
20 budget year, should explain important features of the activities anticipated in the
21 budget, should set forth the reasons for stated changes from the previous year in
22 program goals, programs, and appropriation levels, and should explain any major
23 changes in fiscal policy.

(c) The governing board may authorize or request the budget officer to submit a budget containing recommended appropriations in excess of estimated revenues. If this is done, the budget officer shall present the appropriations recommendations in a manner that will reveal for the governing board the nature of the activities supported by the expenditures that exceed estimated revenues.

(d) The budget officer shall include in the budget a proposed financial plan for each intragovernmental service fund, as required by G.S. 159-13.1, and information concerning capital projects and grant projects authorized or to be authorized by project ordinances, as required by G.S. 159-13.2.

(e) In each year in which a general reappraisal of real property has been conducted, the budget officer shall include in the budget, for comparison purposes, a statement of the revenue-neutral property tax rate for the budget. The revenue-neutral property tax rate is the rate that is estimated to produce revenue for the next fiscal year equal to the revenue that would have been produced for the next fiscal year by the current tax rate if no reappraisal had occurred. To calculate the revenue-neutral tax rate, the budget officer shall first determine a rate that would produce revenues equal to those produced for the current fiscal year, and then increase the rate by a growth factor equal to the average annual percentage increase in the tax base due to improvements since the last general reappraisal. This growth factor represents the expected percentage increase in the value of the tax base due to improvements during the next fiscal year."

Section 2. This act applies only to McDowell County.

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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

H.B. 829 A BILL TO BE ENTITLED AN ACT TO ASSIST THE TRANSYLVANIA
SCHOOLS 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

1

HOUSE BILL 829

Short Title: Transylvania Sch. Construction Flex.

(Local)

Sponsors: Representative Walend.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ASSIST THE TRANSYLVANIA SCHOOLS WITH THE
3 EXPEDITING OF PUBLIC SCHOOL FACILITIES.

4 Whereas, the Transylvania County Board of Education is currently
5 engaged in the construction of educational facilities at Brevard High School; and

6 Whereas, the Transylvania County Board of Education desires to explore
7 alternative approaches to expedite the construction of school facilities at Brevard
8 High School in order to minimize the impact on teaching and learning; Now,
9 therefore,

10 The General Assembly of North Carolina enacts:

11 Section 1. Notwithstanding the provisions of Article 8 of Chapter 143 of
12 the General Statutes, the Transylvania County Board of Education may select and
13 negotiate with separate prime contractors to build Phase II of the Brevard High
14 School project if the Transylvania County Board of Education determines that using
15 the selection and negotiations process instead of competitive bidding will expedite the
16 project, create an effective construction team, and control costs, quality, and
17 schedule.

18 Section 2. This act shall apply to Phase II construction of the Brevard
19 High School project using 1996 State Bond funding and 1997 Local Bond funding
20 with construction to begin in June 1999 and completion scheduled by December
21 2000.

22 Section 3. This act is effective when it becomes law and expires on June
23 30, 2001.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 840 A BILL TO BE ENTITLED AN ACT TO EXEMPT ONSLOW COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION OF THE ONSLOW SUPERIOR COURTHOUSE.

☒ 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 840

Short Title: Bid Law Exemption/Onslow Courthouse.

(Local)

Sponsors: Representatives Grady, Preston, Smith, Tucker, and Warwick.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT ONSLOW COUNTY FROM CERTAIN STATUTORY
3 REQUIREMENTS IN THE RENOVATION OF THE ONSLOW SUPERIOR
4 COURTHOUSE.

5 The General Assembly of North Carolina enacts:

6 Section 1.(a) Authority to Seek Bids Under Either Separate-Prime or
7 Separate- and Single-Prime Systems. -- Notwithstanding G.S. 143-128 or any other
8 provisions of law, Onslow County may seek bids for the renovation of the Onslow
9 County Superior Courthouse (i) under the separate-prime contract system or (ii)
10 under both the separate-prime and the single-prime systems.

11 Section 1.(b) Standard for Award of Bids. -- If the county seeks bids
12 under only the separate-prime contract system, the county shall award the contract to
13 the lowest responsible bidder, taking into consideration quality, performance, and
14 time specified in the bids for performance of the contract.

15 If the county seeks bids under both the separate-prime and the single-
16 prime systems, the county shall award the contract to either the lowest responsible
17 bidder under the single-prime system or to the lowest responsible bidder under the
18 separate-prime system, taking into consideration quality, performance, and time
19 specified in the bids for performance of the contract. In determining the system
20 under which the contract will be awarded to the lowest responsible bidder, the
21 county may consider cost of construction oversight, time for completion, ability to
22 control and coordinate the project, safety concerns regarding the removal of asbestos
23 and lead paint, and other factors it deems appropriate.

1 Section 1.(c) Minimum Number of Bids Required. -- The county shall
2 not open any bid solicited under this act unless it receives at least three competitive
3 bids from reputable and qualified contractors regularly engaged in their respective
4 lines of endeavor. In calculating the number of bids required, either a full set of
5 separate-prime bids or a single single-prime bid shall constitute a bid.

6 If the county seeks bids under both the separate-prime and the single-
7 prime systems, the county is not required to receive either at least one full set of
8 separate-prime bids or at least one bid from a general contractor under the separate-
9 prime system. The bids received as separate-prime bids shall be submitted three
10 hours prior to the deadline for the submission of single-prime bids. The amount of a
11 bid submitted by a subcontractor to the general contractor under the single-prime
12 system shall not exceed the amount bid, if any, for the same work by that
13 subcontractor to the county under the separate-prime system. Each single-prime bid
14 shall identify the contractors selected to perform the three major subdivisions or
15 branches of work and shall list the contractors' respective bid prices for those
16 branches of work.

17 If after advertisement, the county has not received the minimum number
18 of competitive bids as required by this subsection, the county shall again advertise for
19 bids. If the required minimum number of bids is not received as a result of the
20 second advertisement, the county may let the contract to the lowest responsible
21 bidder that submitted a bid for the project, even though the county received only one
22 bid.

23 Section 1.(d) Applicability of General Statutes. -- All provisions of
24 Article 8 of Chapter 143 of the General Statutes that are not inconsistent with this
25 subsection shall apply to the county.

26 Section 2. This act is effective when it becomes law and expires July 1,
27 2002.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

- ☐ Committee Substitute for
H.B. 844 A BILL TO BE ENTITLED AN ACT RELATING TO CLASSIFICATIONS
UNDER THE ORANGE COUNTY CIVIL RIGHTS.
- ☐ 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, 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 844

Short Title: Orange County Civil Rights.

(Local)

Sponsors: Representatives Insko, Hackney; and Adams.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO CLASSIFICATIONS UNDER THE ORANGE COUNTY
3 CIVIL RIGHTS ORDINANCE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 6(a) of Chapter 246 of the 1991 Session Laws, as
6 amended by Section 14 of Chapter 258 of the 1993 Session Laws, reads as rewritten:

7 "(a) The Board of Commissioners of Orange County (hereafter 'Board of
8 Commissioners') may adopt an ordinance (hereafter 'the Ordinance') to prohibit
9 discrimination in employment, housing, and public accommodations on the basis of
10 race, color, religion, gender, national origin, age, disability, marital status, familial
11 status, ~~and veteran status.~~ status, and sexual orientation.

12 The Board of Commissioners may include in the Ordinance a prohibition of
13 language or conduct or both directed at an individual or at a group of individuals
14 because of that individual's or group of individuals' actual or perceived race, color,
15 religion, gender, national origin, age, disability, marital status, familial status, or
16 veteran status which communicates in a threatening manner words that incite
17 imminent lawless action or which tend to incite an immediate breach of the peace."

18 Section 2. This act applies to Orange County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 844

Proposed Committee Substitute: H844-PCSSK-001

Attention: line numbers may change after adoption.

Short Title: Orange County Civil Rights.

(Local)

Sponsors:

Referred to:

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO CLASSIFICATIONS UNDER THE ORANGE COUNTY CIVIL
3 RIGHTS ORDINANCE.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 6(a) of Chapter 246 of the 1991
6 Session Laws, as amended by Section 14 of Chapter 358 of the 1993
7 Session Laws, reads as rewritten:
8 "(a) The Board of Commissioners of Orange County (hereafter
9 'Board of Commissioners') may adopt an ordinance (hereafter 'the
10 Ordinance') to prohibit discrimination in employment, housing,
11 and public accommodations on the basis of race, color, religion,
12 gender, national origin, age, disability, marital status,
13 familial status, and ~~veteran status.~~ status, and sexual
14 orientation.
15 The Board of Commissioners may include in the Ordinance a
16 prohibition of language or conduct or both directed at an
17 individual or at a group of individuals because of that
18 individual's or group of individuals' actual or perceived race,
19 color, religion, gender, national origin, age, disability,
20 marital status, familial status, or veteran status which
21 communicates in a threatening manner words that incite imminent

1 lawless action or which tend to incite an immediate breach of the
2 peace."

3 Section 2. This act applies to Orange County only.

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

VISITOR REGISTRATION SHEET

LOCAL GOV'T II

4-21-98

~~THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES~~

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

| NAME | FIRM OR AGENCY |
|------------------|----------------------------------|
| 1. Tim Kent | American Institute of Architects |
| 2. John Phelps | NCLM |
| 3. MK Cullen | ENC PAC |
| 4. E. Fust | Orange Co. |
| 5. A. Moore | Orange Co. |
| 6. Bill Connolly | N. C. Dept of IT Resources |
| 7. K. Mitchell | NYSLRG |
| 8. Lynn Benner | NHO |
| 9. Ron Atkins | ENAPAC |
| 10. Dave Smith | CAROLINAS AOC |
| 11. John Kest | NCFPC |
| 22. Benny Seabos | Good Neighbors |
| 23. Chad Orman | ncatl |
| 24. | |
| 25. | |
| 26. | |
| 27. | |
| 28. | |
| 29. | |
| 30. | |
| 31. | |

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 23, 1999

The House Committee on Local Government II met at 11:00 a.m. on Friday, April 23, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Bonner, Vice Chair; Representatives Barbee, Capps, Haire, Hunter, Hurley, McAllister, Owens, Sexton, Smith, Warren and G. Wilson. Also in attendance was Esther Manheimer, committee counselor. A Visitor registration sheet is attached and made part of the minutes.

Representative Jarrell, Chair, called the meeting to order to consider the following bills:

HB 846 - FARMVILLE ETJ. Rep. Warren explained that House Bill 846 is a local bill that would allow the Town of Farmville to exercise its ETJ up to two miles beyond the town limits.

Rep. Hunter made motion to adopt proposed committee substitute. Motion carried. Rep. Hunter then made a motion to give committee substitute for HB 846 a favorable report, unfavorable to original bill. Motion carried.

HB 847 - PITT COUNTY INVESTMENTS. Rep. Warren explained that this local bill would allow Pitt County to invest Pitt County Hospital funds in securities and other investments authorized under G.S. 147-69.2. Under current law, the County must invest these funds under G.S. 159-30. G.S. 147-69.2 is the statute that mandates how funds such as the State retirement system funds must be invested. Rep. Warren also explained how the monies would benefit Pitt County.

Proposed committee substitute was adopted on motion of Rep. Owens. Rep. Owens then made a motion to give committee substitute for HB 847 a favorable report, unfavorable to original bill,. Motion carried.

HB 855 - KINGS MOUNTAIN ETJ. Rep. Horn was called on to explain House Bill 855 which is a local bill that would allow the Town of Kings Mountain to exercise its ETJ up to two miles beyond the town limits. Under current law, Kings Mountain may have an ETJ of up to one mile beyond the town limits. He indicated that there is no opposition to this bill.

Rep. Hunter made motion to give the bill a favorable report and motion carried.

HB 867 – WILSON ANNEXATIONS. HB 867 is a bill which would exempt the City of Wilson from the Satellite Annexation Requirements. Rep. Fitch stated that this is requested by the City of Wilson and that Wilson has 13,847 acres within contiguous corporate limits.

Proposed committee substitute was adopted on motion of Rep. Barbee. Rep. Hunter moved for a favorable report to committee substitute, unfavorable to original bill. Motion carried.

HB 870 – MAGIS. ACCEPT WAIVER/VEHICLE VIOL. The Chair recognized Rep. Owens, Sponsor, to explain the bill. HB 870 is a public bill that would expand the areas in which magistrates have power. This bill would expand magistrates' power to include misdemeanor cases involving the violation of a county ordinance regulating the use of vehicles on beaches, and allow magistrates to carry out various court procedures associated with these misdemeanor cases.

Rep. McAllister moved for a favorable report. Motion carried.

HB 880 – ALAMANCE BID PROCESS/CAPITAL PROJ. Rep. Allred was recognized by the Chair to explain the bill which is a local bill that would allow Alamance County, municipalities in Alamance County, and local school administrative units in Alamance County to award contracts where at least two competitive bids are received and where the total cost of construction is \$500,000 dollars or less.

A proposed committee substitute was offered and Rep. Haire moved for adoption. Motion carried. Rep. Hunter made a motion to give committee substitute for HB 880 a favorable report, unfavorable to original bill. Motion carried.

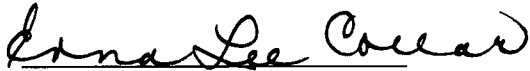
HB 900 – GATES COUNTY FIRE PROTECTION. Rep. Hunter explained HB 900 is a local bill that would allow Gates County to impose a fee for fire protection services. The fee must not exceed the cost of providing those services, and the fee may be billed, made payable, and collected if delinquent, in the same manner as property taxes. Delinquent fees may be a lien on the real property on the bill that includes the fee.

Rep. McAllister made a motion to give HB 900 a favorable report and be re-referred to Finance.

There being no further business, the meeting adjourned at 11:50 A.M.

Respectfully submitted,


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

H.B. 846 A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF FARMVILLE
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)

2/24/99



BILL ANALYSIS

Committee: Local Government II
Date: April 23, 1999
Version: See Below

Introduced by: See Below
Summary by: Esther Manheimer
Committee Counsel

House Bill 846: Farmville ETJ

Version: Proposed Committee Substitute (H846-PCSSK-001)

Sponsor: Representative Warren

Bill Analysis: House Bill 846 is a local bill that would allow the Town of Farmville to exercise its ETJ up to two mile beyond the town limits. Under current law, Farmville may have an ETJ of up to one mile beyond the town limits.

This act is effective when it becomes law.

House Bill 847: Pitt County Investments

Version: Proposed Committee Substitute (H847-PCSSK-001)

Sponsor: Representative Warren

Bill Analysis: House Bill 847 is a local bill that would allow Pitt County to invest Pitt County Memorial Hospital funds in securities and other investments authorized under G.S. 147-69.2. Under current law, the County must invest these funds under G.S. 159-30. G.S. 147-69.2 is the statute that mandates how funds such as the State retirement system funds must be invested.

This act is effective when it becomes law.

House Bill 855: Kings Mountain ETJ

Version: First Edition

Sponsor: Representative Horn

Bill Analysis: House Bill 855 is a local bill that would allow the Town of Kings Mountain to exercise its ETJ up to two mile beyond the town limits. Under current law, Kings Mountain may have an ETJ of up to one mile beyond the town limits.

This act is effective when it becomes law.

House Bill 870: Magist. Accept Waiver/Vehicle Viol

Version: First Edition

Sponsor: Representative Owens

Bill Analysis: House Bill 870 is a **PUBLIC** bill that would expand the areas in which magistrates have power. Under current law, magistrates have power in numerous types of misdemeanor and infraction cases including traffic offenses, cases involving alcohol, hunting, and fishing offenses, etc. House Bill 870 would expand magistrates' power to include misdemeanor cases involving the violation of a county ordinance regulating the use of vehicles on beaches, and allow magistrates to carry out various court procedures associated with these misdemeanor cases. **This act is effective when it becomes law.**

House Bill 880: Alamance Bid Process/Capital Proj.

Version: First Edition

Sponsor: Representatives Allred and Teague

Bill Analysis: House Bill 880 is a local bill that would allow Alamance County, municipalities in Alamance County, and local school administrative units in Alamance County, to award contracts where at least two competitive bids are received and where the total cost of construction is \$500,000 dollars or less.

This act is effective July 1, 1999, and applies to project advertised on or after that date.

House Bill 886: Durham Fireworks-2

Version: First Edition

Sponsor: Representative Luebke

Bill Analysis: Under current law, the Durham City Council has the authority to give written permission for the exhibition, use, or discharge of fireworks. House Bill 886 is a local bill that would allow the Durham City Council to delegate this authority to the Durham City Fire Department. **This act is effective when it becomes law.**

House Bill 900: Gates County Fire Protection

Version: First Edition

Sponsor: Representative Hunter

Bill Analysis: House Bill 900 is a local bill that would allow Gates County to impose a fee for fire protection services. The fee must not exceed the cost of providing those services, and the fee may be billed, made payable, and collected if delinquent, in the same manner as property taxes. Delinquent fees may be a lien on the real property on the bill that includes the fee.

This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 846
Proposed Committee Substitute H846-PCS1233-SK

Short Title: Farmville Extraterritorial Jurisdiction.

(Local)

Sponsors:

Referred to:

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING THE TOWN OF FARMVILLE TO EXERCISE
3 EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO
4 MILES FROM ITS LIMITS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Notwithstanding G.S. 160A-360(a), the Town of Farmville
7 may exercise the powers granted in Article 19 of Chapter 160A of the General
8 Statutes over an area extending not more than two miles beyond its limits with the
9 approval of the Board of County Commissioners as to the specific area within the
10 additional territory.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 846

Proposed Committee Substitute: H846-PCSSK-001
Attention: line numbers may change after adoption.

Short Title: Farmville Extraterritorial Jurisdiction. (Local)

Sponsors:

Referred to:

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING THE TOWN OF FARMVILLE TO EXERCISE
3 EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES
4 FROM ITS LIMITS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Notwithstanding G.S. 160A-360(a), the Town
7 of Farmville may exercise the powers granted in Article 19 of
8 Chapter 160A of the General Statutes over an area extending not
9 more than two miles beyond its limits with the approval of the
10 Board of County Commissioners as to the specific area within the
11 additional territory.
12 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) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 847 A BILL TO BE ENTITLED AN ACT RELATING TO THE INVESTMENT OF
CERTAIN FUNDS BY PITT 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 847

Short Title: Pitt County Investments.

(Local)

Sponsors: Representative Warren.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE INVESTMENT OF CERTAIN FUNDS BY PITT
3 COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Notwithstanding the provisions of G.S. 159-30, the County of
6 Pitt may invest and reinvest in equity assets funds received from the transfer of Pitt
7 County Memorial Hospital for the purpose of providing long-term growth of capital
8 with reasonable safety of principal. The County may invest the monies in United
9 States large and small capitalization equity securities and in international equity
10 securities. The County shall strive to keep the investments well diversified with
11 regard to sector, industry, and individual securities. The County may invest the
12 monies in individual securities, pooled asset portfolios, commingled trusts, and
13 mutual funds.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 847

Proposed Committee Substitute: H847-PCSSK-001
Attention: line numbers may change after adoption.

Short Title: Pitt County Investments.

(Local)

Sponsors:

Referred to:

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE INVESTMENT OF CERTAIN FUNDS BY PITT
3 COUNTY.
4 The General Assembly of North Carolina enacts:
5 Section 1. Notwithstanding the provisions of G.S. 159-
6 30, the County of Pitt may invest and reinvest equity assets
7 funds received from the transfer of Pitt County Memorial Hospital
8 in one or more of the types of securities or other investments
9 authorized by State law for the State Treasurer in G.S. 147-69.2
10 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) **Jarrell** for the Committee on **Local Government II.**

- ☐ Committee Substitute for
H.B. 855 A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF KINGS
MOUNTAIN WITH THE APPROVAL OF THE CLEVELAND AND GASTON COUNTY
BOARDS OF COMMISSIONERS TO EXERCISE EXTRATERRITORIAL
JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM THE TOWN'S
CORPORATE 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)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 855

Short Title: Kings Mountain ETJ.

(Local)

Sponsors: Representative Horn.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED

2 AN ACT ALLOWING THE TOWN OF KINGS MOUNTAIN WITH THE
3 APPROVAL OF THE CLEVELAND AND GASTON COUNTY BOARDS OF
4 COMMISSIONERS TO EXERCISE EXTRATERRITORIAL JURISDICTION
5 OVER AN AREA EXTENDING TWO MILES FROM THE TOWN'S
6 CORPORATE LIMITS.

7 The General Assembly of North Carolina enacts:

8 Section 1. Notwithstanding G.S. 160A-360(a), the Town of Kings
9 Mountain may, with the approval of the Cleveland and Gaston County Boards of
10 Commissioners, exercise the powers granted in Article 19 of Chapter 160A of the
11 General Statutes within a defined area and within Cleveland County and Gaston
12 County extending not more than two miles beyond the Town's corporate limits. The
13 exercise of powers under this act shall be subject to the provisions of G.S. 160A-360.

14 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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

☐ Committee Substitute for

H.B. 867 A BILL TO BE ENTITLED AN ACT EXEMPTING THE CITY OF WILSON
FROM THE SATELLITE ANNEXATION REQUIREMENT.

☐ 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 867

Short Title: Wilson Annexations.

(Local)

Sponsors: Representative Fitch.

Referred to: Local Government II.

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT EXEMPTING THE CITY OF WILSON FROM THE SATELLITE
3 ANNEXATION REQUIREMENTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Part 4 of Article 4A of Chapter 160A of the General Statutes
6 shall not apply to the City of Wilson.
7 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 867

Proposed Committee Substitute H867-PCS3376-SK

Short Title: Wilson Annexations.

(Local)

Sponsors:

Referred to:

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT EXEMPTING THE CITY OF WILSON FROM CERTAIN SATELLITE
3 ANNEXATION REQUIREMENTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 160A-58.1(b) shall not apply to the City of Wilson.
6 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 867

Proposed Committee Substitute: H867-PCSSK-001

Attention: line numbers may change after adoption.

Short Title: Wilson Annexations.

(Local)

Sponsors:

Referred to:

April 1, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT EXEMPTING THE CITY OF WILSON FROM CERTAIN SATELLITE
3 ANNEXATION REQUIREMENTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 160A-58.1(b) shall not apply to the
6 City of Wilson.
7 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) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 870 A BILL TO BE ENTITLED AN ACT TO ALLOW MAGISTRATES TO
ACCEPT WAIVERS AND ENTER JUDGMENT IN CERTAIN CASES INVOLVING
REGULATION OF THE USE OF MOTOR VEHICLES ON BEACHES.

☒ 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 870

Short Title: Magist. Accept Waiver/Vehicle Viol.

(Public)

Sponsors: Representative Owens.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW MAGISTRATES TO ACCEPT WAIVERS AND ENTER
3 JUDGMENT IN CERTAIN CASES INVOLVING REGULATION OF THE USE
4 OF MOTOR VEHICLES ON BEACHES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 7A-273 is amended by adding a new subdivision to read:
7 "(2a) In misdemeanor cases involving the violation of a county
8 ordinance authorized by law regulating the use of dune or beach
9 buggies or other power-driven vehicles specified by the governing
10 body of the county on the foreshore, beach strand, or the barrier
11 dune system, to accept written appearances, waivers of trial or
12 hearing, and pleas of guilty or admissions of responsibility, in
13 accordance with the schedule of offenses and fines or penalties
14 promulgated by the Conference of Chief District Court Judges
15 pursuant to G.S. 7A-148, and in such cases, to enter judgment and
16 collect the fines or penalties and costs;".
17 Section 2. G.S. 7A-148(a) reads as rewritten:
18 "(a) The chief district judges of the various district court districts shall meet at
19 least once a year upon call of the Chief Justice of the Supreme Court to discuss
20 mutual problems affecting the courts and the improvement of court operations, to
21 prepare and adopt uniform schedules of offenses for the types of offenses specified in
22 G.S. 7A-273(2) and G.S. 7A-273(2a) for which magistrates and clerks of court may
23 accept written appearances, waivers of trial or hearing and pleas of guilty or
24 admissions of responsibility, and establish a schedule of penalties or fines therefor,

1 and to take such further action as may be found practicable and desirable to promote
2 the uniform administration of justice."

3 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) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 880 A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COMPETITIVE BID PROCESS IN ALAMANCE COUNTY FOR CITY, COUNTY, AND PUBLIC SCHOOL PROJECTS OF FIVE HUNDRED THOUSAND DOLLARS OR LESS.

☐ 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 880

Short Title: Alamance Bid Process/Capital Proj.

(Local)

Sponsors: Representatives Allred and Teague (Primary Sponsors).

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO SIMPLIFY THE COMPETITIVE BID PROCESS IN ALAMANCE
3 COUNTY FOR CITY, COUNTY, AND PUBLIC SCHOOL PROJECTS OF
4 FIVE HUNDRED THOUSAND DOLLARS OR LESS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 143-132 reads as rewritten:
7 "§ 143-132. Minimum number of bids for public contracts.
8 (a) ~~No Except as provided in subsection (b1) of this section, no~~ contract to which
9 G.S. 143-129 applies for construction or repairs shall be awarded by any board or
10 governing body of the State, or any subdivision thereof, unless at least three
11 competitive bids have been received from reputable and qualified contractors
12 regularly engaged in their respective lines of endeavor; however, this section shall not
13 apply to contracts which are negotiated as provided for in G.S. 143-129. Provided
14 that if after advertisement for bids as required by G.S. 143-129, not as many as three
15 competitive bids have been received from reputable and qualified contractors
16 regularly engaged in their respective lines of endeavor, said board or governing body
17 of the State agency or of a county, city, town or other subdivision of the State shall
18 again advertise for bids; and if as a result of such second advertisement, not as many
19 as three competitive bids from reputable and qualified contractors are received, such
20 board or governing body may then let the contract to the lowest responsible bidder
21 submitting a bid for such project, even though only one bid is received.
22 (b) For purposes of contracts bid in the alternative between the separate-prime
23 and single-prime contracts, pursuant to G.S. 143-128(c) or (d), each single-prime bid
24 shall constitute a competitive bid in each of the four subdivisions or branches of work

1 listed in G.S. 143-128(a), and each full set of separate-prime bids shall constitute a
2 competitive single-prime bid in meeting the requirements of subsection (a) of this
3 section. If there are at least three single-prime bids but there is not at least one full
4 set of separate-prime bids, no separate-prime bids shall be opened.

5 (b1) When the entire cost of construction or repairs is five hundred thousand
6 dollars (\$500,000) or less, a county, city, as defined in G.S. 160A-1(2), or local school
7 administrative unit may award a contract if at least two competitive bids have been
8 received from reputable and qualified contractors regularly engaged in their
9 respective lines of endeavor. If after advertisement for bids as required by G.S. 143-
10 129, fewer than two such competitive bids have been received, the governing body of
11 the county, city, or local board of education shall again advertise for bids. If as a
12 result of the second advertisement, only one such competitive bid is received from a
13 responsible bidder, the governing body may let the contract to that bidder.

14 For purposes of contracts bid in the alternative between the separate-prime and
15 single-prime contracts, pursuant to G.S. 143-128(c) or (d), each single-prime bid shall
16 constitute a competitive bid in each of the four subdivisions or branches of work
17 listed in G.S. 143-128(a), and each full set of separate-prime bids shall constitute a
18 competitive single-prime bid in meeting the requirements of this subsection. If there
19 are at least two single-prime bids but there is not at least one full set of separate-
20 prime bids, no separate-prime bids shall be opened.

21 (c) The State Building Commission shall develop guidelines no later than January
22 1, 1991, governing the opening of bids pursuant to this Article. These guidelines shall
23 be distributed to all public bodies subject to this Article. The guidelines shall not be
24 subject to the provisions of Chapter 150B of the General Statutes."

25 Section 2. This act applies only to Alamance County and to
26 municipalities and local school administrative units within Alamance County.

27 Section 3. This act becomes effective July 1, 1999, and applies to projects
28 advertised on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 880
Proposed Committee Substitute H880-PCS1233-SK

Short Title: Alamance Bid Process/Capital Proj.

(Local)

Sponsors:

Referred to:

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO SIMPLIFY THE COMPETITIVE BID PROCESS IN ALAMANCE
3 COUNTY FOR CITY, COUNTY, AND PUBLIC SCHOOL PROJECTS OF
4 FIVE HUNDRED THOUSAND DOLLARS OR LESS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 143-132 reads as rewritten:
7 "§ 143-132. Minimum number of bids for public contracts.
8 (a) ~~No~~ Except as provided in subsection (b1) of this section, no contract to which
9 G.S. 143-129 applies for construction or repairs shall be awarded by any board or
10 governing body of the State, or any subdivision thereof, unless at least three
11 competitive bids have been received from reputable and qualified contractors
12 regularly engaged in their respective lines of endeavor; however, this section shall not
13 apply to contracts which are negotiated as provided for in G.S. 143-129. Provided
14 that if after advertisement for bids as required by G.S. 143-129, not as many as three
15 competitive bids have been received from reputable and qualified contractors
16 regularly engaged in their respective lines of endeavor, said board or governing body
17 of the State agency or of a county, city, town or other subdivision of the State shall
18 again advertise for bids; and if as a result of such second advertisement, not as many
19 as three competitive bids from reputable and qualified contractors are received, such
20 board or governing body may then let the contract to the lowest responsible bidder
21 submitting a bid for such project, even though only one bid is received.
22 (b) For purposes of contracts bid in the alternative between the separate-prime
23 and single-prime contracts, pursuant to G.S. 143-128(c) or (d), each single-prime bid

1 shall constitute a competitive bid in each of the four subdivisions or branches of work
2 listed in G.S. 143-128(a), and each full set of separate-prime bids shall constitute a
3 competitive single-prime bid in meeting the requirements of subsection (a) of this
4 section. If there are at least three single-prime bids but there is not at least one full
5 set of separate-prime bids, no separate-prime bids shall be opened.

6 (b1) When the entire cost of construction or repairs is five hundred thousand
7 dollars (\$500,000) or less, a county, city, as defined in G.S. 160A-1(2), or local school
8 administrative unit may award a contract if at least two competitive bids have been
9 received from reputable and qualified contractors regularly engaged in their
10 respective lines of endeavor. If after advertisement for bids as required by G.S. 143-
11 129, fewer than two such competitive bids have been received, the governing body of
12 the county, city, or local board of education shall again advertise for bids. If, as a
13 result of the second advertisement, only one such competitive bid is received from a
14 responsible bidder, the governing body may let the contract to that bidder.

15 For purposes of contracts bid in the alternative between the separate-prime and
16 single-prime contracts, pursuant to G.S. 143-128(c) or (d), each single-prime bid shall
17 constitute a competitive bid in each of the four subdivisions or branches of work
18 listed in G.S. 143-128(a), and each full set of separate-prime bids shall constitute a
19 competitive single-prime bid in meeting the requirements of this subsection. For
20 purposes of this subsection, a single-prime bid and a full set of separate-prime bids
21 made by the same contractor shall constitute only one competitive bid. If there are at
22 least two single-prime bids but there is not at least one full set of separate-prime bids,
23 no separate-prime bids shall be opened.

24 (c) The State Building Commission shall develop guidelines no later than January
25 1, 1991, governing the opening of bids pursuant to this Article. These guidelines shall
26 be distributed to all public bodies subject to this Article. The guidelines shall not be
27 subject to the provisions of Chapter 150B of the General Statutes."

28 Section 2. This act applies only to Alamance, Beaufort, Currituck,
29 Camden, Pasquotank, and Perquimans County and to municipalities and local school
30 administrative units within those counties.

31 Section 3. This act becomes effective July 1, 1999, and applies to projects
32 advertised on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. ~~80~~ First

H. B. No. 880

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) Owens
Sen.)

1 moves to amend the bill on page 3, line 1

2 () WHICH CHANGES THE TITLE

3 by rewriting that line to read:

4 "Section 2. This act applies only to
5 Alamance, Curritock, Camden, Pasquotank,
6 Pergumans, ^{and} Beaufort ^{County} ~~Countries~~ land";

8 on page 3, line 3 by rewriting
9 that line to read:

10 "Alamance, Curritock, Camden, Pasquotank,
11 Pergumans, and Beaufort ^{County} ~~Countries~~."

SIGNED W. C. Owens Jr

ADOPTED _____ FAILED _____ TABLED _____

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

H.B. 900 A BILL TO BE ENTITLED AN ACT ALLOWING GATES COUNTY TO
IMPOSE FEES FOR FIRE PROTECTION SERVICES.

☐ 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 900

Short Title: Gates County Fire Protection.

(Local)

Sponsors: Representative Hunter.

Referred to: Local Government II.

April 1, 1999

1 A BILL TO BE ENTITLED

2 AN ACT ALLOWING GATES COUNTY TO IMPOSE FEES FOR FIRE
3 PROTECTION SERVICES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 11 of Chapter 153A of the General Statutes is
6 amended by adding a new section to read:

7 "**§ 153A-236.1. County fire protection fees.**

8 (a) The board of county commissioners of a county may by ordinance impose a
9 fee for the availability and use of fire protection services within the county. The fee
10 imposed by the county shall not exceed the cost of providing the fire protection
11 services.

12 (b) A county may adopt an ordinance providing that any fee imposed under
13 subsection (a) of this section may be billed with property taxes, may be payable in the
14 same manner as property taxes, and, in the case of nonpayment, may be collected in
15 any manner by which delinquent personal or real property taxes can be collected. If
16 an ordinance states that delinquent fees can be collected in the same manner as
17 delinquent real property taxes, the fees are a lien on the real property described on
18 the bill that includes the fee."

19 Section 2. This act applies to Gates County only.

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

VISITOR REGISTRATION SHEET

LOCAL GOV'T II
Name of Committee

4/23/99

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

John Phelps

NCLM

LISA REYES

THE INSIDER

W. Rega

N. C. A. C. C.

Tim KENT

American Institute of Architects

Lebbie Turner

Rep Sexton's office

Bob Locum

NC Forestry School

B1/1 Nirbaly

House

MINUTES

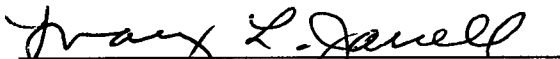
HOUSE COMMITTEE ON LOCAL GOVERNMENT II

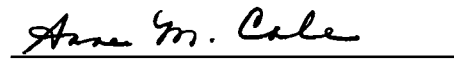
April 26, 1999

The House Committee on Local Government II met around the chamber desk of Representative Jarrell, committee chair, immediately after the adjournment of the House session on Monday, April 26, 1999. The chair called the meeting to order and the following members were present: Representatives Barbee, Capps, Haire, Hurley, Warren and Gene Wilson.

Representative Jarrell announced that the purpose of the meeting was to consider committee substitute for House Bill 419. A proposed committee substitute was offered and Representative Hurley moved for its adoption for committee discussion. Motion carried. Esther Manheimer, committee staff, was recognized to explain the committee substitute that removes a certain track of property from the corporate limits of the City of Mount Airy. There being no objection, Representative Capps moved for a favorable report as to committee substitute #2 for House Bill 419, unfavorable as to committee substitute #1. Motion carried.

There being no further business, the meeting adjourned.


Representative Mary L. Jarrell
Committee Chair


Anne M. Cole
Acting Committee Assistant

Attachments:
Committee report
Committee substitute #2 for HB 419

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II**.

☒ Committee Substitute for

H.B. 419 A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE
ANNEXATION AND REMOVING A CERTAIN TRACT OF PROPERTY FROM THE
CORPORATE LIMITS OF THE CITY OF MOUNT AIRY.

- ☐ 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 (original bill) (Committee Substitute Bill # 1), ~~(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 419

Committee Substitute Reported Without Prejudice 4/21/99
Proposed Committee Substitute H419-PCS3381-SK

Short Title: Mount Airy Satellite Annexation.

(Local)

Sponsors:

Referred to:

March 11, 1999

1 A BILL TO BE ENTITLED

2 AN ACT CONCERNING SATELLITE ANNEXATION AND REMOVING A
3 CERTAIN TRACT OF PROPERTY FROM THE CORPORATE LIMITS OF
4 THE CITY OF MOUNT AIRY.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 160A-58.1(b)(5) does not apply to the City of Mount
7 Airy.

8 Section 2. The following described property is removed from the
9 corporate limits of the City of Mount Airy:

10 BEING a 25.954 Acre tract of land recorded in Plat Book 14 Page 98 of the Surry
11 County Register of Deeds. Said plat is entitled "The City of Mount Airy Annexation
12 of May 15, 1997 Index # AX93" and was surveyed by Owen Lee Osborne,
13 Registered Land Surveyor, license number 3295. Property is shown as parcel 7162 on
14 map 5919 of the Surry County Tax Maps.

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

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING**

May 5, 1999

11:00 A.M.

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

SB 299 CABARRUS/CONCORD FORCE ACCT. INCR. (Sen. Hartsell)

SB 433 PINEBLUFF ETJ (Sen. Lee)

SB 625 DURHAM PRIVILEGE LICENSE TECHNICAL (Sen. Lucas)

SB 626 DURHAM FIREWORKS (Sen. Lucas)

SB 627 DURHAM CITY CONTRACT EXECUTION (Sen. Lucas)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
May 5, 1999

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, May 5, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell; Chair; Representatives Capps, Haire, Owens, Smith, Warren and G. Wilson. Also in attendance was Esther Manheimer, committee counselor. A Visitor registration sheet is attached and made part of the minutes.

Representative Jarrell, Chair, called the meeting to consider the following bills:

SB 299 – CABARRUS/CONCORD FORCE ACCT. INCR. Senator Hartsell, sponsor, was recognized to explain this bill which is a local bill that would allow Cabarrus County and the City of Concord to raise the \$125,000 threshold to \$300,000. Representative Smith made a motion to give SB 299 a favorable report. Motion carried.

SB 433 - PINEBLUFF ETJ. Senator Lee, sponsor, was recognized to explain that SB 433 is a local bill that would allow the Town of Pinebluff to exercise its ETJ up to two miles beyond the town limits. Representative Warren made a motion to give SB 433 a favorable report and the motion carried.

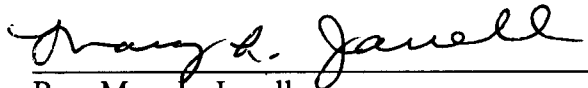
SB 625 – DURHAM PRIVILEGE LICENSE TECHNICAL. Representative W. Gulley explained this local bill that would repeal Section 47 of the Durham City Charter which states that the license year for “privilege license taxes” must begin on June first of every year. Representative made a motion to give SB 625 a favorable report and be re-referred to Finance. Motion carried.

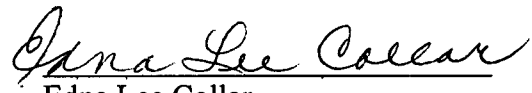
SB 626 – DURHAM FIREWORKS. Senator W. Gulley was recognized to explain that SB 626 is a local bill that would allow the Durham City Council to delegate the authority to give written permission for the exhibition, use or discharge of fireworks to the Durham City Fire Department. Representative G. Wilson moved to adopt proposed committee substitute. Favorable motion to House committee substitute, unfavorable to original bill, was made by Representative Capps.

SB 627 – DURHAM CITY CONTRACT EXECUTION. Senator W. Gulley was recognized to explain that SB 627 is a local bill that would allow the Durham City Council to allow the City Manager to authorize assistant city managers and deputy city managers to execute contracts on behalf of the City. Representative Capps made a motion to give SB 627 a favorable report and motion carried.

There being no further business, the meeting adjourned.

Respectfully submitted:


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government ii**.

☐ Committee Substitute for

S.B. 299 A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT
LIMIT FOR CABARRUS COUNTY AND THE CITY OF CONCORD.

☒ 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 299

Short Title: Cabarrus/Concord Force Acct. Incr.

(Local)

Sponsors: Senator Hartsell.

Referred to: State and Local Government.

March 9, 1999

1

A BILL TO BE ENTITLED

2

AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR CABARRUS
COUNTY AND THE CITY OF CONCORD.

3

4 The General Assembly of North Carolina enacts:

5

Section 1. G.S. 143-135 reads as rewritten:

6

"§ 143-135. Limitation of application of Article.

7

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)~~ three hundred
thousand dollars (\$300,000) or the total cost of labor on the project does not exceed
fifty thousand dollars (\$50,000). This force account work shall be subject to the
approval of the Director of the Budget in the case of State agencies, of the
responsible commission, council, or board in the case of subdivisions of the State.
Complete and accurate records of the entire cost of such work, including without
limitation, all direct and indirect costs of labor, services, materials, supplies and
equipment performed and furnished in the prosecution and completion thereof, shall
be maintained by such agency, commission, council or board for the inspection by the
general public. Construction or repair work undertaken pursuant to this section shall
not be divided for the purposes of evading the provisions of this Article."

24

1 Section 2. This act applies only to Cabarrus County and the City of
2 Concord.
3 Section 3. This act is effective when it becomes law and expires June 30,
4 2000.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

S.B. 433 A BILL TO BE ENTITLED AN ACT RELATING TO THE EXERCISE OF
EXTRATERRITORIAL JURISDICTION BY THE TOWN OF PINEBLUFF.

☒ 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 433

Short Title: Pinebluff ETJ.

(Local)

Sponsors: Senators Lee; and Kinnaird.

Referred to: Finance.

March 22, 1999

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE EXERCISE OF EXTRATERRITORIAL
3 JURISDICTION BY THE TOWN OF PINEBLUFF.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 160A-360(a) reads as rewritten:

6 "(a) All of the powers granted by this Article may be exercised by any city within
7 its corporate limits. In addition, any city may exercise these powers within a defined
8 area extending not more than one mile beyond its limits. With the approval of the
9 board or boards of county commissioners with jurisdiction over the area, a city of
10 10,000 or more population but less than 25,000 may exercise these powers over an
11 area extending not more than two miles beyond its limits and a city of 25,000 or more
12 population may exercise these powers over an area extending not more than three
13 miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall
14 be the same for all powers conferred in this Article. No city may exercise
15 extraterritorially any power conferred by this Article that it is not exercising within its
16 corporate limits. In determining the population of a city for the purposes of this
17 Article, the city council and the board of county commissioners may use the most
18 recent annual estimate of population as certified by the Secretary of the North
19 Carolina Department of Administration. The Town of Pinebluff may exercise the
20 powers granted by this Article for a distance not more than two miles beyond its
21 corporate limits, without regard to the population limit of this section."

22 Section 2. G.S. 160A-360(f) reads as rewritten:

23 "(f) When a city annexes, or a new city is incorporated in, or a city extends its
24 jurisdiction to include, an area that is currently being regulated by the county, the

1 county regulations and powers of enforcement shall remain in effect until (i) the city
2 has adopted such regulations, or (ii) a period of 60 days has elapsed following the
3 annexation, extension or incorporation, whichever is sooner. During this period the
4 city may hold hearings and take any other measures that may be required in order to
5 adopt its regulations for the area. When the Town of Pinebluff annexes any area
6 outside its corporate limits thus extending the area over which it would be allowed
7 under subsection (a) of this section to exercise the powers granted by this Article,
8 upon presenting proper evidence to the County Board of Commissioners that the
9 annexation has been accomplished, the County Board of Commissioners shall adopt a
10 resolution authorizing the Town to exercise these powers within the extended area
11 thus described."

12 Section 3. This act applies to the Town of Pinebluff only.

13 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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

S.B. 625 A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE SECTION
OF THE CHARTER OF THE CITY OF DURHAM 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)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 625

Short Title: Durham Privilege License Technical.

(Local)

Sponsors: Senators Lucas; and Gulley.

Referred to: State and Local Government.

March 30, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL AN OBSOLETE SECTION OF THE CHARTER OF THE
3 CITY OF DURHAM REGARDING THE PRIVILEGE LICENSE TAX YEAR.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 47 of the Charter of the City of Durham, being
6 Chapter 671 of the 1975 Session Laws, is repealed.
7 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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

S.B. 626 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE TO CITY DEPARTMENTS THE AUTHORITY TO APPROVE FIREWORKS DISPLAYS.

☐ 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

S

2

SENATE BILL 626
Second Edition Engrossed 4/14/99

Short Title: Durham Fireworks.

(Local)

Sponsors: Senators Lucas; and Gulley.

Referred to: State and Local Government.

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE TO
3 CITY DEPARTMENTS THE AUTHORITY TO APPROVE FIREWORKS
4 DISPLAYS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 60 of the Charter of the City of Durham, being
7 Chapter 671 of the 1975 Session Laws, reads as rewritten:

8 "Sec. 60. **Fireworks and Firearms.** -- The City Council ~~shall have power to~~ may
9 regulate or prevent the firing of firearms, fireworks, and all explosives or combustible
10 or dangerous material in the streets, public grounds or elsewhere, within or near the
11 City.

12 Fireworks may be exhibited, used or discharged at public exhibitions, such as fairs,
13 carnivals, shows of all descriptions and public celebrations, only after written
14 permission has been obtained from the ~~City Council.~~ City. The City Council may
15 delegate authority to grant such permission to the city fire department."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 626
Second Edition Engrossed 4/14/99
Proposed House Committee Substitute S626-PCS3811-SK

Short Title: Durham Fireworks.

(Local)

Sponsors:

Referred to:

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE TO
3 THE CITY FIRE DEPARTMENT THE AUTHORITY TO APPROVE
4 FIREWORKS DISPLAYS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 60 of the Charter of the City of Durham, being
7 Chapter 671 of the 1975 Session Laws, reads as rewritten:
8 "Sec. 60. **Fireworks and Firearms.** -- The City Council ~~shall have power to~~ may
9 regulate or prevent the firing of firearms, fireworks, and all explosives or combustible
10 or dangerous material in the streets, public grounds or elsewhere, within or near the
11 City.
12 Fireworks may be exhibited, used or discharged at public exhibitions, such as fairs,
13 carnivals, shows of all descriptions and public celebrations, only after written
14 permission has been obtained from the ~~City Council.~~ City. The City Council may
15 delegate authority to grant such permission to the city fire department."
16 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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for
S.B. 627 A BILL TO BE ENTITLED AN ACT TO PERMIT THE DURHAM CITY
COUNCIL TO AUTHORIZE DEPUTY AND ASSISTANT CITY MANAGERS TO MAKE
AND 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)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 627

Short Title: Durham City Contract Execution.

(Local)

Sponsors: Senators Lucas; and Gulley.

Referred to: State and Local Government.

March 30, 1999

A BILL TO BE ENTITLED

1
2 AN ACT TO PERMIT THE DURHAM CITY COUNCIL TO AUTHORIZE
3 DEPUTY AND ASSISTANT CITY MANAGERS TO MAKE AND EXECUTE
4 CONTRACTS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 17 of the Charter of the City of Durham, being
7 Chapter 671, Session Laws of 1975, as amended by Chapter 1249, Session Laws of
8 1979, Chapter 694, Session Laws of 1981, and Chapters 532 and 617, Session Laws of
9 1991, and as rewritten by Chapter 121 of the 1993 Session Laws, reads as rewritten:

10 "Sec. 17. **Powers and Duties of the City Manager.** -- (a) The City Manager shall be
11 responsible to the City Council for the efficient administration of all the affairs of the
12 City under his direction and control. It shall be his duty to attend all meetings of the
13 City Council, with the right to take part in the discussion, but without a vote. He
14 shall be entitled to notice of all special meetings. He shall recommend to the City
15 Council from time to time such measures as he shall deem necessary, and shall
16 furnish the City Council with necessary information respecting any of the
17 departments of the City under his direction and control. The City Manager shall not
18 be personally interested in any contract in which the City is a party for supplying the
19 City materials of any kind.

20 The City Manager shall have power, and it shall be his duty, to see that the laws
21 and ordinances of the City are enforced.

22 He shall have power and authority to revoke licenses, pending action by the City
23 Council.

1 (b) Except as otherwise provided in this Charter, the City Manager shall have
2 power to appoint and remove all heads of departments and all subordinate officers
3 and employees of the City. He shall, except when clearly inconsistent with the
4 provisions of this Charter, exercise supervision and control over all departments and
5 divisions created herein, or that hereafter may be created by the City Council. He
6 shall see that all terms and conditions imposed in favor of the City or its inhabitants
7 in any public utility franchise are faithfully kept and performed, and upon knowledge
8 of any violation thereof, he shall call the attention of the City Council and the City
9 Attorney to the same. He shall make and execute all contracts on behalf of the City
10 in such manner as is authorized or provided by resolutions or ordinances passed by
11 the City Council. The City Council may, on such terms as it deems proper, allow the
12 City Manager to authorize one or more assistant city managers and deputy city
13 managers to make and execute such contracts. He shall prepare and submit to the
14 City Council a proposed annual budget, after receiving estimates made by the heads
15 or directors of departments or by any board officer, or commissioner not within a
16 department. He shall keep the City Council at all times advised as to the financial
17 needs and condition of the City. He shall from time to time make oral and written
18 reports to the City Council of the condition and efficiency of the various departments
19 of the City government under his direction and control. The Council may in its
20 discretion cause such written reports to be published for the information of citizens.
21 The City Manager shall perform such other duties as may be prescribed by this
22 Charter, or be required of him by ordinance or resolution of the City Council.

23 (c) The City Manager shall not engage in political campaigns for elective office,
24 nor attempt to influence the result of such campaigns, except by exercising his right
25 to vote. Improper campaign activity as described herein by the City Manager shall be
26 a cause for his immediate suspension or removal from office.

27 (d) The City Council may delegate authority to the City Manager to purchase real
28 property or any interest in real property, provided:

- 29 (1) The money for the purchase of such real property or interest in
30 real property is available in the then current budget; and
31 (2) The City Manager, within 45 days following the purchase, shall
32 submit to the City Council a written report setting forth the names
33 of the persons from whom such property or property interest is
34 purchased, a general description of the property or interest in
35 property acquired, the purchase price paid therefor, and the
36 intended use of the property or interest in property.

37 (e) The City Council may authorize the City Manager to make, approve, award,
38 and execute any contract for the purchase of apparatus, supplies, materials, or
39 equipment and any contract for construction or repair work provided:

- 40 (1) The amount of the contract shall not exceed one hundred
41 thousand dollars (\$100,000);
42 (2) The City Manager shall, within 45 days of the award of such
43 contract, report such award to the City Council, provided however,

- 1 contracts in an amount less than an amount prescribed by the City
2 Council need not be reported;
3 (3) The City Manager shall comply with all applicable provisions of
4 Article 8 of Chapter 143 of the General Statutes, and of Section 84
5 of this Charter. The City Manager may take any action that the
6 City Council is required or authorized to take under Article 8 of
7 Chapter 143 of the General Statutes in making, approving,
8 awarding, or executing such contracts."
9 Section 2. This act is effective when it becomes law.



BILL ANALYSIS

Committee: Local Government II
Date: May 5, 1999
Version: See Below

Introduced by: See Below
Summary by: Esther Manheimer
Committee Counsel

Senate Bill 299 Cabarrus/Concord Force Acct. Incr.

First Edition

Sponsor: Senator Hartsell

Bill Analysis: Under current law, local governments are not required to comply with competitive bidding requirements for construction or repair work undertaken using the permanent work force of the unit if the project does not exceed \$125,000 for the total project. However, competitive bidding requirements must be complied with for the purchase of equipment, supplies, or materials purchased for use on the project. Senate Bill 299 is a local bill that would allow Cabarrus County and the City of Concord to raise the \$125,000 threshold to \$300,000.

Effective Date: This act is effective when it becomes law and expires on June 30, 2000. This bill does NOT need to go to Finance.

Senate Bill 433 Pinebluff ETJ

First Edition

Sponsors: Senators Lee and Kinnaird

Bill Analysis: Senate Bill 433 is a local bill that would allow the Town of Pinebluff to exercise its ETJ up to two mile beyond the town limits. Under current law, Pinebluff may have an ETJ of up to one mile beyond the town limits. In addition, the bill would require Moore County to adopt a resolution authorizing Pinebluff to exercise its ETJ powers in newly annexed areas. Under current law, no municipality may extend its ETJ powers into any area that the county has adopted and is enforcing a zoning ordinance, subdivision regulations, and the State Building Code. However, the municipality may extend its ETJ powers when the county is not exercising all three of these powers, or when the municipality and the county have agreed upon the area where each will exercise their powers.

Effective Date: This act is effective when it becomes law. This bill does NOT need to go to Finance.

Senate Bill 625 Durham Privilege License Technical

First Edition

Sponsors: Senators Lucas and Gulley

Bill Analysis: Senate Bill 625 is a local bill that would repeal Section 47 of the Durham City Charter. Section 47 states that the license year for "privilege license taxes" must begin on June first of every year. If Section 47 were to be repealed the default provision regarding the beginning date of the license year provided in the General Statutes would control.

Effective Date: This act is effective when it becomes law. This bill MUST go to Finance.

Senate Bill 626 Durham Fireworks

Proposed House Committee Substitute of the Second Edition: S626-PCSSK-001

Sponsors: Senators Lucas and Gulley

Bill Analysis: Under current law, the Durham City Council has the authority to give written permission for the exhibition, use, or discharge of fireworks. Senate Bill 626 is a local bill that would allow the Durham City Council to delegate this authority to the Durham City Fire Department.

Effective Date: This act is effective when it becomes law.
This bill does NOT need to go to Finance.

Senate Bill 627 Durham City Contract Execution

First Edition

Sponsors: Senators Lucas and Gulley

Bill Analysis: Senate Bill 627 is a local bill that would all the Durham City Council to allow the City Manager to authorize assistant city managers and deputy city managers to execute contracts on behalf of the City.

Effective Date: This act is effective when it becomes law.
This bill does NOT need to go to Finance.

VISITOR REGISTRATION SHEET

LOCAL GOV'T II 5/5/99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. C. Choon

NCAG

2. 96 David

INTERN

3. John Phelps

NCLM

~~4. Katherine~~

Electricities

5. Wh

NCGA

6. _____

7. _____

9

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15 _____

16

16. _____

17. _____

18. _____

19. _____

20. _____

21. _____

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING**

May 12, 1999

11:00 A.M.

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

**SB 652 AMBULANCE SERVICE FRAUD/DURHAM (Sen. Gulley)
SB 687 HICKORY FIREFIGHTERS' RETIREMENT FUND (Sen. Allran)
SB 709 MECKLENBURG SCHOOL ACQUISITION (Sen. Odom)
SB 719 DURHAM CITY DEVELOPMENT PLANS (Sen. Gulley)
SB 720 DURHAM ZONING NOTICES (Sen. Gulley)**

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
May 12, 1999

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, May 12, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Bonner, Vice Chair; Representatives Barbee, Capps, Haire, Owens, Smith, Warren, and G. Wilson. Representative Pete Cunningham, Ex-Officio, and Esther Manheimer, committee counselor, were also in attendance. A visitor registration sheet is attached as part of the minutes.

Representative Jarrell called the meeting to order to consider the following bills:

SB 687 Hickory Firefighters' Retirement Fund. Senator Allran, sponsor, was called on to explain this local bill that would amend the Supplemental Retirement Fund for Firefighters in the City of Hickory to limit eligibility for benefits to full-time paid firefighters. Senator Allran stated that the City of Hickory approves of this bill and he knows of no opposition to it. Several members recommended an amendment to the bill to assure that those who are already receiving benefits would continue to do so. Representative Haire offered an amendment and moved for its adoption. The motion carried. Representative Owens moved to incorporate the amendment into a committee substitute with a favorable report, unfavorable to original bill, and be re-referred to the Committee on Pensions and Retirement. Motion carried.

SB 652 Ambulance Service Fraud/Durham. Senator Gulley, sponsor, explained this bill that would make it a criminal offense in Durham to fraudulently obtain ambulance services. Representative Haire moved for a favorable report and the motion carried.

SB 719 Durham City Development Plans. Representative Gulley, sponsor, explained the bill that would amend the Charter of the City of Durham to allow the City Council to consider the limitations of uses included in a development plan submitted by an applicant for rezoning. Representative Owens offered an amendment and moved that it be adopted. The motion carried. He then made a motion to have the amendment rolled into a committee substitute with a favorable report and unfavorable report to original bill. The motion carried.

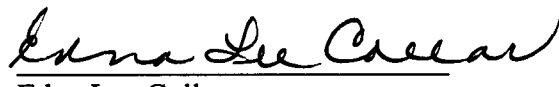
SB 720 Durham Zoning Notices. Representative Gulley, sponsor, explained that this bill would allow the City of Durham and Durham County to use alternate methods of service or process to provide notice of violations of ordinances adopted pursuant to Parts 1, 2, and 3 of Article 18 of Chapter 160A, which regards planning and regulation of development – specifically, subdivision regulation and zoning. Representative Haire made a motion to give SB 720 a favorable report and motion carried.

SB 709 Mecklenburg School Acquisition. Representative McMahan was present to explain this bill for Senator Odom, sponsor. This is a local bill that would allow Mecklenburg County, on behalf of the school board, to acquire property for use by the local school system, if requested by the school board and after a public hearing. Representative Haire made a motion to give the bill a favorable report. Motion carried.

There being no further business, the meeting adjourned at 10:40 a.m.

Respectfully submitted:


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT**.

☒ Committee Substitute for

S.B. 687 A BILL TO BE ENTITLED AN ACT TO AMEND THE SUPPLEMENTAL RETIREMENT FUND FOR FULL-TIME PAID FIREFIGHTERS IN THE CITY OF HICKORY.

☐ 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 Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Pensions and Retirement..

☐ 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

D

SENATE BILL 687

Pensions & Retirement and Aging Committee Substitute Adopted 4/14/99
Proposed Committee Substitute S687-PCS2767-SK

Short Title: Hickory Firefighters' Retirement Fund.

(Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE SUPPLEMENTAL RETIREMENT FUND FOR FULL-
3 TIME PAID FIREFIGHTERS IN THE CITY OF HICKORY.

4 Whereas, the provisions of Chapter 65 of the 1971 Session Laws, as
5 amended, provided a supplemental retirement fund for firemen in the City of
6 Hickory and modified the application of G.S. 58-84-25, 58-84-30, and 58-84-35 to the
7 City of Hickory; and

8 Whereas, since the creation of the supplemental pension fund there have
9 been substantial changes in circumstances that affect the integrity of that fund if
10 participation is not limited to a smaller class of persons than all firefighters; and

11 Whereas, there are no longer persons classified as "part-paid" or
12 "volunteer" who are eligible to participate in the fund; Now, therefore,
13 The General Assembly of North Carolina enacts:

14 Section 1. Section 3(a) of Chapter 65 of the 1971 Session Laws, as
15 amended by Chapter 407 of the 1981 Session Laws and Chapter 139 of the 1985
16 Session Laws, reads as rewritten:

17 "(a) Each City fireman, whether fully paid or part paid, who retired subsequent to
18 January 1, 1960, but before February 28, 1999, and each full-time paid firefighter who
19 retired on or after March 1, 1999, with 20 years or more service and has attained the
20 age of 55, or who had 30 years or more service regardless of age, which service
21 includes service in the United States Armed Service purchased into the North
22 Carolina Local Governmental Employees' Retirement System, shall be entitled to and

1 shall receive in each calendar year following the calendar year in which he retires an
2 annual supplemental retirement benefit, provided, in no event shall any retired
3 fireman be entitled to or receive in any year an annual benefit in excess of two
4 thousand four hundred dollars (\$2,400)."

5 Section 2. The provisions of this act shall not create a liability for the
6 Hickory Firemen's Supplemental Retirement Fund unless sufficient current assets are
7 available in the Fund to pay fully for the liability.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 687

Pensions & Retirement and Aging Committee Substitute Adopted 4/14/99

Short Title: Hickory Firefighters' Retirement Fund.

(Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE SUPPLEMENTAL RETIREMENT FUND FOR FULL-TIME PAID FIREFIGHTERS IN THE CITY OF HICKORY.

Whereas, the provisions of Chapter 65 of the 1971 Session Laws, as amended, provided a supplemental retirement fund for firemen in the City of Hickory and modified the application of G.S. 58-84-25, 58-84-30, and 58-84-35 to the City of Hickory; and

Whereas, since the creation of the supplemental pension fund there have been substantial changes in circumstances that affect the integrity of that fund if participation is not limited to a smaller class of persons than all firefighters; and

Whereas, there are no longer persons classified as "part-paid" or "volunteer" who are eligible to participate in the fund; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Subsection 3(a) of Chapter 65 of the 1971 Session Laws, as amended by Chapter 407 of the 1981 Session Laws and Chapter 139 of the 1985 Session Laws, reads as rewritten:

"(a) ~~Each City fireman, whether fully paid or part paid, who retired subsequent to January 1, 1960,~~ Each full-time paid firefighter who retired on or after March 1, 1999, with 20 years or more service and has attained the age of 55, or who had 30 years or more service regardless of age, which service includes service in the United States Armed Service purchased into the North Carolina Local Governmental Employees' Retirement System, shall be entitled to and shall receive in each calendar year following the calendar year in which he retires an annual supplemental

1 retirement benefit, provided, in no event shall any retired fireman be entitled to or
2 receive in any year an annual benefit in excess of two thousand four hundred dollars
3 (\$2,400)."

4 Section 2. The provisions of this act shall not create a liability for the
5 Hickory Firemen's Supplemental Retirement Fund unless sufficient current assets are
6 available in the Fund to pay fully for the liability.

7 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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

S.B. 652 A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE
IN DURHAM COUNTY TO FRAUDULENTLY OBTAIN AMBULANCE SERVICES.

☒ 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 652

Short Title: Ambulance Service Fraud/Durham.

(Local)

Sponsors: Senators Gulley; and Lucas.

Referred to: Judiciary I.

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT A CRIMINAL OFFENSE IN DURHAM COUNTY TO
3 FRAUDULENTLY OBTAIN AMBULANCE SERVICES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 14-111.2 reads as rewritten:

6 "**§ 14-111.2. Obtaining ambulance services without intending to pay therefor --**
7 **certain named counties.**

8 Any person who with intent to defraud shall obtain ambulance services without
9 intending at the time of obtaining such services to pay, if financially able, any
10 reasonable charges therefor shall be guilty of a Class 2 misdemeanor. A
11 determination by the court that the recipient of such services has willfully failed to
12 pay for the services rendered for a period of 90 days after request for payment, and
13 that the recipient is financially able to do so, shall raise a presumption that the
14 recipient at the time of obtaining the services intended to defraud the provider of the
15 services and did not intend to pay for the services.

16 The section shall apply to Anson, Ashe, Beaufort, Caldwell, Caswell, Catawba,
17 Chatham, Cherokee, Clay, Cleveland, Cumberland, Davie, Duplin, Durham, Forsyth,
18 Gaston, Graham, Guilford, Haywood, Henderson, Hoke, Hyde, Iredell, Macon,
19 Mecklenburg, Montgomery, Orange, Pasquotank, Person, Polk, Randolph, Robeson,
20 Rockingham, Scotland, Stanly, Surry, Transylvania, Union, Vance, Washington,
21 Wilkes and Yadkin Counties only."

22 Section 2. G.S. 14-111.3 reads as rewritten:

23 "**§ 14-111.3. Making unneeded ambulance request in certain counties.**

1 It shall be unlawful for any person or persons to willfully obtain or attempt to
2 obtain ambulance service that is not needed, or to make a false request or report that
3 an ambulance is needed. Every person convicted of violating this section shall be
4 guilty of a Class 3 misdemeanor.

5 This section shall apply only to the Counties of Ashe, Buncombe, Cherokee, Clay,
6 Cleveland, Davie, Duplin, Durham, Graham, Greene, Haywood, Hoke, Macon,
7 Madison, Polk, Robeson, Washington, Wilkes and Yadkin."

8 Section 3. This act becomes effective December 1, 1999, and applies to
9 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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for
S.B. 709 A BILL TO BE ENTITLED AN ACT TO ALLOW MECKLENBURG COUNTY
TO ACQUIRE PROPERTY FOR USE BY ITS BOARDS OF EDUCATION.

- ☒ 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 709*

Short Title: Mecklenburg School Acquisition.

(Local)

Sponsors: Senators Odom; and Clodfelter.

Referred to: State and Local Government.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW MECKLENBURG COUNTY TO ACQUIRE PROPERTY
3 FOR USE BY ITS BOARDS OF EDUCATION.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 153A-158.1. Acquisition and improvement of school property in certain counties.**

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

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

19 (c) Lease or Sale by Board of Education. -- Notwithstanding the provisions of G.S.
20 115C-518 and G.S. 160A-274, a local board of education may, in connection with
21 additions, improvements, renovations, or repairs to all or part of any of its property,
22 lease or sell the property to the board of commissioners of the county in which the
23 property is located for any price negotiated between the two boards.

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

(e) Scope. -- This section applies to Alamance, Alexander, Alleghany, Ashe, Avery, Bladen, Brunswick, Burke, Cabarrus, Caldwell, Camden, Carteret, Catawba, Cherokee, Chowan, Columbus, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, Mecklenburg, Mitchell, Moore, Nash, New Hanover, Onslow, Orange, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Union, Vance, Wake, Watauga, Wayne, Wilkes, and Wilson Counties."

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) **Jarrell** for the Committee on **LOCAL GOVERNMENT II.**

☐ Committee Substitute for

S.B. 719 A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF DURHAM TO CONSIDER LIMITATIONS ON USES AS REQUESTED IN THE DEVELOPMENT PLANS SUBMITTED FOR REZONINGS AND TO MAKE OTHER CHANGES REGARDING THE CONSIDERATION OF DEVELOPMENT PLANS.

☐ 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.

☐ 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

D

SENATE BILL 719

Proposed Committee Substitute S719-PCS7686-SK

Short Title: Durham City Development Plans.

(Local)

Sponsors:

Referred to:

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING THE CITY OF DURHAM AND THE COUNTY OF
3 DURHAM TO CONSIDER LIMITATIONS ON USES AS REQUESTED IN
4 THE DEVELOPMENT PLANS SUBMITTED FOR REZONINGS AND TO
5 MAKE OTHER CHANGES REGARDING THE CONSIDERATION OF
6 DEVELOPMENT PLANS.
7 The General Assembly of North Carolina enacts:
8 Section 1. Section 92 of Chapter 671 of the 1975 Session Laws, being the
9 Charter of the City of Durham, as amended by Chapter 380 of the 1991 Session
10 Laws, reads as rewritten:
11 "Sec. 92. Development Plans and Site Plans. -- In exercising the zoning power
12 granted to municipalities by G.S. 160A-381, the City Council may require that a
13 development plan showing the proposed development of property be submitted with
14 any request for rezoning of such property. The City Council may consider such
15 development plan in its deliberations and may require that any site plan subsequently
16 submitted be in conformity with any such approved development plan. The City
17 Council may also consider any limitations an applicant who submits a development
18 plan may propose on the number, range, or type of uses to be made of the property
19 and may limit its consideration of uses to those proposed uses. Such use proposals,
20 where approved, shall be binding as part of the zoning of the property. In
21 considering development plans and developer-proposed use limitations, the City
22 Council shall use the legislative public hearing procedures applicable to general use
23 district rezonings.

1 In addition, the Council is authorized to require that a site plan be submitted and
2 approved prior to the issuance of any building permit. The Council may specify the
3 information to be set forth in a site plan and may require that such site plan be
4 prepared by a professional engineer, architect, or land surveyor licensed to practice in
5 North Carolina. The Council may prescribe procedures for the review of such site
6 plans to ~~insure~~ ensure that development of property shall conform to applicable
7 zoning and building laws and regulations or any other relevant law or regulation.
8 The Council may require that site plans be in conformity with previously approved
9 development plans for the same property. In approving development ~~plans and~~
10 plans, site plans, and subdivision plats, the City may require that on-site and off-site
11 street and utility rights-of-way be dedicated to the public, that necessary street and
12 utility improvements be constructed, and that provision be made for recreational
13 space and facilities where appropriate."

14 Section 2. Section 1 of Chapter 950 of the 1989 Session Laws, reads as
15 rewritten:

16 "Section 1. (a) Development Plans and Site Plans. In exercising the zoning
17 power granted to counties by G.S. 153A-340, G.S. 153A-341, and G.S. 153A-342, the
18 Durham County Board of Commissioners may require a development plan showing
19 the proposed development of property be submitted along with any request for the
20 rezoning of that property. The Board may consider the development plan in its
21 deliberations on the rezoning action. The Board may require that any site plan
22 submitted after the rezoning action conform with the previously approved
23 development plans for the same property. The Board may adopt procedures and
24 guidelines for the preparation and presentation of these development plans. The
25 Board may also consider any limitations an applicant who submits a development
26 plan may propose on the number, range, or type of uses to be made of the property
27 and may limit its consideration of uses to those proposed uses. Such use proposals,
28 where approved, shall be binding as part of the zoning of the property. In
29 considering development plans and developer-proposed use limitations, the Board
30 shall use the legislative public hearing procedures applicable to general use district
31 rezonings.

32 (b) The Durham County Board of Commissioners may require that a site plan be
33 submitted and approved prior to the issuance of any building permit. The Board
34 may specify the information to be included in a site plan and may require that the
35 site plan be prepared by a professional engineer, architect, surveyor, or landscape
36 architect licensed to practice in North Carolina. The Board may adopt procedures
37 for the preparation and review of the site plans to ~~insure~~ ensure that development of
38 property shall conform to applicable zoning and building laws and regulations. The
39 Board may require that site plans conform with previously approved development
40 plans for the same property. In approving development plans, site plans, and
41 subdivision plats, the Board may require that on-site and off-site street and utility
42 rights-of-way be dedicated to the public, that necessary street and utility
43 improvements be constructed, and that provision be made for recreational space and
44 facilities where appropriate."

1

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 719

Short Title: Durham City Development Plans.

(Local)

Sponsors: Senators Gulley and Lucas.

Referred to: State and Local Government.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING THE CITY OF DURHAM TO CONSIDER LIMITATIONS
3 ON USES AS REQUESTED IN THE DEVELOPMENT PLANS SUBMITTED
4 FOR REZONINGS AND TO MAKE OTHER CHANGES REGARDING THE
5 CONSIDERATION OF DEVELOPMENT PLANS.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 92 of Chapter 671 of the 1975 Session Laws, being the
8 Charter of the City of Durham, as amended by Chapter 380 of the 1991 Session
9 Laws, reads as rewritten:

10 "Sec. 92. Development Plans and Site Plans. -- In exercising the zoning power
11 granted to municipalities by G.S. 160A-381, the City Council may require that a
12 development plan showing the proposed development of property be submitted with
13 any request for rezoning of such property. The City Council may consider such
14 development plan in its deliberations and may require that any site plan subsequently
15 submitted be in conformity with any such approved development plan. The City
16 Council may also consider any limitations an applicant who submits a development
17 plan may propose on the number, range, or type of uses to be made of the property
18 and may limit its consideration of uses to those proposed uses. Such use proposals,
19 where approved, shall be binding as part of the zoning of the property. In
20 considering development plans and developer-proposed use limitations, the City
21 Council shall use the legislative public hearing procedures applicable to general use
22 district rezonings.

23 In addition, the Council is authorized to require that a site plan be submitted and
24 approved prior to the issuance of any building permit. The Council may specify the

1 information to be set forth in a site plan and may require that such site plan be
2 prepared by a professional engineer, architect, or land surveyor licensed to practice in
3 North Carolina. The Council may prescribe procedures for the review of such site
4 plans to insure that development of property shall conform to applicable zoning and
5 building laws and regulations or any other relevant law or regulation. The Council
6 may require that site plans be in conformity with previously approved development
7 plans for the same property. In approving development ~~plans and~~ plans, site plans,
8 and subdivision plats, the City may require that on-site and off-site street and utility
9 rights-of-way be dedicated to the public, that necessary street and utility
10 improvements be constructed, and that provision be made for recreational space and
11 facilities where appropriate."

12 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) **Jarrell** for the Committee on **Local Government II.**

- ☐ Committee Substitute for
S.B. 720 A BILL TO BE ENTITLED AN ACT TO PROVIDE DURHAM COUNTY AND
THE CITY OF DURHAM WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS
IN ZONING CODE CASES.
- ☒ 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

2

SENATE BILL 720

State and Local Government Committee Substitute Adopted 4/15/99

Short Title: Durham Zoning Notices.

(Local)

Sponsors:

Referred to:

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE DURHAM COUNTY AND THE CITY OF DURHAM
3 WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN ZONING
4 CODE CASES.

5 The General Assembly of North Carolina enacts:

6 Section 1.(a) Notice of violation of an ordinance adopted under Parts 1,
7 2, and 3 of Article 18 of Chapter 153A of the General Statutes shall be served upon
8 violators either personally or by registered or certified mail. When service is made by
9 registered or certified mail, a copy of the notice of violation may also be sent by
10 regular mail. Service shall be deemed sufficient if the registered or certified mail is
11 unclaimed or refused, but the regular mail is not returned by the post office within 10
12 days after mailing, provided that a notice of violation is posted in a conspicuous place
13 on the premises affected.

14 Section 1.(b) If the identities or the whereabouts of violators are
15 unknown and cannot be ascertained after the exercise of reasonable diligence, or if
16 the violators are known but refuse to accept service by registered or certified mail
17 and an affidavit is made to that effect, then the serving of the notice of violation upon
18 the violators may be made by publication at least once in a newspaper having general
19 circulation in the county. When service is made by publication, a notice of violation
20 shall be posted in a conspicuous place on the premises affected.

21 Section 2. The Charter of the City of Durham, being Chapter 671 of the
22 1975 Session Laws, as amended, is further amended by adding a new section to read:

1 "94.6. Service of Process of Zoning Code Violations.

2 (a) Notice of violation of an ordinance adopted under Parts 1, 2, 3, or 3C of
3 Article 19 of Chapter 160A of the General Statutes shall be served upon violators
4 either personally or by registered or certified mail. When service is made by
5 registered or certified mail, a copy of the notice of violation may also be sent by
6 regular mail. Service shall be deemed sufficient if the registered or certified mail is
7 unclaimed or refused, but the regular mail is not returned by the post office within 10
8 days after mailing, provided that a notice of violation is posted in a conspicuous place
9 on the premises affected.

10 (b) If the identities or the whereabouts of violators are unknown and cannot be
11 ascertained after the exercise of reasonable diligence, or if the violators are known
12 but refuse to accept service by registered or certified mail and an affidavit is made to
13 that effect, then the serving of the notice of violation upon the violators may be made
14 by publication at least once in a newspaper having general circulation in the city.
15 When service is made by publication, a notice of violation shall be posted in a
16 conspicuous place on the premises affected."

17 Section 3. Section 1 of this act applies to Durham County only. Section
18 2 of this act applies to the City of Durham only.

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



BILL ANALYSIS

| | | | |
|-------------------|---------------------|-----------------------|-------------------|
| Committee: | Local Government II | Introduced by: | See Below |
| Date: | May 12, 1999 | Summary by: | Esther Manheimer |
| Version: | See Below | | Committee Counsel |

Senate Bill 652: Ambulance Service Fraud/Durham

Version: First Edition

Sponsors: Senators Gulley and Lucas

Bill Analysis: Senate Bill 652 is a local bill that would make it a criminal offense in Durham County to fraudulently obtain ambulance services. It would be a Class 2 misdemeanor to obtain ambulance services, with intent to defraud, while intending not to pay for those services even though financially able to pay for the services. A presumption of intent to defraud and intent not to pay arises when one who is financially able to pay for the services refuses to pay for a period of 90 days after the request for payment. In addition, it would be a Class 3 misdemeanor for a person to willfully obtain or attempt to obtain ambulance service that is not needed.

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

This bill does not need to go to Finance.

Senate Bill 687: Hickory Firefighters' Retirement Fund

Version: Second Edition

Sponsor: Senator Allran

Bill Analysis: Senate Bill 687 is a local bill that would amend the Supplemental Retirement Fund for Firefighters in the City of Hickory to limit eligibility for benefits to full-time paid firefighters. The Supplemental Retirement Fund for firefighters in Hickory was created by Chapter 65 of the 1971 Session Laws. It currently provides that each firefighter, whether fully paid or part paid, who retired subsequent to January 1, 1960, with at least 20 years of service and at age 55, or with 30 years at any age, is eligible to receive an annual benefit not to exceed \$2400. Senate Bill 687 would amend this provision to state that only full-time paid firefighters who retire on or after March 1, 1999, will be eligible for the annual benefit. The preamble to the bill states that there are no longer any part paid or volunteer members who are eligible to participate in the fund.

Please note that from the manner in which the Session Law creating the Supplemental Retirement Fund is being amended in this bill it appears that the rights of those who retired prior to March 1, 1999, are being cut off. Of course, the State may not take away rights to retirement that were previously granted as was decided in the Bailey case. Section 2 of the bill specifically notes that this act shall not create a liability for the Hickory Firemen's Supplemental Retirement Fund unless sufficient current assets are available in the fund.

This act is effective when it becomes law.

This bill must be referred to Pensions and Retirement.

Senate Bill 709: Mecklenburg School Acquisition

Version: First Edition

Sponsors: Senators Odom and Clodfelter

Bill Analysis: Senate Bill 709 is a local bill that would allow Mecklenburg County, on behalf of the school board, to acquire property for use by the local school system, if requested by the school board and after a public hearing; and construct, equip, expand, improve, renovate, or make available property for the local school system. The school system in Mecklenburg County would be able to lease or sell the property to the County in connection with a school improvement, and contract for construction of a school on a site owned by the County. The purpose of this bill is to allow Mecklenburg County to finance school construction by using installment purchase contracts. This method has several advantages: (1) it allows the County and the school board to avoid using school bonds, (2) local acts to allow school systems to use the installment purchase method are prohibited under Article V, § 4(1) of the N.C. Constitution, and counties can receive sales tax refunds on their purchases but school boards can not.

This act is effective when it becomes law.

This bill does not need to go to Finance.

Senate Bill 719: Durham City Development Plans

Version: First Edition

Sponsors: Senators Gulley and Lucas

Bill Analysis: Senate Bill 719 is a local bill that would amend the Charter of the City of Durham to allow the City Council to consider the limitations of uses included in a development plan submitted by an applicant for rezoning. If the use proposal is approved, then it is to be binding as part of the zoning on the property. The ability of the Durham City Council to consider the limitations of uses included in the development plan is contrary to current practice and legal obligation of the Council. Due to the North Carolina Supreme Court's ruling in *Hall v. City of Durham*, the City Council must consider all uses for a property under a rezoning request. This bill would mandate that the Council is not required to determine if the property to be rezoned is suitable for all permitted uses under the rezoning – just the limited uses included in a development plan. A rezoning of this type requires notice and a public hearing. In addition, Senate Bill 719 would allow the City Council to require that on-site and off-site street and utility rights-of-way be dedicated to the public, that necessary street and utility improvements be constructed, and that provisions be made for recreational space facilities where appropriate, in the approval of development plans, site plans, and subdivision plats. Under current law, the City may already have these requirements for development plans and site plans.

This act is effective when it becomes law.

This bill does not need to go to Finance.

Senate Bill 720: Durham Zoning Notices

Version: Second Edition

Sponsor: Senator Gulley

Bill Analysis: Senate Bill 720 is a local bill that would allow the City of Durham and Durham County to use alternate methods of service of process to provide notice of violations of ordinances adopted pursuant to Parts 1, 2, and 3 of Article 18 of Chapter 160A, which regards planning and regulation of development – specifically, subdivision regulation and zoning.

Under the bill, a notice of violation of an ordinance is to be served personally or either by registered or certified mail. When service is by registered or certified mail, a copy may also be sent by regular mail. If the registered mail is returned or unclaimed but the regular mail is not returned by the post office within 10 days, service is deemed sufficient. If regular mail is used then a copy of the notice must also be posted on the premises. The bill further provides that when the identity or whereabouts of the violator is unknown, or the identity and whereabouts are known but the violator refuses to accept service by registered or certified mail, then service by publication may be made. Again, notice must be posted on the property.

The exact same methods for service are made in the bill for the City of Durham under Article 19 of Chapter 160A. (These provisions are also contained in Senate Bill 700). The provisions for alternative methods of service for the City of Durham, however, also extend to ordinances dealing with Historic Districts and Landmarks.

These service of process provisions are similar to the provisions for the service of complaints and orders in housing standard cases, G.S. 160A-445.

This act is effective when it becomes law.

This bill does not need to go to Finance.

Local Gov't II 5-12-99

[illegible]

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING
JUNE 23, 1999
11:00 A.M.**

AGENDA

CALL TO ORDER

Rep. Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

SB 532 ASHEVILLE CIVIL SERVICE BOARD (Sen. Carter)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
June 23, 1999

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, June 23, 1999, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Barbee, Capps, Haire, Hunter, Hurley, McAllister, Sexton, Smith, Warren, and G. Wilson. Also in attendance was Esther Manheimer, committee counselor. A visitor registration sheet is attached and made part of the minutes.

Representative Jarrell called the meeting to order to consider **Senate committee substitute for SB 532 - ASHEVILLE CIVIL SERVICE BOARD**. The City of Asheville is one of five cities in North Carolina with a Civil Service Act establishing a Civil Service Board and Asheville is the only city of these five where the Board is actively involved in the recruiting and selection of employees.

The Chair recognized Senator Carter, sponsor, to explain the bill. He said that there is some controversy regarding the bill and it needs updating. A House committee substitute for the Senate committee substitute was offered and Representative Barbee moved for the adoption of the committee substitute. Motion carried. The Chair indicated that this meeting was for discussion of the bill and an opportunity for members to ask questions and become familiar with it. A vote will not be taken at this meeting.

A digest of the Senate committee substitute and a summary of the House Committee substitute are attached as part of the minutes.

Senator Carter continued his explanation saying that this bill is in regards to the Asheville Civil Service Board which has been very effective and very well accepted in the community except in regard to the hiring and recruiting process of employing. City government has thought that it was too restrictive and people in the community felt they were not being well represented. The committee substitute mainly makes an effort to update the bill and change the recruitment process. The efforts of due process have not been altered at all and this is something the City Council has approved unanimously.

The Senator entertained questions from the members of the committee:

Representative Hurley: Does the City have a Human Resources Department or does the Civil Service Board take the place of that? Senator Carter responded that Human Resources and Civil Service Board have worked together and that has been the part they felt slowed down the process too much.

Representative Hurley: Who hires the police chief? Senator Carter and committee counsel believes he is hired by the City Council.

Representative Sexton: What are the points of controversy? Senator Carter responded that the points of controversy have been worked out. He spoke with the labor people this morning and they are fine with it and City management is fine with it. What was controversial was basically any efforts to alter due process in any way and also the promotion process.

Representative Jarrell: What kind of process did the city have before? Representative Carter responded that there was a Civil Service Board before.

Representative Barbee: Is there opposition within the delegation? Senator Carter does not think so.

Representative Warren: How is the Civil Service Board involved in due process? The answer is that they are heavily involved.

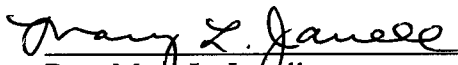
Representative McAllister: If this bill passes, will it change the recruitment portion of the bill? Senator Carter said it will allow more freedom for Human Resources in recruiting.

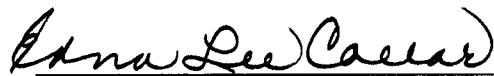
Representative Jarrell: When an employee appears before the Civil Service Board, is he allowed to have legal representation? Yes.

Representative Jarrell: Then the ultimate recourse would be the courts? Yes.

Representative Jarrell: Is this Civil Service Board set up like most other Civil Service Boards? Staff responded that this is the only Civil Service Board currently involved in hiring and recruitment so this bill would modify this board to be more like the other four in the state.

There being no more discussion, the meeting adjourned at 11:25 a.m.


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

March 25, 1999

S 532. ASHEVILLE LOCAL ACT. RELATING TO THE CITY OF ASHEVILLE. Blank bill.

Intro. by Carter and Metcalf.

Ref. to Rules

BUNCOMBE

April 29, 1999

S 532. ASHEVILLE CIVIL SERVICE BOARD. Intro. 3/15/99. Senate committee substitute makes the following changes to 1st edition. Replaces Mecklenburg Local Act with an act to "REWRITE THE LAWS RELATED TO THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE".

Rewrites section of Asheville charter concerning the city's civil service board. Provides that City Manager shall provide for the board's operational needs in the city's annual budget. Changes election period for board members elected by city employees ~~from within 15 days after the city council names members to the board~~, to an election held on a normal City work day not less than 10 nor more than 30 days after written notice of the date of election is provided to each member of the classified services. Amends section outlining rulemaking authority to limit board rules to the following: (1) standardizing and classifying positions, (2) temporary and part-time employment, (3) establishing probationary employment periods not to exceed one year, (4) for suspension for disciplinary purposes, with or without pay, for not longer than 90 days, (5) for discharge or reduction in rank or compensation, and (6) for investigation and recording the efficiency of employees. Removes from duties of Board involvement in competitive testing to determine fitness of applicants, among other things. Amends section concerning hearing before the Board to require that a person seeking such a hearing exhaust grievance procedures provided by the city before seeking such a hearing, as long as the grievance procedure is concluded within 30 days. Effective 30 days after ratification.



SENATE BILL 532: Asheville Civil Service Board

BILL ANALYSIS

Committee: House Local Government II
Date: June 23, 1999
Version: Committee Substitute
(Second Edition)

Introduced by: Senator Carter
Summary by: Esther Manheimer
Committee Counsel

SUMMARY:

The City of Asheville is one of five cities in North Carolina with a Civil Service Act establishing a Civil Service Board (CSB), and Asheville is the only city of these five where the CSB is actively involved in the recruiting and selection of employees. In all five cities, the CSB is involved in the demoting and firing of employees. SB 532 makes a number of changes to Asheville's Civil Service Act including the elimination of the "Rule of 3" (a testing requirement for new hires), changes to the hearing procedures for grievances, and elimination of the ban on employee political activity.

BILL ANALYSIS:

Independent Board Under the Umbrella of the City.

Section 1. Currently, the CSB is a separate municipal corporation and this bill would bring the CSB under the umbrella of the City. The Board would remain an independent board such as the Board of Adjustment, and the Board's operational costs would be part of the City's budget.

Board Member Selection.

Section 2. Under SB 532, the City Council may select two members of the five member CSB. The Council may also select the chair of the CSB. Currently, the Council selects one member of the CSB and the chair is the Director of Civil Service. Under SB 532, CSB members may not be members of the City Council.

Sections 3 and 4. Technical and conforming changes only.

"Rule of 3" Removed.

Section 5. This section of the bill removes the "Rule of 3". The "Rule of 3" states that job applicants must be tested and the only applicants that may be considered for a position are the three highest test scores. SB 532 would repeal the "Rule of 3" and any reference to testing that is contained in the original act. Section 5 also provides that CSB shall make rules regarding the following:

- Employees of the Police and Fire Departments shall be consulted to establish criteria for hiring in those departments, including lateral entry positions. The CSB may approve the criteria.
- For temporary or part-time employment to meet seasonal needs of the City.
- Setting a probationary period of not more than one year before new employees become members of the classified service.

- Current provisions regarding suspension of employees for 90 days or less and firing and demoting employees shall remain in the act.

Provisions regarding an application register, testing and making test results public are repealed by SB 532. In addition, requirements that vacancies be filled by promotion before being advertised to the public are also repealed by this bill. Finally, this section of the bill repeals provisions regarding CSB record keeping and paycheck issuance.

CSB to Review and Approve Promotional Processes in Police/Fire Departments.

Section 6. While SB 532 would remove the CSB from the recruitment and selection process for most employees, section 6 of the bill allows the CSB to review and approve all promotional processes in the Police and Fire Departments, and the CSB may review promotional decisions in these departments.

Grievance Procedures must be Exhausted Prior Filing a Request for Hearing.

Sections 7 and 8. Currently, employees who are members of the classified service are entitled to a hearing before the CSB when they are discharged, suspended, demoted, transferred, or denied a promotion or raise. This bill would add the additional requirement that, prior to filing a request for a hearing, the aggrieved employee must exhaust all remedies provided for under the grievance procedures established by ordinance or policy of the City. If the grievance procedure exceeds 30 days the employee may file a request for hearing.

Sections 9-13. Provisions requiring the City Council to set salaries by ordinance are repealed by SB 532. In addition, all sections that restrain an **employee's right to participate in political activities** are repealed because they directly conflict with G.S. 160-169 which allows political activity by employees (within limitations). Finally, provisions giving citizens the right to maintain civil actions against the City for money paid in violation of the Civil Service Law and provisions authorizing the City to make emergency hires are repealed.

Note that this act shall become effective 30 days after ratification and the CSB shall continue in operation without interruption of the term of any current member, and without affecting the manner of selection or eligibility for current service or successive terms of any member.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 532

State and Local Government Committee Substitute Adopted 4/29/99

Short Title: Asheville Civil Service Board.

(Local)

Sponsors:

Referred to:

March 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT REWRITING THE LAWS RELATED TO THE CIVIL SERVICE
3 BOARD OF THE CITY OF ASHEVILLE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 757 of the 1953 Session Laws, as amended, reads as
6 rewritten:

7 "Section 1. There is hereby established as a part of government of the City of
8 Asheville, ~~a municipal corporation of the State of North Carolina a Department of~~
9 ~~Civil Service, to be under the general management and control of a Director of Civil~~
10 ~~Service, acting in cooperation with a Civil Service Board, and having Board which~~
11 shall have the powers and performing perform the duties specified in this Act with
12 respect to the classified service of the City of Asheville as ~~hereinafter defined:~~ defined
13 in this Act. The City Manager shall provide for the operational needs of the Civil
14 Service Board in the City's annual budget.

15 ~~Sec. 2. Section 2. The Civil Service Board shall consist of five (5) members as~~
16 ~~follows: The Director of Civil Service, and one additional member who shall be~~
17 ~~chosen by the Council of the City of Asheville at a meeting of said Council, with~~
18 ~~fifteen (15) days after the ratification of this Act, and shall serve at the pleasure of~~
19 ~~said Council. Two (2) members, who shall be elected by the members of the~~
20 ~~classified service of the City, as hereinafter defined, at an election for that purpose, to~~
21 ~~be called by the City Manger, and held within fifteen (15) days after the naming of~~
22 ~~the above two members by the Council, and after ten (10) days written notice to each~~
23 ~~employee of said classified service, said two (2) members to serve for a term of two~~

~~1 years and until the election of their successors by the members of said classified~~
~~2 service biennially thereafter. Within five (5) days after the election of the two (2)~~
~~3 members of the board by the employees of the classified service, the City Manager~~
~~4 shall call a meeting of the four members of the board then chosen, at which meeting,~~
~~5 or an adjournment thereof, within five days thereafter, said members shall select by a~~
~~6 majority vote, a fifth (5th) member of the board. If such member is not so elected,~~
~~7 then the City shall choose a fifth (5th) member, of said board. The fifth (5th) member~~
~~8 of the board shall serve for a term of two years and until the election of his successor~~
~~9 biennially thereafter in the same manner as above provided. The Civil Service Board~~
10 shall consist of five members as follows: (i) two members who shall be chosen by the
11 City Council at a meeting of the Council and they shall serve at the pleasure of the
12 Council; (ii) two members who shall be elected by the members of the classified
13 service of the City, as defined in this Act, at an election held for that purpose and on
14 a normal City work day not less than 10 nor more than 30 days after written notice of
15 the date of the election is provided to each member of the classified service; and (iii)
16 one member who shall be selected by majority vote of the four other members
17 already selected or elected at a meeting held within 30 days after the members
18 elected by the classified service have taken office. If a member is not elected by
19 majority vote of the four other members, the City Council shall appoint a member to
20 the Board. All members of the Board shall serve a term of two years and be eligible
21 for successive terms, in the same manner in which they were initially selected or
22 elected, and may serve beyond the end of their respective terms until their successors
23 take office. The chair of the Civil Service Board shall be appointed annually by the
24 City Council, or more often as needed, from among the membership of the Board.
25 The members of the Board shall serve without compensation, but may be reimbursed
26 for expenses pursuant to policies adopted by the City.

27 The City Council shall, by ordinance not inconsistent with this act, establish the
28 procedure for the election of the representatives of the employees in the classified
29 service, and provide for meeting the expense for such elections. The members of the
30 Civil Service Board must all be qualified voters of the City of Asheville, not
31 employed by the ~~city~~, city or serving on the City Council. In the event of a vacancy
32 on ~~said~~ the Board, such vacancy shall be filled by the body or group, choosing the
33 member, a successor to whom is to be chosen, and in the manner herein provided for
34 the selection of such member.

35 ~~See. 3. Section 3.~~ The classified service of the ~~city~~ City shall include all officers
36 and employees of the City of Asheville, except officers elected by the people, the city
37 manager, directors of departments, as defined in the city charter, and members of
38 advisory boards appointed by such directors, the city clerk, ~~the clerk of the police~~
39 ~~court~~, or any deputy clerk of the City of Asheville, and members of any board or
40 commission appointed by the ~~council~~, Council, and employees of independent boards
41 now choosing their own employees.

42 ~~See. 4. Section 4.~~ The Civil Service Board shall make, and may amend, rules for
43 promoting efficiency in the classified service of the ~~city~~, for the appointment,
44 ~~promotion, transfer for the layoff, reinstatement, suspension and removal of~~

1 ~~employees in the classified service.~~ City as provided in Section 5 of this Act. Such
2 rules and any amendment thereto, shall be submitted to the ~~said council~~ Council for
3 approval, and shall be open to public inspection, when filed with the ~~said council~~
4 Council for ~~such~~ approval. The ~~city council,~~ City Council, after giving members of
5 the classified service and citizens of Asheville an opportunity to be heard at a public
6 hearing, shall act upon such proposed rules and amendments, and such rules or
7 amendments, when approved by a majority vote of the ~~council,~~ Council, shall be in
8 full force and effect. The ~~council~~ Council may, before approval, amend the rules or
9 amendments thereto, submitted to it for approval.

10 ~~Sec. 5.~~ Section 5. Such rules, ~~above mentioned,~~ as authorized in Section 4 of this
11 Act, among other things, may provide:

12 (1) For the standardization and classification of all positions and
13 employments in the classified service of the ~~city.~~ City. Such
14 classification into groups and subdivisions shall be based upon and
15 graded according to duties and responsibilities, and so arranged as
16 to promote the filling of the higher grades, so far as practicable,
17 through promotions.

18 ~~(2) For open competitive tests to ascertain the relative fitness of all~~
19 ~~applicants for appointment in the competitive class.~~

20 ~~(3) For public notice of the time and place of all competitive tests, at~~
21 ~~least ten days in advance thereof, by publication in the paper of the city having the~~
22 ~~largest or second largest circulation and in all copies of the issues thereof having the~~
23 ~~largest circulation in the city, and by posting a notice in conspicuous place in the city~~
24 ~~hall.~~

25 ~~(4) For the creation of eligible lists upon which shall be entered the~~
26 ~~names of the successful applicants in the order of their standing in the competitive~~
27 ~~tests, and without reference to the time of the test.~~

28 ~~(5) For the rejection of applicants or eligibles who do not satisfy~~
29 ~~reasonable requirements as to age, sex, physical condition and moral character or~~
30 ~~who have attempted deception or fraud in connection with any test or their~~
31 ~~application therefor.~~

32 ~~(6) For the certification to the appointing author from the appropriate~~
33 ~~eligible list, for filling a vacancy in the competitive class, of the three names standing~~
34 ~~highest in such list.~~

35 ~~(7) For temporary employment without test, in the absence of an eligible~~
36 ~~list, but no such temporary employment shall continue after the establishment of a~~
37 ~~suitable eligible list nor for more than sixty days.~~

38 ~~(8) For temporary employment for transitory work without test, but such~~
39 ~~employment shall require the consent of the Director of Civil Service in each case,~~
40 ~~and shall not continue for more than sixty days nor be renewed.~~

41 ~~(9) For noncompetitive tests, for appointment to positions designated as~~
42 ~~requiring peculiar and exceptional qualifications of a scientific, managerial,~~
43 ~~professional or educational character.~~

1 ~~(10) For promotion based on competitive tests and upon records of~~
2 ~~efficiency, character, conduct and seniority.~~

3 ~~(11) For transfer from a position to a similar position in the same class~~
4 ~~and grade.~~

5 ~~(12) For immediate reinstatement at the head of the eligible list of person~~
6 ~~who, without fault or delinquency on their part, are separated from the service or~~
7 ~~reduced in rank.~~

8 ~~(13) For suspension for purpose of discipline, with or without pay, for~~
9 ~~not longer than ninety days, and for leave of absence with or without pay.~~

10 ~~(14) For discharge or reduction in rank or compensation after the person~~
11 ~~to be discharged or reduced has, if he so requests, been presented by the person~~
12 ~~responsible for his appointment with the reasons therefor specifically stated in writing~~
13 ~~and has been given an opportunity to be publicly heard in his own defense by the~~
14 ~~Civil Service Board. The written reasons for such discharge or reduction and any~~
15 ~~reply in writing thereto by any such officer or employee shall be filed with the~~
16 ~~Department of Civil Service.~~

17 ~~(15) For investigation and keeping a record of the efficiency of officers~~
18 ~~and employees in the classified service, and for requiring markings and reports~~
19 ~~relative thereto from appointing authorities.~~

20 (2) For temporary or part-time employment to meet the transitory or
21 seasonal needs of the City, except no temporary or part-time
22 employment may occur or continue in violation of applicable State
23 or federal law.

24 (3) For the establishment of a probationary period for new City
25 employees prior to employees becoming members of the classified
26 service, except no probationary period or any extension thereof
27 may exceed one year in the aggregate.

28 (4) For suspension for purpose of discipline, with or without pay, for
29 not longer than 90 days.

30 (5) For discharge or reduction in rank or compensation after the
31 person to be discharged or reduced has, if he or she so requests,
32 been presented by the person responsible for his or her
33 appointment with the reasons therefor specifically stated in writing
34 and has been given an opportunity to be publicly heard in his or
35 her own defense by the Civil Service Board, in accordance with
36 Section 7 of this Act. The written reasons for the discharge or
37 reduction and any reply in writing thereto by any such officer or
38 employee shall be filed with the Department of Civil Service.

39 (6) For investigation and keeping a record of the efficiency of officers
40 and employees in the classified service, and for requiring markings
41 and reports relative thereto from appointing authorities.

42 ~~Sec. 6. There shall be kept in the department of Civil Service an application~~
43 ~~register in which shall be entered the names and addresses and the order and date of~~
44 ~~application of all applicants for civil service test and the office or employments which~~

1 they seek. All applications shall be upon forms prescribed by the department for Civil
2 Service.

3 ~~Sec. 7. Tests required by the department of Civil Service shall be practical, shall~~
4 ~~relate to matters which fairly measure the relative fitness of applicants to discharge~~
5 ~~the duties of the position which they seek, and shall take account of character,~~
6 ~~training and experience. No question in any test shall relate to political or religious~~
7 ~~opinions, affiliations or service, and no appointment, transfer, layoff, promotion,~~
8 ~~reduction, suspension or removal shall be affected or influenced by such opinions,~~
9 ~~affiliations or service. Notice of the time, place and scope of each test shall be given~~
10 ~~by publication and posting as specified in Section 5 of this Act, and by mail, at least~~
11 ~~ten days in advance, to each applicant upon the appropriate lists of the application~~
12 ~~register.~~

13 ~~Sec. 8. The list of applicants eligible to appointment by reason of civil service~~
14 ~~tests, which their grades, shall be known as the register of eligibles and shall be open~~
15 ~~to public inspection. The names of such eligibles shall be arranged in their respective~~
16 ~~lists in the order of their standing on test. The name of no person shall remain on the~~
17 ~~register of eligibles for more than two years without a new application, and, if the~~
18 ~~civil service rules as require, a new test.~~

19 ~~Sec. 9. When any position in the classified service is to be filled, the officer having~~
20 ~~authority to fill such vacancy shall request of the director of civil service the~~
21 ~~certification of names of eligibles for appointment to such vacancy and upon receipt~~
22 ~~of such request the director of civil service shall promptly certify to such officer the~~
23 ~~names and addresses of the highest three eligibles on the list for the class or grade to~~
24 ~~which such position belongs, with their respective grades as shown on the register of~~
25 ~~eligibles. The appointing authority shall appoint to such position one of the persons~~
26 ~~whose names are so certified.~~

27 ~~Sec. 10. Whenever practicable, vacancies in the classified service shall be filled by~~
28 ~~promotion, and the civil service rules shall indicate the lines of promotion from each~~
29 ~~lower to higher grade wherever experience derived in the lower grade tends to~~
30 ~~qualify for the higher. Any advancement in rank shall constitute promotion. Lists~~
31 ~~from which promotions are to be made shall be created as provided by the civil~~
32 ~~service rules, and the appointment of eligibles therefrom shall be made in the same~~
33 ~~manner as original appointments. When there are less than three names on the~~
34 ~~promotion list eligible for certification in any instance, then if the City Manager~~
35 ~~requests it, appointments to higher positions shall be made after competitive tests, in~~
36 ~~which persons not in the service of the city may compete, as well as applicants for~~
37 ~~such positions from the lower grades of the service, or from other branches thereof.~~
38 ~~In such case, appointment shall be made from the highest three eligibles, as in the~~
39 ~~case of other competitive tests.~~

40 ~~Sec. 11. There shall be maintained in the department of civil service a list of all~~
41 ~~persons in the classified service showing in connection with each name the position~~
42 ~~held, the salary or wages paid, the data and character of appointment, and every~~
43 ~~subsequent change in status. Such list shall be known as the service register and~~
44 ~~every appointing officer or authority shall promptly transmit to the department of~~

1 ~~civil service all information requested for the establishment and maintenance of each~~
2 ~~register.~~

3 ~~Sec. 12. The treasurer shall not pay, nor shall any officer or employee of the city~~
4 ~~issue a check for the payment of any salary or compensation to any person holding or~~
5 ~~claiming to hold, a position in the classified service, unless the payroll or account of~~
6 ~~such salary or compensation shall bear the certificate of the director of civil service~~
7 ~~that the persons named therein have been appointed or employed and are performing~~
8 ~~service in accordance with the civil service provisions of this Act and the rules~~
9 ~~established thereunder, that their names appear upon the service register for the time~~
10 ~~for which such salary or compensation is claimed and that the salary or compensation~~
11 ~~is at the rate indicated on such register. If the treasurer or any officer or employee~~
12 ~~shall willfully or negligently violate any of the provisions of this Section, he and the~~
13 ~~sureties on his bond shall be liable to the City for the amount thereof and action may~~
14 ~~be brought therefor by an taxpayer for the use of the city without making previous~~
15 ~~request of the city to sue.~~

16 ~~Sec. 13. Section 6. The council, Council, the city manager, City Manager, the~~
17 ~~Director or chair of the Civil Service Board, or any person designated by any of~~
18 ~~them, may make investigations concerning the facts in respect to the operation and~~
19 ~~enforcement of the provisions of this Act and of the rules established thereunder, and~~
20 ~~concerning the condition of the civil service of the city City or any branch thereof.~~
21 ~~thereof, and may refer such matters to the Civil Service Board for hearing in~~
22 ~~accordance with Section 7 of this Act, or for further investigation as appropriate.~~
23 ~~Written charges of misconduct or inefficiency against any officer or employee in the~~
24 ~~classified service may be filed with the Director of Civil Service by any person. The~~
25 ~~Civil Service Board shall investigate any such charges, or cause them to be~~
26 ~~investigated, and report the findings of the investigation, in writing, to the authority~~
27 ~~responsible for the appointment of the officer or employee against whom the charges~~
28 ~~have been made. Any person, or persons, making any investigation authorized or~~
29 ~~required by this Section, section, shall have the power to subpoena and require the~~
30 ~~attendance of witnesses. A copy of the report of such the investigation shall be filed~~
31 ~~with the city clerk and be open for public inspection. inspection, subject to the~~
32 ~~provisions of the Personnel Privacy Act or other laws governing the disclosure of~~
33 ~~records in this State.~~

34 ~~Sec. 14. Section 7. (a) Whenever any member of the classified service of the City~~
35 ~~of Asheville is discharged, suspended, reduced in rank, transferred against his or her~~
36 ~~will, or is denied any promotion or raise in pay which he or she would be entitled to,~~
37 ~~that member shall be entitled to a hearing before the Civil Service Board of the City~~
38 ~~of Asheville to determine whether or not the action complained of is justified.~~

39 ~~(b) Any member of the classified service of the City of Asheville who desires such~~
40 ~~a hearing shall file his or her request for hearing with the city clerk within 10 days~~
41 ~~after learning of the act or omission of which he or she complains. complains, but not~~
42 ~~before the member shall have exhausted his or her remedy provided by the grievance~~
43 ~~procedures established by ordinance or policy of the City and the grievance~~
44 ~~procedure shall be concluded within 30 days. If the grievance procedure is not~~

1 concluded within 30 days, the member may proceed as provided in this section.
2 Upon receipt of ~~such notice~~, notice as required in this section, the city clerk shall set
3 the matter for hearing before the ~~civil service board~~ Civil Service Board at a date not
4 less than five nor more than 15 days from the clerk's receipt of such notice. ~~Except~~
5 for the time for filing the initial request for hearing with the Board, the Board may
6 extend the time for taking action under this section for cause or by agreement of the
7 parties to the proceeding.

8 (c) Any member of the classified service of the City of ~~Asheville~~ who requests a
9 hearing pursuant to this ~~act~~ Act shall be entitled to be represented by counsel of his
10 or her choice at all stages of the proceeding. ~~It shall be the duty of the city attorney~~
11 ~~to represent the city in cases where the complaining member of the classified service~~
12 ~~is represented by counsel. The City may be represented by its attorney at any such~~
13 hearing.

14 (d) At such hearing, the burden of proving the justification of the act or omission
15 complained of shall be upon the City of ~~Asheville~~ and the member requesting the
16 hearing shall be entitled to inspect and copy any records upon which the ~~city~~ City
17 plans to rely at ~~such hearing, provided, that such~~ the hearing if the records are
18 requested in writing by the member or his or her attorney prior to the day set for the
19 hearing.

20 (e) The ~~civil service board~~ Civil Service Board shall render its decision in writing
21 within five days after the conclusion of the hearing. If the ~~board~~ Board determines
22 that the act or omission complained of is not justified, the ~~board~~ Board shall order to
23 rescind whatever action the ~~board~~ Board has found to be unjustified and may order
24 the ~~city~~ City to take such steps as are necessary for a just conclusion of the matter
25 before the ~~board~~ Board. Upon reaching its decision, the ~~board shall~~ Board shall, in
26 writing, immediately inform the city clerk and the member requesting the hearing of
27 the ~~board's decision and shall do so in writing.~~ Board's decision.

28 (f) Within ten days of the receipt of notice of the decision of the ~~board~~, Board,
29 either party may appeal to the Superior Court Division of the General Court of
30 Justice for Buncombe County for a trial de novo. The appeal shall be effected by
31 filing with the Clerk of the Superior Court of Buncombe County a petition for trial
32 in superior court, setting out the facts upon which the petitioner relies for relief. If
33 the petitioner desires a trial by jury, the petition shall so state. Upon the filing of the
34 petition, the clerk of the superior court shall issue a civil summons as in regular civil
35 action, and the sheriff of Buncombe County shall serve the summons and petition on
36 all parties who did not join in the petition for trial. It shall be sufficient service upon
37 the City of ~~Asheville~~ for the sheriff to serve the petition and summons upon the clerk
38 of the ~~City of Asheville.~~ City. Thereafter, the matter shall proceed to trial as any
39 other civil action.

40 ~~Sec. 15. The Council shall be ordinance establish a schedule of compensation for~~
41 ~~officers and employees in the classified service which shall provide uniform~~
42 ~~compensation for like service. such schedule of compensation may establish a~~
43 ~~minimum and a maximum for any grade.~~

1 ~~See. 16. Any applicant for any office or employment in the classified service who~~
2 ~~shall knowingly make any false statement in connection with any test shall thereby~~
3 ~~forfeit his right to be entered upon the eligible register and in case he has been~~
4 ~~appointed to an office or employment, he shall forfeit it and shall not within three~~
5 ~~years thereafter be eligible to appointment to any office or employment in the service~~
6 ~~of the City, nor shall he, during that time, be entitled to take any civil service test.~~

7 ~~See. 17. No applicant for civil service test or for appointment to the classified~~
8 ~~service shall, either directly or indirectly, give, render or pay or promise to give,~~
9 ~~render or pay any money, service or other valuable thing to any person for or on~~
10 ~~account of, or in connection with, his test, appointment or proposed appointment,~~
11 ~~nor shall he ask for or receive any recommendation or assistance from any person in~~
12 ~~the services of the city other than a statement regarding any previous service to the~~
13 ~~city as a subordinate under such officer or employee.~~

14 ~~See. 18. No person shall willfully or corruptly make any false statement,~~
15 ~~certificate, mark, grading or report in regard to any test or appointment held or made~~
16 ~~under the civil service provisions of this Act, or in any manner commit or attempt to~~
17 ~~commit any fraud on the impartial execution of any provisions of the civil service~~
18 ~~rules.~~

19 ~~See. 19. No person in the administrative and/or classified service of the city shall~~
20 ~~directly or indirectly solicit or receive or be in any manner concerned in soliciting or~~
21 ~~receiving any assessment, subscription or contribution for any political party or~~
22 ~~political purpose whatever. No person shall orally or by letter solicit or be in any~~
23 ~~manner concerned in soliciting any assessment, subscription or contribution for any~~
24 ~~political purpose from any person holding a position in the administrative and/or~~
25 ~~classified service. No person shall use or promise to use his influence or official~~
26 ~~authority to secure any appointment or prospective appointment, to any position in~~
27 ~~the service of the city as a reward or return for personal or partisan political service.~~

28 ~~See. 20. Section 8. No person about to be appointed to any position in the service~~
29 ~~of the city City shall sign or execute a resignation dated or undated, in advance of~~
30 ~~such appointment. No person in the service of the city City shall discharge, suspend,~~
31 ~~layoff, reduce in grade or in any manner change the official rank or compensation of~~
32 ~~any person in such service, or promise or threaten to do so, for withholding or~~
33 ~~neglecting to make any contribution or money or service or any valuable thing for~~
34 ~~any political purpose. No person in the administrative service of the city shall use~~
35 ~~his official authority to influence or coerce the political action of any person or body,~~
36 ~~or to interfere with any nomination or election to public office.~~

37 ~~See. 21. No person in the administrative and/or classified service of the City of~~
38 ~~Asheville shall act as an officer of a political organization, take part in a political~~
39 ~~campaign, serve as a member of a committee of any such organization, or circulate,~~
40 ~~or seek signatures to any petition provided for by primary or election laws, or act as a~~
41 ~~worker in favor of or in opposition to any candidate for public office. This shall not~~
42 ~~be construed to restrict the right of any employee in the qualified service, to vote in~~
43 ~~any election, when qualified.~~

1 ~~Sec. 22. Section 9.~~ It shall be the duty of the ~~Director of~~ Civil Service Board to
2 supervise the execution of the foregoing civil service provisions of this Act and of the
3 rules made thereunder, and it shall be the duty of all persons in the service of the ~~city~~
4 City to comply with such rules and to aid in their enforcement. ~~Any person, who, by~~
5 ~~himself or with others, willfully or corruptly deceives or obstructs any person in~~
6 ~~respect to his/her right to take part in any test for admission to the classified service~~
7 ~~of the city; or willfully and corruptly marks, grades or reports upon the test or proper~~
8 ~~standing of any person tested for appointment in the classified service, or aids in so~~
9 ~~doing; or willfully or corruptly makes any false representation as to the results of such~~
10 ~~tests or concerning persons so tested; or furnished special or secret information for~~
11 ~~the purpose of either improving or injuring the prospects or chances of a person~~
12 ~~tested, or to be appointed, employed or promoted; or impersonates any person, or~~
13 ~~permits or aids in any impersonation or appointment or request to be tested or~~
14 ~~registered; or who makes known or assists in making known to any applicant for test,~~
15 ~~in advance thereof, any question to be asked on such test, exercise the rights as stated~~
16 ~~herein; or willfully or through culpable negligence violates any of the provisions of~~
17 ~~this Act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be~~
18 ~~punished by a fine of not less than fifty dollars (\$50.00) nor more than one thousand~~
19 ~~dollars (\$1,000), or by imprisonment for a term not exceeding six (6) months. If any~~
20 ~~such person be an applicant for competitive test, he shall be excluded therefrom; if he~~
21 ~~be an eligible, his name shall be removed from the register of eligibles; and if he be~~
22 ~~an officer or employee of the city, he shall immediately forfeit his office or~~
23 ~~employment.~~

24 ~~Sec. 23. Any taxpayer in the city may maintain an action to recover for the City~~
25 ~~any sum of money paid in violation of the civil service provisions, or to enjoin the~~
26 ~~Director of Civil Service from attaching his certificate to a payroll, or account for~~
27 ~~services rendered, in violation of this~~
28 ~~Act or the rules made thereunder; and the rules made under the foregoing~~
29 ~~provisions shall for this and all other purposes have the force of law.~~

30 ~~Sec. 24. Section 10.~~ Any and all employees of the classified service as hereinabove
31 ~~defined, defined in this Act,~~ who are members of the classified service as defined in
32 this Act at the time of the first election of a Civil Service Director under this Act,
33 ~~shall, without test, certification or reappointment, or without complying with any of~~
34 ~~the provisions of this Act, relating in any way to qualifications for or appointment to~~
35 ~~the position she or he then holds, effective date of this Act, shall~~ be deemed to hold
36 and occupy such position as an employee of the civil service of the ~~city~~ City, as
37 established by this Act, subject only to layoff, ~~suspension~~ suspension, or removal
38 therefrom, as provided in this Act, and all of the provisions of this Act shall be
39 applicable to any and all such employees.

40 ~~Sec. 25. In case of emergency, declared to be such by a resolution adopted by the~~
41 ~~council in regular or special session, requiring, in the opinion of the council, the~~
42 ~~employment of more persons than are available for appointment from the eligible list~~
43 ~~in any branch of the classified service, or immediately available for appointment from~~
44 ~~such list, the city council may, without waiting for an eligible list of employees,~~

~~1 employ or authorize the employment of as many employees as, in the opinion of the~~
~~2 council, may be needed to meet the emergency, such employment to continue~~
~~3 throughout the emergency and until an eligible list of employees is available.~~

~~4 See. 26. Constitutionality of Act. Section 11.~~ If any ~~Section,~~ section, subsection,
5 subdivision, sentence, ~~clause~~ clause, or phrase of this Act shall for any reason be held
6 to be invalid or unconstitutional, such decision shall not affect the validity of the
7 remaining portions of this Act.

~~8 See. 27. Section 12.~~ All laws and clauses of laws in conflict with the provisions of
9 this ~~Act, including all of Chapter 83 of the Session Laws of 1947, as amended by~~
10 ~~Chapter 459 of the Session Laws of 1951, and Chapter 1000 of the Session Laws of~~
11 ~~1951, Act~~ are hereby repealed.

~~12 See. 28. The public interest requires that this act shall be in full force and effect~~
13 ~~from and after its ratification."~~

14 Section 2. Notwithstanding the provisions of this Act, the existing Civil
15 Service Board shall continue in operation, with no interruption in the term of any
16 current member, and without affecting the manner of selection or eligibility for
17 current service or successive terms of any member, and the powers, duties, and
18 responsibilities of the Board shall be as prescribed by this Act from and after the
19 effective date of this Act.

20 Section 3. This Act shall become effective 30 days after ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 532

Proposed Committee Substitute S532-CSLM-1

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Asheville Civil Service Board.

(Local)

Sponsors:

Referred to:

March 25, 1999

1 A BILL TO BE ENTITLED
2 AN ACT REWRITING THE LAWS RELATED TO THE CIVIL SERVICE BOARD OF
3 THE CITY OF ASHEVILLE.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 757 of the 1953 Session Laws, as
6 amended, reads as rewritten:
7 "Section 1. There is hereby established as a part of government
8 of the City of Asheville, ~~a municipal corporation of the State of~~
9 ~~North Carolina a Department of Civil Service, to be under the~~
10 ~~general management and control of a Director of Civil Service,~~
11 ~~acting in cooperation with a Civil Service Board, and having~~
12 ~~Board which shall have the powers and performing perform the~~
13 ~~duties specified in this Act with respect to the classified~~
14 ~~service of the City of Asheville as hereinafter defined. defined~~
15 ~~in this Act. The City Manager shall provide for the operational~~
16 ~~needs of the Civil Service Board in the City's annual budget.~~
17 ~~Sec. 2. Section 2. The Civil Service Board shall consist of~~
18 ~~five (5) members as follows: The Director of Civil Service, and~~
19 ~~one additional member who shall be chosen by the Council of the~~
20 ~~City of Asheville at a meeting of said Council, with fifteen (15)~~
21 ~~days after the ratification of this Act, and shall serve at the~~
22 ~~pleasure of said Council. Two (2) members, who shall be elected~~

~~1 by the members of the classified service of the City, as
2 hereinafter defined, at an election for that purpose, to be
3 called by the City Manager, and held within fifteen (15) days
4 after the naming of the above two members by the Council, and
5 after ten (10) days written notice to each employee of said
6 classified service, said two (2) members to serve for a term of
7 two years and until the election of their successors by the
8 members of said classified service biennially thereafter. Within
9 five (5) days after the election of the two (2) members of the
10 board by the employees of the classified service, the City
11 Manager shall call a meeting of the four members of the board
12 then chosen, at which meeting, or an adjournment thereof, within
13 five days thereafter, said members shall select by a majority
14 vote, a fifth (5th) member of the board. If such member is not
15 so elected, then the City shall choose a fifth (5th) member, of
16 said board. The fifth (5th) member of the board shall serve for a
17 term of two years and until the election of his successor
18 biennially thereafter in the same manner as above provided.~~

19 The Civil Service Board shall consist of five members as follows:
20 (i) two members who shall be chosen by the City Council at a
21 meeting of the Council and they shall serve at the pleasure of
22 the Council; (ii) two members who shall be elected by the members
23 of the classified service of the City, as defined in this Act, at
24 an election held for that purpose and on a normal City work day
25 not less than 10 nor more than 30 days after written notice of
26 the date of the election is provided to each member of the
27 classified service; and (iii) one member who shall be selected by
28 majority vote of the four other members already selected or
29 elected at a meeting held within 30 days after the members
30 elected by the classified service have taken office. If a member
31 is not elected by majority vote of the four other members, the
32 City Council shall appoint a member to the Board. All members of
33 the Board shall be eligible for successive terms, in the same
34 manner in which they were initially selected or elected, and may
35 serve beyond the end of their respective terms until their
36 successors take office. The chair of the Civil Service Board
37 shall be appointed annually by the City Council, or more often as
38 needed, from among the membership of the Board. The members of
39 the Board shall serve without compensation, but may be reimbursed
40 for expenses pursuant to policies adopted by the City.

41 The City Council shall, by ordinance not inconsistent with this
42 act, establish the procedure for the election of the
43 representatives of the employees in the classified service, and
44 provide for meeting the expense for such elections. The members

1 of the Civil Service Board must all be qualified voters of the
2 City of Asheville, not employed by the ~~city~~, city or serving on
3 the City Council. In the event of a vacancy on ~~said~~ the Board,
4 such vacancy shall be filled by the body or group, choosing the
5 member, a successor to whom is to be chosen, and in the manner
6 herein provided for the selection of such member.

7 ~~Sec. 3.~~ Section 3. The classified service of the ~~city~~ City
8 shall include all officers and employees of the City of
9 Asheville, except officers elected by the people, the city
10 manager, directors of departments, as defined in the city
11 charter, and members of advisory boards appointed by such
12 directors, the city clerk, ~~the clerk of the police court~~, or any
13 deputy clerk of the City of Asheville, and members of any board
14 or commission appointed by the ~~council~~, Council, and employees of
15 independent boards now choosing their own employees.

16 ~~Sec. 4.~~ Section 4. The Civil Service Board shall make, and may
17 amend, rules for promoting efficiency in the classified service
18 of the ~~city~~, ~~for the appointment, promotion, transfer for the~~
19 ~~layoff, reinstatement, suspension and removal of employees in the~~
20 ~~classified service.~~ City as provided in Section 5 of this Act.
21 Such rules and any amendment thereto, shall be submitted to the
22 ~~said council~~ Council for approval, and shall be open to public
23 inspection, when filed with the ~~said council~~ Council for ~~such~~
24 approval. The ~~city council~~, City Council, after giving members
25 of the classified service and citizens of Asheville an
26 opportunity to be heard at a public hearing, shall act upon such
27 proposed rules and amendments, and such rules or amendments, when
28 approved by a majority vote of the ~~council~~, Council, shall be in
29 full force and effect. The ~~council~~ Council may, before approval,
30 amend the rules or amendments thereto, submitted to it for
31 approval.

32 ~~Sec. 5.~~ Section 5. Such rules, ~~above mentioned~~, as authorized
33 in Section 4 of this Act, among other things, may provide:

34 (1) For the standardization and classification of all
35 positions and employments in the classified service
36 of the ~~city~~, City. Such classification into groups
37 and subdivisions shall be based upon and graded
38 according to duties and responsibilities, and so
39 arranged as to promote the filling of the higher
40 grades, so far as practicable, through promotions.
41 The City Manager or his or her designee shall
42 consult representative employees in the Police and
43 Fire Departments to establish criteria to be used
44 to fill each position within those respective

1 departments, including lateral entry positions. If
2 only one representative employee is consulted, he
3 or she shall be a representative chosen by the
4 employees of the respective department. If a group
5 of two or more employees is established for
6 purposes of this subsection, at least half of the
7 employees shall be chosen by the employees of the
8 respective department. The Civil Service Board
9 shall have the authority to approve any criteria
10 established and the criteria shall apply only to
11 persons promoted or hired after the effective date
12 of the approval. This provision shall not apply to
13 hiring or promotional processes initiated prior to
14 the effective date of this Act.

15 ~~(2) For open competitive tests to ascertain the relative~~
16 ~~fitness of all applicants for appointment in the competitive~~
17 ~~class.~~

18 ~~(3) For public notice of the time and place of all~~
19 ~~competitive tests, at least: ten days in advance thereof, by~~
20 ~~publication in the paper of the city having the largest or second~~
21 ~~largest circulation and in all copies of the issues thereof~~
22 ~~having the largest circulation in the city, and by posting a~~
23 ~~notice in conspicuous place in the city hall.~~

24 ~~(4) For the creation of eligible lists upon which shall~~
25 ~~be entered the names of the successful applicants in the order of~~
26 ~~their standing in the competitive tests, and without reference~~
27 ~~to the time of the test.~~

28 ~~(5) For the rejection of applicants or eligibles who do~~
29 ~~not satisfy reasonable requirements as to age, sex, physical~~
30 ~~condition and moral character or who have attempted deception or~~
31 ~~fraud in connection with any test or their application therefor.~~

32 ~~(6) For the certification to the appointing author from~~
33 ~~the appropriate eligible list, for filling a vacancy in the~~
34 ~~competitive class, of the three names standing highest in such~~
35 ~~list.~~

36 ~~(7) For temporary employment without test, in the~~
37 ~~absence of an eligible list; but no such temporary employment~~
38 ~~shall continue after the establishment of a suitable eligible~~
39 ~~list nor for more than sixty days.~~

40 ~~(8) For temporary employment for transitory work without~~
41 ~~test, but such employment shall require the consent of the~~
42 ~~Director of Civil Service in each case, and shall not continue~~
43 ~~for more than sixty days nor be renewed.~~

~~(9) For noncompetitive tests, for appointment to positions designated as requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.~~

~~(10) For promotion based on competitive tests and upon records of efficiency, character, conduct and seniority.~~

~~(11) For transfer from a position to a similar position in the same class and grade.~~

~~(12) For immediate reinstatement at the head of the eligible list of person who, without fault or delinquency on their part, are separated from the service or reduced in rank.~~

~~(13) For suspension for purpose of discipline, with or without pay, for not longer than ninety days, and for leave of absence with or without pay.~~

~~(14) For discharge or reduction in rank or compensation after the person to be discharged or reduced has, if he so requests, been presented by the person responsible for his appointment with the reasons therefor specifically stated in writing and has been given an opportunity to be publicly heard in his own defense by the Civil Service Board. The written reasons for such discharge or reduction and nay reply in writing thereto by any such officer or employee shall be filed with the Department of Civil Service.~~

~~(15) For investigation and keeping a record of the efficiency of officers and employees in the classified service, and for requiring markings and reports relative thereto from appointing authorities.~~

(2) For temporary or part-time employment to meet the transitory or seasonal needs of the City, except no temporary or part-time employment may occur or continue in violation of applicable State or federal law.

(3) For the establishment of a probationary period for new City employees prior to employees becoming members of the classified service, except no probationary period or any extension thereof may exceed one year in the aggregate.

(4) For suspension for purpose of discipline, with or without pay, for not longer than 90 days.

(5) For discharge or reduction in rank or compensation after the person to be discharged or reduced has, if he or she so requests, been presented by the person responsible for his or her appointment with the reasons therefor specifically stated in writing

1 and has been given an opportunity to be publicly
2 heard in his or her own defense by the Civil
3 Service Board, in accordance with Section 8 of this
4 Act. The written reasons for the discharge or
5 reduction and any reply in writing thereto by any
6 such officer or employee shall be filed with the
7 Department of Civil Service.

8 (6) For investigation and keeping a record of the
9 efficiency of officers and employees in the
10 classified service, and for requiring markings and
11 reports relative thereto from appointing
12 authorities.

13 ~~Sec. 6. There shall be kept in the department of Civil Service~~
14 ~~an application register in which shall be entered the names and~~
15 ~~addresses and the order and date of application of all applicants~~
16 ~~for civil service test and the office or employments which they~~
17 ~~seek. All applications shall be upon forms prescribed by the~~
18 ~~department for Civil Service.~~

19 ~~Sec. 7. Tests required by the department of Civil Service~~
20 ~~shall be practical, shall relate to matters which fairly measure~~
21 ~~the relative fitness of applicants to discharge the duties of the~~
22 ~~position which they seek, and shall take account of character,~~
23 ~~training and experience. No question in any test shall relate to~~
24 ~~political or religious opinions, affiliations or service, and no~~
25 ~~appointment, transfer, layoff, promotion, reduction, suspension~~
26 ~~or removal shall be affected or influenced by such opinions,~~
27 ~~affiliations or service. Notice of the time, place and scope of~~
28 ~~each test shall be given by publication and posting as specified~~
29 ~~in Section 5 of this Act, and by mail, at least ten days in~~
30 ~~advance, to each applicant upon the appropriate lists of the~~
31 ~~application register.~~

32 ~~Sec. 8. The list of applicants eligible to appointment by~~
33 ~~reason of civil service tests, which their grades, shall be known~~
34 ~~as the register of eligibles and shall be open to public~~
35 ~~inspection. The names of such eligibles shall be arranged in~~
36 ~~their respective lists in the order of their standing on test.~~
37 ~~The name of no person shall remain on the register of eligibles~~
38 ~~for more than two years without a new application, and, if the~~
39 ~~civil service rules as require, a new test.~~

40 ~~Sec. 9. When any position in the classified service is to be~~
41 ~~filled, the officer having authority to fill such vacancy shall~~
42 ~~request of the director of civil service the certification of~~
43 ~~names of eligibles for appointment to such vacancy and upon~~
44 ~~receipt of such request the director of civil service shall~~

1 ~~promptly certify to such officer the names and addresses of the~~
2 ~~highest three eligibles on the list for the class or grade to~~
3 ~~which such position belongs, with their respective grades as~~
4 ~~shown on the register of eligibles. The appointing authority~~
5 ~~shall appoint to such position one of the persons whose names are~~
6 ~~so certified.~~

7 ~~Sec. 10. Whenever practicable, vacancies in the classified~~
8 ~~service shall be filled by promotion, and the civil service rules~~
9 ~~shall indicate the lines of promotion from each lower to higher~~
10 ~~grade wherever experience derived in the lower grade tends to~~
11 ~~qualify for the higher. Any advancement in rank shall constitute~~
12 ~~promotion. Lists from which promotions are to be made shall be~~
13 ~~created as provided by the civil service rules, and the~~
14 ~~appointment of eligibles therefrom shall be made in the same~~
15 ~~manner as original appointments. When there are less than three~~
16 ~~names on the promotion list eligible for certification in any~~
17 ~~instance, then if the City Manager requests it, appointments to~~
18 ~~higher positions shall be made after competitive tests, in which~~
19 ~~persons not in the service of the city may compete, as well as~~
20 ~~applicants for such positions from the lower grades of the~~
21 ~~service, or from other branches thereof. In such case,~~
22 ~~appointment shall be made from the highest three eligibles, as in~~
23 ~~the case of other competitive tests.~~

24 ~~Sec. 11. There shall be maintained in the department of civil~~
25 ~~service a list of all persons in the classified service showing~~
26 ~~in connection with each name the position held, the salary or~~
27 ~~wages paid, the data and character of appointment, and every~~
28 ~~subsequent change in status. Such list shall be known as the~~
29 ~~service register and every appointing officer or authority shall~~
30 ~~promptly transmit to the department of civil service all~~
31 ~~information requested for the establishment and maintenance of~~
32 ~~each register.~~

33 ~~Sec. 12. The treasurer shall not pay, nor shall any officer of~~
34 ~~employee of the city issue a check for the payment of any salary~~
35 ~~or compensation to any person holding or claiming to hold, a~~
36 ~~position in the classified service, unless the payroll or account~~
37 ~~of such salary or compensation shall bear the certificate of the~~
38 ~~director of civil service that the persons named therein have~~
39 ~~been appointed or employed and are performing service in~~
40 ~~accordance with the civil service provisions of this Act and the~~
41 ~~rules established thereunder, that their names appear upon the~~
42 ~~service register for the time for which such salary or~~
43 ~~compensation is claimed and that the salary or compensation is at~~
44 ~~the rate indicated on such register. If the treasurer or any~~

~~1 officer or employee shall willfully or negligently violate any of
2 the provisions of this Section, he and the sureties on his bond
3 shall be liable to the City for the amount thereof and action may
4 be brought therefor by an taxpayer for the use of the city
5 without making previous request of the city to sue.~~

6 Section 6. The Civil Service Board shall have the authority,
7 exercisable by any of its members, to review and approve all
8 promotional processes in the Police and Fire Departments, and may
9 review any promotional decision in accordance with Section 7 of
10 this Act but no promotional decision may be changed except in
11 accordance with Section 8 of this Act. This section shall not
12 apply to promotional processes initiated prior to the effective
13 date of this Act.

~~14 Sec. 13. Section 7. The council, Council, the city manager,
15 City Manager, the Director or chair of the Civil Service Board,
16 or any person designated by any of them, may make investigations
17 concerning the facts in respect to the operation and enforcement
18 of the provisions of this Act and of the rules established
19 thereunder, and concerning the condition of the civil service of
20 the city City or any branch thereof. thereof, and may refer such
21 matters to the Civil Service Board for hearing in accordance with
22 Section 8 of this Act, or for further investigation as
23 appropriate. Written charges of misconduct or inefficiency
24 against any officer or employee in the classified service may be
25 filed with the Director of Civil Service by any person. The
26 Civil Service Board shall investigate any such charges, or cause
27 them to be investigated, and report the findings of the
28 investigation, in writing, to the authority responsible for the
29 appointment of the officer or employee against whom the charges
30 have been made. Any person, or persons, making any investigation
31 authorized or required by this Section, section, shall have the
32 power to subpoena and require the attendance of witnesses. A
33 copy of the report of such the investigation shall be filed with
34 the city clerk and be open for public inspection. inspection,
35 subject to the provisions of the Personnel Privacy Act or other
36 laws governing the disclosure of records in this State.~~

~~37 Sec. 14. Section 8. (a) Whenever any member of the classified
38 service of the City of Asheville is discharged, suspended,
39 reduced in rank, transferred against his or her will, or is
40 denied any promotion or raise in pay which he or she would be
41 entitled to, that member shall be entitled to a hearing before
42 the Civil Service Board of the City of Asheville to determine
43 whether or not the action complained of is justified.~~

1 (b) Any member of the classified service of the City of
2 Asheville who desires ~~such a~~ hearing shall file his or her
3 request for hearing with the city clerk within 10 days after
4 learning of the act or omission of which he or she ~~complains.~~
5 complains, but not before the member shall have exhausted his or
6 her remedy provided by the grievance procedures established by
7 ordinance or policy of the City and the grievance procedure shall
8 be concluded within 30 days. If the grievance procedure is not
9 concluded within 30 days, the member may proceed as provided in
10 this section. Upon receipt of ~~such notice,~~ notice as required in
11 this section, the city clerk shall set the matter for hearing
12 before the ~~civil service board~~ Civil Service Board at a date not
13 less than five nor more than 15 days from the clerk's receipt of
14 such notice. Except for the time for filing the initial request
15 for hearing with the Board, the Board may extend the time for
16 taking action under this section for cause or by agreement of the
17 parties to the proceeding.

18 (c) Any member of the classified service of the City of
19 Asheville who requests a hearing pursuant to this ~~act~~ Act shall
20 be entitled to be represented by counsel of his or her choice at
21 all stages of the proceeding. ~~It shall be the duty of the city~~
22 ~~attorney to represent the city in cases where the complaining~~
23 ~~member of the classified service is represented by counsel. The~~
24 City may be represented by its attorney at any such hearing.

25 (d) At such hearing, the burden of proving the justification
26 of the act or omission complained of shall be upon the City of
27 Asheville and the member requesting the hearing shall be entitled
28 to inspect and copy any records upon which the ~~city~~ City plans to
29 rely at ~~such hearing, provided, that such~~ the hearing if the
30 records are requested in writing by the member or his or her
31 attorney prior to the day set for the hearing.

32 (e) The ~~civil service board~~ Civil Service Board shall render
33 its decision in writing within five days after the conclusion of
34 the hearing. If the ~~board~~ Board determines that the act or
35 omission complained of is not justified, the ~~board~~ Board shall
36 order to rescind whatever action the ~~board~~ Board has found to be
37 unjustified and may order the ~~city~~ City to take such steps as are
38 necessary for a just conclusion of the matter before the ~~board.~~
39 Board. Upon reaching its decision, the ~~board~~ shall Board shall,
40 in writing, immediately inform the city clerk and the member
41 requesting the hearing of the ~~board's decision and shall do so in~~
42 writing. Board's decision.

43 (f) Within ten days of the receipt of notice of the decision
44 of the ~~board,~~ Board, either party may appeal to the Superior

1 Court Division of the General Court of Justice for Buncombe
2 County for a trial de novo. The appeal shall be effected by
3 filing with the Clerk of the Superior Court of Buncombe County a
4 petition for trial in superior court, setting out the facts upon
5 which the petitioner relies for relief. If the petitioner
6 desires a trial by jury, the petition shall so state. Upon the
7 filing of the petition, the clerk of the superior court shall
8 issue a civil summons as in regular civil action, and the sheriff
9 of Buncombe County shall serve the summons and petition on all
10 parties who did not join in the petition for trial. It shall be
11 sufficient service upon the City of Asheville for the sheriff to
12 serve the petition and summons upon the clerk of the City of
13 Asheville. City. Thereafter, the matter shall proceed to trial
14 as any other civil action.

15 ~~Sec. 15. The Council shall be ordinance establish a schedule~~
16 ~~of compensation for officers and employees in the classified~~
17 ~~service which shall provide uniform compensation for like~~
18 ~~service. such schedule of compensation may establish a minimum~~
19 ~~and a maximum for any grade.~~

20 ~~Sec. 16. Any applicant for any office or employment in the~~
21 ~~classified service who shall knowingly make any false statement~~
22 ~~in connection with any test shall thereby forfeit his right to be~~
23 ~~entered upon the eligible register and in case he has been~~
24 ~~appointed to an office or employment, he shall forfeit it and~~
25 ~~shall not within three years thereafter be eligible to~~
26 ~~appointment to any office or employment in the service of the~~
27 ~~City, nor shall he, during that time, be entitled to take any~~
28 ~~civil service test.~~

29 ~~Sec. 17. No applicant for civil service test or for~~
30 ~~appointment to the classified service shall, either directly or~~
31 ~~indirectly, give, render or pay or promise to give, render or pay~~
32 ~~any money, service or other valuable thing to any person for or~~
33 ~~on account of, or in connection with, his test, appointment or~~
34 ~~proposed appointment, nor shall he ask for or receive any~~
35 ~~recommendation or assistance from any person in the services of~~
36 ~~the city other than a statement regarding any previous service to~~
37 ~~the city as a subordinate under such officer or employee.~~

38 ~~Sec. 18. No person shall willfully or corruptly make any false~~
39 ~~statement, certificate, mark, grading or report in regard to any~~
40 ~~test or appointment held or made under the civil service~~
41 ~~provisions of this Act, or in any manner commit or attempt to~~
42 ~~commit any fraud on the impartial execution of any provisions of~~
43 ~~the civil service rules.~~

~~1 Sec. 19. No person in the administrative and/or classified~~
~~2 service of the city shall directly or indirectly solicit or~~
~~3 receive or be in any manner concerned in soliciting or receiving~~
~~4 any assessment, subscription or contribution for any political~~
~~5 party or political purpose whatever. No person shall orally or~~
~~6 by letter solicit or be in any manner concerned in soliciting any~~
~~7 assessment, subscription or contribution for any political~~
~~8 purpose from any person holding a position in the administrative~~
~~9 and/or classified service. No person shall use or promise to use~~
~~10 his influence or official authority to secure any appointment or~~
~~11 prospective appointment, to any position in the service of the~~
~~12 city as a reward or return for personal or partisan political~~
~~13 service.~~

~~14 Sec. 20. Section 9. No person about to be appointed to any~~
~~15 position in the service of the city City shall sign or execute a~~
~~16 resignation dated or undated, in advance of such appointment. No~~
~~17 person in the service of the city City shall discharge, suspend,~~
~~18 layoff, reduce in grade or in any manner change the official rank~~
~~19 or compensation of any person in such service, or promise or~~
~~20 threaten to do so, for withholding or neglecting to make any~~
~~21 contribution or money or service or any valuable thing for any~~
~~22 political purpose. No person in the administrataive service of~~
~~23 the city shall use his official authority to influence or coerce~~
~~24 the political action of any person or body, or to interfere with~~
~~25 any nomination or election to public office.~~

~~26 Sec. 21. No person in the administrative and/or classified~~
~~27 service of the City of Asheville shall act as an officer of a~~
~~28 political organization, take part in a political campaign, serve~~
~~29 as a member of a committee of any such organization, or~~
~~30 circulate, or seek signatures to any petition provided for by~~
~~31 primary or election laws, or act as a worker in favor of or in~~
~~32 opposition to any candidate for public office. This shall not be~~
~~33 construed to restrict the right of any employee in the qualified~~
~~34 service, to vote in any election, when qualified.~~

~~35 Sec. 22. Section 10. It shall be the duty of the Director of~~
~~36 Civil Service Board to supervise the execution of the foregoing~~
~~37 civil service provisions of this Act and of the rules made~~
~~38 thereunder, and it shall be the duty of all persons in the~~
~~39 service of the city City to comply with such rules and to aid in~~
~~40 their enforcement. Any person, who, by himself or with others,~~
~~41 willfully or corruptly deceives or obstructs any person in~~
~~42 respect to his/her right to take part in any test for admission~~
~~43 to the classified service of the city; or willfully and corruptly~~
~~44 marks, grades or reports upon the test or proper standing of any~~

~~1 person tested for appointment in the classified service, or aids
2 in so doing; or willfully or corruptly makes any false
3 representation as to the results of such tests or concerning
4 persons so tested; or furnished special or secret information for
5 the purpose of either improving or injuring the prospects or
6 chances of a person tested, or to be appointed, employed or
7 promoted; or impersonates any person, or permits or aids in any
8 impersonation or appointment or request to be tested or
9 registered; or who makes known or assists in making known to any
10 applicant for test, in advance thereof, any question to be asked
11 on such test, exercise the rights as stated herein; or willfully
12 or through culpable negligence violates any of the provisions of
13 this Act, shall be guilty of a misdemeanor and shall, upon
14 conviction thereof, be punished by a fine of not less than fifty
15 dollars (\$50.00) nor more than one thousand dollars (\$1,000), or
16 by imprisonment for a term not exceeding six (6) months. If any
17 such person be an applicant for competitive test, he shall be
18 excluded therefrom; if he be an eligible, his name shall be
19 removed from the register of eligibles; and if he be an officer
20 or employee of the city, he shall immediately forfeit his office
21 or employment.~~

~~22 Sec. 23. Any taxpayer in the city may maintain an action to
23 recover for the City any sum of money paid in violation of the
24 civil service provisions, or to enjoin the Director of Civil
25 Service from attaching his certificate to a payroll, or account
26 for services rendered, in violation of this
27 Act or the rules made thereunder; and the rules made under the
28 foregoing provisions shall for this and all other purposes have
29 the force of law.~~

~~30 Sec. 24. Section 11. Any and all employees of the classified
31 service as hereinabove defined, defined in this Act, who are
32 members of the classified service as defined in this Act at the
33 time of the first election of a Civil Service Director under this
34 Act, shall, without test, certification or reappointment, or
35 without complying with any of the provisions of this Act,
36 relating in any way to qualifications for or appointment to the
37 position she or he then holds, effective date of this Act, shall
38 be deemed to hold and occupy such position as an employee of the
39 civil service of the city City, as established by this Act,
40 subject only to layoff, suspension suspension, or removal
41 therefrom, as provided in this Act, and all of the provisions of
42 this Act shall be applicable to any and all such employees.~~

~~43 Sec. 25. In case of emergency, declared to be such by a
44 resolution adopted by the council in regular or special session,~~

~~1 requiring, in the opinion of the council, the employment of more
2 persons than are available for appointment from the eligible list
3 in any branch of the classified service, or immediately available
4 for appointment from such list, the city council may, without
5 waiting for an eligible list of employees, employ or authorize
6 the employment of as many employees as, in the opinion of the
7 council, may be needed to meet the emergency, such employment to
8 continue throughout the emergency and until an eligible list of
9 employees is available.~~

~~10 Sec. 26. Constitutionality of Act. Section 12. If any Section,
11 section, subsection, subdivision, sentence, clause clause, or
12 phrase of this Act shall for any reason be held to be invalid or
13 unconstitutional, such decision shall not affect the validity of
14 the remaining portions of this Act.~~

~~15 Sec. 27. Section 13. All laws and clauses of laws in conflict
16 with the provisions of this Act, including all of Chapter 83 of
17 the Session Laws of 1947, as amended by Chapter 459 of the
18 Session Laws of 1951, and Chapter 1000 of the Session Laws of
19 1951, Act are hereby repealed.~~

~~20 Sec. 28. The public interest requires that this act shall be
21 in full force and effect from and after its ratification."~~

~~22 Section 2. Notwithstanding the provisions of this Act,
23 the existing Civil Service Board shall continue in operation,
24 with no interruption in the term of any current member, and
25 without affecting the manner of selection or eligibility for
26 current service or successive terms of any member, and the
27 powers, duties, and responsibilities of the Board shall be as
28 prescribed by this Act from and after the effective date of this
29 Act.~~

~~30 Section 3. This Act shall become effective 30 days after
31 ratification.~~

LOCAL GOVT II

6-23-99

Date _____

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

**HOUSE COMMITTEE
ON LOCAL GOVERNMENT II**

2000 Short Session

**Representative Mary L. Jarrell
Chair**

**Edna Lee Collar
Committee Assistant**

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
1999-2000 SESSION**

| MEMBER | ASSISTANT | PHONE | OFFICE | SEAT |
|--------------------------------------|--|------------------|--------|------|
| JARRELL, Mary, Chair | Edna Lee Collar Committee Assistant | 733-5749 | 2219 | 3 |
| BONNER, Donald, Vice Chair | Lucy Johnson | 733-5803 | 1313 | 83 |
| BARBEE, Bobby | Rosa Murray | 733-5908 | 1025 | 54 |
| CAPPS, Russell | Pamela Ahlin | 715-2526 | 1424 | 85 |
| HAIRE, R. Phillip | Sara Jane Lennard | 715-3005 | 419B | 47 |
| HUNTER, Howard | Barbara Phillips | 733-2962 | 613 | 68 |
| HURLEY, John | Melissa Riddle | 733-5601 | 2215 | 23 |
| McALLISTER, Mary | Marilyn Suitt | 733-5959 | 638 | 34 |
| OWENS, Bill | Judy Veorse | 733-0010 | 632 | 9 |
| SEXTON, Wayne | Debbie Turner | 733-5974 | 506 | 87 |
| SMITH, Ronnie | Jane Bass | 733-5773 | 2223 | 2 |
| WARREN, Edith | Nancy Willis | 715. 733-3019 | 417A | 93 |
| WILSON, Gene | Rebecca Jones-Cooper | 733-7727 | 1109 | 61 |
| MANHEIMER, Esther, Staff Attorney | | 733-2578 | 545 | |
| FOLGER, Frank, Staff Attorney | | 733-2578 | 545 | |
| CROSSON, Kristen, Research Assistant | | | | |

HOUSE COMMITTEE ON LOCAL GOVERNMENT II
1999-2000 SESSION
MEMBERSHIP



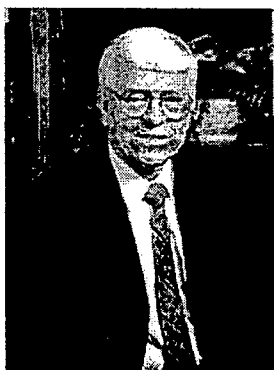
Mary L. Jarrell, CHAIR



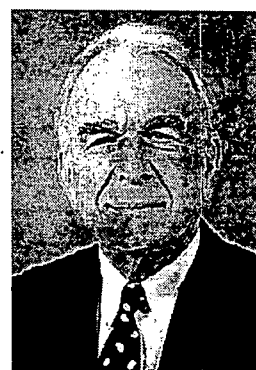
Donald Bonner, VICE CHAIR



Bobby Barbee



J. Russell Capps



R. Phillip Haire



Howard J. Hunter



John W. Hurley



Mary E. McAllister



Bill Owens



P. Wayne Sexton



Gene Wilson

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
1999-2000 SESSION
MEMBERSHIP**



Ronnie Smith



Edith Warren

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT
HOUSE: LOCAL GOVERNMENT II

| 1999-2000 Biennium | | HOUSE: LOCAL GOVERNMENT II | | Valid Through 19-JUL-2000 | |
|--------------------|------------|-------------------------------------|----------------------------|---------------------------|----------|
| BILL | INTRODUCER | SHORT TITLE | LATEST ACTION ON BILL | IN DATE | OUT DATE |
| H 21= | CREECH | CLAYTON SATELLITE ANNEXATION | *H -RE-REF COM ON FINANCE | 02-16-99 | 02-25-99 |
| H 31 | DEDMON | SHELBY PRIVATE SALE | R -CH. SL 99-0005 | 02-16-99 | 02-24-99 |
| H 44= | DEDMON | FOREST CITY/ALEXANDER MILLS | *H -RE-REF COM ON FINANCE | 02-16-99 | 02-25-99 |
| H 68= | MCCOMBS | TOWN OF CHINA GROVE | *R -CH. SL 99-0007 | 02-11-99 | 02-25-99 |
| H 85 | GOODWIN | SCOTLAND LOCAL ACT-1 | HF-POSTPONED INDEFINITELY | 02-16-99 | 04-20-99 |
| H 86 | GOODWIN | RICHMOND LOCAL ACT-1 | HF-POSTPONED INDEFINITELY | 02-16-99 | 04-20-99 |
| H 87 | GOODWIN | RICHMOND SALES TAX USE | *HF-POSTPONED INDEFINITELY | 02-16-99 | 04-20-99 |
| H 88 | GOODWIN | SCOTLAND LOCAL ACT-2 | HF-POSTPONED INDEFINITELY | 02-16-99 | 04-20-99 |
| H 119 | SUTTON | ECONOMIC DEVELOPMENT EMINENT DOMAIN | *HF-POSTPONED INDEFINITELY | 02-22-99 | 04-07-99 |
| H 123 | HAIRE | MUNICIPAL IN 52ND HOUSE DIST. | HF-POSTPONED INDEFINITELY | 02-23-99 | 04-20-99 |
| H 153 | YONGUE | HOKE SCHOOL ELECTION FILING | R -CH. SL 99-0018 | 02-25-99 | 03-17-99 |
| H 332 | GILLESPIE | YANCEY SCHOOL ELECTIONS | S -REF TO COM ON STLOGVTT | 03-04-99 | 03-17-99 |
| H 378 | CRAWFORD | ROANOKE RAPIDS REDEVELOPMENT | R -CH. SL 99-0067 | 03-10-99 | 03-17-99 |
| H 419 | BAKER | MOUNT AIRY SATELLITE ANNEXATION | *R -CH. SL 99-0232 | 04-21-99 | 04-27-99 |
| H 426 | JARRELL | LOCAL RED LIGHT CAMERAS | *R -CH. SL 99-0181 | 03-15-99 | 03-24-99 |
| H 429= | HAIRE | MADISON COMMISSIONERS ELECTION | R -CH. SL 99-0037 | 03-15-99 | 03-24-99 |
| H 487= | HAIRE | MADISON COMMISSIONERS ELECTION | H -REF TO COM ON LOGGOVII | 03-18-99 | |
| H 504 | PRESTON | CARTERET PLANNING/ZONING CHANGES | *R -CH. SL 99-0154 | 03-18-99 | 04-07-99 |
| H 587 | BOWIE | INCREASE BID LIMIT/GREENSBORO | R -CH. SL 99-0052 | 03-24-99 | 04-07-99 |
| H 614 | OWENS | PASQUOTANK PEACE OFFICER | H -REF TO COM ON LOGGOVII | 03-25-99 | |
| H 615 | OWENS | ELIZABETH CITY WATERCRAFT REG. | *R -CH. SL 99-0174 | 03-25-99 | 04-07-99 |
| H 637 | OWENS | COINJOCK CANAL NO-WAKE ZONE | R -CH. SL 99-0038 | 03-29-99 | 04-07-99 |
| H 638 | OWENS | TRANSFER CERTAIN SEPTIC SYSTEMS | *R -CH. SL 99-0288 | 03-29-99 | 04-08-99 |
| H 650 | REDWINE | BRUNSWICK PERSONAL WATERCRAFT | *R -CH. SL 99-0087 | 03-29-99 | 04-22-99 |
| H 677 | HAIRE | CERTAIN COUNTIES DELINQUENT TAXES | S -CONF COM APPOINTED | 03-29-99 | 04-14-99 |
| H 684 | MOSLEY | MUNICIPALITIES' TREE ORDINANACES | *R -CH. SL 00-0108 | 03-30-99 | 04-15-99 |
| H 707 | COX | BROADWAY FORM OF GOVT. | R -CH. SL 99-0230 | 03-30-99 | 04-14-99 |
| H 708= | COX | AIRPORT AUTHORITY REFUNDS | *R -CH. SL 99-0104 | 03-30-99 | 04-14-99 |
| H 749 | RAYFIELD | BELMONT ABC PROFITS | S -REF TO COM ON STLOGVTT | 03-31-99 | 04-15-99 |
| H 797= | MELTON | UNION COUNTY FIRE FEES | R -CH. SL 99-0039 | 04-01-99 | 04-14-99 |

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NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

HOUSE: LOCAL GOVERNMENT II

Valid Through 19-JUL-2000

1999-2000 Biennium

| BILL | INTRODUCER | SHORT TITLE | LATEST ACTION ON BILL | IN DATE | OUT DATE |
|--------|--------------|--------------------------------------|---------------------------|----------|----------|
| H 802= | MICHAUX | DURHAM CITY DEVELOPMENT PLANS | S -REF TO COM ON STLOCVT | 04-01-99 | 04-14-99 |
| H 803 | MICHAUX | DURHAM COUNTY ZONING NOTICES | S -REF TO COM ON STLOCVT | 04-01-99 | 04-14-99 |
| H 810= | MCMAHAN | MECKLENBURG SCHOOL ACQUISITION | H -REF TO COM ON LOGGOVII | 04-01-99 | |
| H 828 | GILLESPIE | REVALUATION TAX RATE NOTICE | S -REF TO COM ON FINANCE | 04-01-99 | 04-21-99 |
| H 829 | WALEND | TRANSYLVANIA SCH. CONSTRUCTION FLEX. | R -CH. SL 99-0053 | 04-01-99 | 04-21-99 |
| H 840 | GRADY | ONSLOW BID EXEMP/CHAR-MECK SCH CONST | *R -CH. SL 99-0207 | 04-01-99 | 04-21-99 |
| H 844 | INSKO | ORANGE COUNTY CIVIL RIGHTS | *HF-FAILED 2ND READING | 04-01-99 | 04-22-99 |
| H 846 | WARREN EDITH | FARMVILLE ETJ | *R -CH. SL 99-0043 | 04-01-99 | 04-26-99 |
| H 847 | WARREN EDITH | PITT COUNTY INVESTMENTS | *R -CH. SL 99-0048 | 04-01-99 | 04-27-99 |
| H 855 | HORN | KINGS MOUNTAIN ETJ | R -CH. SL 99-0259 | 04-01-99 | 04-23-99 |
| H 867 | FITCH | WILSON ANNEXATIONS | *S -REF TO COM ON FINANCE | 04-01-99 | 04-26-99 |
| H 870 | OWENS | MAGIST. ACCEPT WAIVER/VEHICLE VIOL. | R -CH. SL 99-0080 | 04-01-99 | 04-23-99 |
| H 880 | ALLRED | BID PROCESS/CAPITAL PROJ. | R -CH. SL 99-0093 | 04-01-99 | 04-26-99 |
| H 886 | LUEBKE | DURHAM FIREWORKS - 2 | H -REF TO COM ON LOGGOVII | 04-01-99 | |
| H 900 | HUNTER | GATES COUNTY FIRE PROTECTION | *R -CH. SL 99-0242 | 04-01-99 | 04-23-99 |
| H1490= | MCCOMBS | CHINA GROVE CHARTER | S -REF TO COM ON STLOCVT | 00-05-09 | 00-05-24 |
| H1536 | HAIRE | SYLVA ELECTIONS | R -CH. SL 00-0030 | 00-05-16 | 00-05-24 |
| H1541 | OWENS | CAMDEN AMBULANCE FEES | R -CH. SL 00-0015 | 00-05-16 | 00-05-24 |
| H1542 | OWENS | CAMDEN/ELECTRONIC DOG COLLARS | R -CH. SL 00-0012 | 00-05-16 | 00-05-24 |
| H1552= | YONGUE | LAURINBURG STREET ASSESSMENTS | R -CH. SL 00-0013 | 00-05-17 | 00-05-24 |
| H1553 | YONGUE | LUMBERTON/PINEVILLE TRAFFIC VIOLATIO | *R -CH. SL 00-0037 | 00-05-17 | 00-05-30 |
| H1606 | JARRELL | HIGH POINT OVERGROWN LOTS | R -CH. SL 00-0033 | 00-05-18 | 00-05-24 |
| H1651 | SEXTON | EDEN ASSESSMENTS | H -REF TO COM ON LOGGOVII | 00-05-23 | |
| H1660= | BAKER | ASHE SCHOOL BOARD | S -REF TO COM ON STLOCVT | 00-05-23 | 00-05-31 |
| H1675 | SEXTON | MAYODAN TOWN MANAGER RESIDENCY | R -CH. SL 00-0034 | 00-05-24 | 00-05-31 |
| H1688 | OWENS | CURRITUCK PERSONAL WATERCRAFT REG. | R -CH. SL 00-0014 | 00-05-24 | 00-05-31 |
| H1736= | HORN | LAKE LURE FISHING REGULATIONS | H -REF TO COM ON LOGGOVII | 00-05-25 | |
| H1739= | NESBITT | ASHEVILLE CHARTER AMENDMENTS | R -CH. SL 00-0044 | 00-05-25 | 00-05-31 |
| H1744 | BONNER | ROWLAND CHARTER AMENDMENT | *R -CH. SL 00-0045 | 00-05-25 | 00-06-07 |
| H1756 | OWENS | PASQUOTANK FUNDING REPEAL | R -CH. SL 00-0046 | 00-05-25 | 00-06-07 |

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1999-2000 Biennium

Valid Through 19-JUL-2000

| BILL | INTRODUCER | SHORT TITLE | LATEST ACTION ON BILL | IN DATE | OUT DATE |
|--------|------------|--------------------------------------|---------------------------|----------|----------|
| H1760 | POPE | EXPEDITE WAKE SCHOOL CONSTRUCTION | HF-POSTPONED INDEFINITELY | 00-05-25 | 00-05-30 |
| H1769 | BARBEE | STANLY LEGAL ADVERTISING | H -REF TO COM ON LOGGOVII | 00-05-25 | |
| H1772= | TALLENT | CABARRUS ANNEXATION MORATORIUM | H -REF TO COM ON LOGGOVII | 00-05-25 | |
| H1773 | WILSON G | BIDDING LAW CHANGE/WATAUGA HOSPITAL | H -REF TO COM ON LOGGOVII | 00-05-25 | |
| H1807= | HAIRE | HAYWOOD/NO SPOTLIGHTING DEER | S -REF TO COM ON RULES & | 00-05-25 | 00-06-07 |
| S 33= | WELLONS | CLAYTON SATELLITE ANNEXATION | R -CH. SL 99-0010 | 02-24-99 | 03-11-99 |
| S 156 | WELLONS | LAKE ROYALE MV REG. SUNSET OFF | R -CH. SL 99-0011 | 03-16-99 | 03-24-99 |
| S 299 | HARTSELL | CABARRUS/CONCORD FORCE ACCT. INCR. | R -CH. SL 99-0034 | 03-23-99 | 05-05-99 |
| S 433 | LEE | PINEBLUFF ETJ | R -CH. SL 99-0035 | 04-28-99 | 05-05-99 |
| S 532 | CARTER | ASHEVILLE CIVIL SERV. BD./ZONING REF | *R -CH. SL 99-0303 | 05-03-99 | 07-05-99 |
| S 625 | LUCAS | DURHAM PRIVILEGE LICENSE TECHNICAL | R -CH. SL 99-0256 | 04-27-99 | 05-05-99 |
| S 626 | LUCAS | DURHAM FIREWORKS | *R -CH. SL 99-0045 | 04-20-99 | 05-06-99 |
| S 627 | LUCAS | DURHAM CITY CONTRACT EXECUTION | R -CH. SL 99-0036 | 04-20-99 | 05-05-99 |
| S 652 | GULLEY W | AMBULANCE SERVICE FRAUD/DURHAM | R -CH. SL 99-0064 | 04-20-99 | 05-12-99 |
| S 687 | ALLRAN | HICKORY FIREFIGHTERS' RETIREMENT FUN | R -CH. SL 99-0128 | 04-20-99 | 05-13-99 |
| S 709= | ODOM | MECKLENBURG SCHOOL ACQUISITION | R -CH. SL 99-0065 | 04-13-99 | 05-12-99 |
| S 719= | GULLEY W | DURHAM DEVELOPMENT PLANS | R -CH. SL 99-0070 | 04-20-99 | 05-13-99 |
| S 720 | GULLEY W | DURHAM ZONING NOTICES | *R -CH. SL 99-0055 | 04-22-99 | 05-12-99 |
| S1189= | HARTSELL | CHINA GROVE CHARTER | R -CH. SL 00-0010 | 00-05-23 | 00-06-14 |
| S1283= | EAST | ASHE SCHOOL BOARD | R -CH. SL 00-0006 | 00-05-30 | 00-06-07 |
| S1286 | KINNAIRD | RANDLEMAN RECALL | *R -CH. SL 00-0094 | 00-06-20 | 00-06-29 |
| S1301= | HARTSELL | CABARRUS ANNEXATION MORATORIUM | R -CH. SL 00-0007 | 00-06-06 | 00-06-07 |
| S1359 | HORTON | WINSTON-SALEM LOCAL ACT | *R -CH. SL 00-0104 | 00-06-28 | 00-06-30 |
| S1364 | HARTSELL | EXTEND CABARRUS E&R BOARD | R -CH. SL 00-0092 | 00-06-30 | 00-07-06 |
| S1418 | WEBSTER | YANCEYVILLE CHARTER AMENDMENTS | R -CH. SL 00-0086 | 00-06-20 | 00-06-28 |

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.

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

BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425, LEGISLATIVE BUILDING
MAY 24, 2000
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

**HB 1490 CHINA GROVE CHARTER (Rep. McCombs)
HB 1536 SYLVA ELECTIONS (Rep. Haire)
HB 1541 CAMDEN AMBULANCE FEE (Rep. Owens)
HB 1542 CAMDEN/ELECTRONIC DOG COLLARS (Rep. Owens)
HB 1552 LAURINBURG STREET ASSESSMENTS (Rep. Yongue)
HB 1553 LUMBERTON TRAFFIC VIOLATIONS (Rep. Yongue)
HB 1606 HIGH POINT OVERGROWN LOTS (Rep. Jarrell)**

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II May 24, 2000

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, April 24, 2000, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Bonner, Vice Chair; Representatives Barbee, Capps, Haire, Hurley, McAllister, Owens, Sexton, Warren, and G. Wilson. Also in attendance were Esther Manheimer and Frank Folger, committee counselors and Kenny Coble, Intern. A Visitor registration sheet is attached and made part of the minutes.

Representative Jarrell, Chair, called the meeting to order and welcomed members to the first meeting of the 2000 Short Session of the House Local Government II Committee. Representative Jarrell introduced Frank Folger, committee counselor, and Kenny Coble, Intern.

The following bills were considered:

HB 1490 CHINA GROVE CHARTER. Representative McCombs, sponsor of the bill, explained that this bill amends the Charter of the Town of China Grove to allow the town to operate under the council-manager form of government. He stated that there is no controversy surrounding this bill.

Representative McAllister moved for a favorable report and the motion carried.

HB 1536 SYLVA ELECTIONS. Representative Haire, sponsor, explained that this bill allows the Town of Sylva to have nonpartisan municipal elections. Sylva has had partisan elections since its incorporation in 1899. This bill creates staggered terms for the Sylva Town Council. The bill has no opposition.

Representative Bonner moved to give HB 1536 a favorable report and the motion carried.

HB 1541 CAMDEN AMBULANCE FEES. Representative Owens, sponsor of the bill, explained that this bill makes it a criminal offense in Camden County to obtain ambulance services with no intent to pay for those services or to make an unnecessary ambulance request. It authorizes the county to collect ambulance charges through the use of attachment and garnishment proceedings.

Representative Barbee moved for a favorable report and the motion carried.

HB 1542 CAMDEN/ELECTRONIC DOG COLLARS. Representative Owens, sponsor, explained that the bill adds Camden County to those counties in which it is unlawful to remove or destroy electronic collar on dogs.

Representative Hurley moved for favorable report and motion carried.

HB 1552 LAURINBURG STREET ASSESSMENTS. Representative Yongue, sponsor, explained the bill which would allow the City of Laurinburg to levy special assessments for street or sidewalk improvements without petition. He stated that the people of Laurinburg had asked for this bill and there is no opposition.

Representative McAllister made a motion for a favorable report. Motion carried.

HB 1553 LUMBERTON TRAFFIC VIOLATIONS. A committee substitute for HB 1553 was offered. Esther Manheimer, staff counsel, explained the committee substitute which allows the city of Lumberton to adopt a local ordinance to enforce traffic offenses such as running a red light or stop signs through the use of a traffic control photographic system. The bill also grants the same authority to the City of Greenville. She stated that Greenville was erroneously omitted last year and that this just a technical change.

Representative Warren made a motion to give committee substitute a favorable report; unfavorable to original bill. Motion carried.

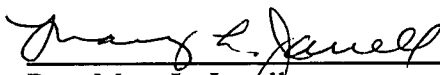
HB 1606 HIGH POINT OVERGROWN LOTS. Representative Bonner presided over this bill for Representative Jarrell, sponsor. This bill authorizes the City of High Point to notify anyone who chronically violates the city's overgrown vegetation ordinance that the city will remedy any observed violation occurring in the same calendar year and impose a lien on the property, collectable as unpaid taxes, for expenses incurred in remedying the violation.

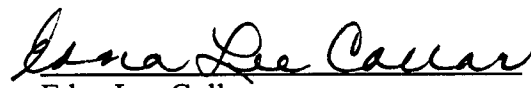
Representative Barbee asked if the City would allow senior citizens to have the cleanup free of charge. Representative Jarrell answered in the affirmative.

Representative Barbee moved for favorable report. Motion carried.

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

Respectfully submitted:


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1490 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CHINA GROVE TO ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT.

☒ 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 1490

Short Title: China Grove Charter.

(Local)

Sponsors: Representative McCombs.

Referred to: Local Government II.

May 9, 2000

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF CHINA GROVE TO
3 ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER
4 FORM OF GOVERNMENT.

5 The General Assembly of North Carolina enacts:

6 Section 1. The Charter of the Town of China Grove, being Chapter 309
7 of the Private Laws of 1903, is amended by adding a new section to read:

8 "Sec. 4A. Notwithstanding any other provision of this Charter, the town shall
9 operate under the council-manager form of government as provided in Part 2 of
10 Article 7 of Chapter 160A of the General Statutes."

11 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) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1536 A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED TERMS
FOR THE SYLVA TOWN COUNCIL AND TO PROVIDE FOR NONPARTISAN
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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1536

Short Title: Sylva Elections.

(Local)

Sponsors: Representative Haire.

Referred to: Local Government II.

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE STAGGERED TERMS FOR THE SYLVA TOWN
COUNCIL AND TO PROVIDE FOR NONPARTISAN ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 5 of the Charter of the Town of Sylva, being Chapter 72 of the Private Laws of 1899, as amended by Chapter 27 of the 1957 Session Laws and Chapter 31 of the 1961 Session Laws, is rewritten to read:

"Section 5(a). Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted by the Jackson County Board of Elections. Elections shall be conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

Section 5(b). In 2001 and quadrennially thereafter, a mayor shall be elected for a four-year term. In 2001, five council members shall be elected. The two persons receiving the highest numbers of votes are elected to a four-year term, and the three persons receiving the next highest numbers of votes are elected to two-year terms. In 2003 and quadrennially thereafter, three council members are elected to four-year terms. In 2005 and quadrennially thereafter, two council members are elected to four-year terms."

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) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1541 A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE IN CAMDEN COUNTY TO OBTAIN AMBULANCE SERVICES WITH NO INTENT TO PAY FOR THOSE SERVICES OR TO MAKE AN UNNECESSARY AMBULANCE REQUEST AND TO AUTHORIZE CAMDEN COUNTY TO COLLECT AMBULANCE CHARGES THROUGH THE USE OF ATTACHMENT AND GARNISHMENT PROCEEDINGS.

☒ 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 1541

Short Title: Camden Ambulance Fees.

(Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

May 16, 2000

1 A BILL TO BE ENTITLED

2 AN ACT TO MAKE IT A CRIMINAL OFFENSE IN CAMDEN COUNTY TO
3 OBTAIN AMBULANCE SERVICES WITH NO INTENT TO PAY FOR THOSE
4 SERVICES OR TO MAKE AN UNNECESSARY AMBULANCE REQUEST
5 AND TO AUTHORIZE CAMDEN COUNTY TO COLLECT AMBULANCE
6 CHARGES THROUGH THE USE OF ATTACHMENT AND GARNISHMENT
7 PROCEEDINGS.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 14-111.2 reads as rewritten:

10 "**§ 14-111.2. Obtaining ambulance services without intending to pay therefor -- certain**
11 **named counties.**

12 Any person who with intent to defraud shall obtain ambulance services without
13 intending at the time of obtaining such services to pay, if financially able, any
14 reasonable charges therefor shall be guilty of a Class 2 misdemeanor. A
15 determination by the court that the recipient of such services has willfully failed to
16 pay for the services rendered for a period of 90 days after request for payment, and
17 that the recipient is financially able to do so, shall raise a presumption that the
18 recipient at the time of obtaining the services intended to defraud the provider of the
19 services and did not intend to pay for the services.

20 The section shall apply to Anson, Ashe, Beaufort, Caldwell, Camden, Caswell,
21 Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davie, Duplin,
22 Durham, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hoke, Hyde,
23 Iredell, Macon, Mecklenburg, Montgomery, Orange, Pasquotank, Person, Polk,

1 Randolph, Robeson, Rockingham, Scotland, Stanly, Surry, Transylvania, Union,
2 Vance, Washington, Wilkes and Yadkin Counties only."

3 Section 2. G.S. 14-111.3 reads as rewritten:

4 "**§ 14-111.3. Making unneeded ambulance request in certain counties.**

5 It shall be unlawful for any person or persons to willfully obtain or attempt to
6 obtain ambulance service that is not needed, or to make a false request or report that
7 an ambulance is needed. Every person convicted of violating this section shall be
8 guilty of a Class 3 misdemeanor.

9 This section shall apply only to the Counties of Ashe, Buncombe, Camden,
10 Cherokee, Clay, Cleveland, Davie, Duplin, Durham, Graham, Greene, Haywood,
11 Hoke, Macon, Madison, Polk, Robeson, Washington, Wilkes and Yadkin."

12 Section 3. G.S. 44-51.8 reads as rewritten:

13 "**§ 44-51.8. Counties to which Article applies.**

14 The provisions of this Article shall apply only to Alamance, Alexander, Alleghany,
15 Anson, Ashe, Beaufort, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Camden,
16 Caldwell, Caswell, Catawba, Chatham, Cherokee, Chowan, Cleveland, Columbus,
17 Craven, Cumberland, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth,
18 Franklin, Gaston, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood,
19 Henderson, Hertford, Hoke, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Lincoln,
20 McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New
21 Hanover, Onslow, Pasquotank, Person, Pitt, Polk, Randolph, Richmond, Robeson,
22 Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain,
23 Transylvania, Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga, Wilkes,
24 Wilson, Yadkin and Yancey Counties."

25 Section 4. This act becomes effective December 1, 2000, and applies only
26 to Camden County. Sections 1 and 2 of this act apply only to offenses committed on
27 or after December 1, 2000.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1542 A BILL TO BE ENTITLED AN ACT TO ADD CAMDEN COUNTY 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) (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 1542

Short Title: Camden/Electronic Dog Collars.

(Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

May 16, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD CAMDEN COUNTY TO THOSE COUNTIES IN WHICH IT IS
3 UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON
4 DOGS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 14-401.17 reads as rewritten:
7 "**§ 14-401.17. Unlawful removal or destruction of electronic dog collars.**
8 (a) It is unlawful to intentionally remove or destroy an electronic collar or other
9 electronic device placed on a dog by its owner to maintain control of the dog.
10 (b) A first conviction for a violation of this section is a Class 3 misdemeanor. A
11 second or subsequent conviction for a violation of this section is a Class 2
12 misdemeanor.
13 (c) This act is enforceable by officers of the Wildlife Resources Commission, by
14 sheriffs and deputy sheriffs, and peace officers with general subject matter
15 jurisdiction.
16 (d) This act applies only to Alamance, Avery, Beaufort, Brunswick, Buncombe,
17 Burke, Caldwell, Camden, Caswell, Cherokee, Clay, Columbus, Craven, Cumberland,
18 Davidson, Graham, Haywood, Henderson, Hyde, Jackson, Macon, Madison,
19 McDowell, Mecklenburg, Mitchell, New Hanover, Orange, Pasquotank, Pitt, Robeson,
20 Rockingham, Swain, Transylvania, Union, Wilkes, and Yancey Counties."
21 Section 2. This act becomes effective December 1, 2000, and applies to
22 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) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1552 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF
LAURINBURG TO LEVY SPECIAL ASSESSMENTS FOR STREET OR SIDEWALK
IMPROVEMENTS WITHOUT PETITION.

☒ 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 1552*

Short Title: Laurinburg Street Assessments.

(Local)

Sponsors: Representatives Yongue, Bonner, and Goodwin.

Referred to: Local Government II.

May 17, 2000

1. A BILL TO BE ENTITLED

2 AN ACT TO ALLOW THE CITY OF LAURINBURG TO LEVY SPECIAL
3 ASSESSMENTS FOR STREET OR SIDEWALK IMPROVEMENTS WITHOUT
4 PETITION.

5 The General Assembly of North Carolina enacts:

6 Section 1. The provisions of G.S. 160A-217(a) and (c) do not apply to
7 the City of Laurinburg. The remaining provisions of Article 10 of Chapter 160A of
8 the General Statutes shall apply to the City when making special assessments for
9 street or sidewalk improvements.

10 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) **Jarrell** for the Committee on **Local Government II**.

- ☐ Committee Substitute for
H.B. 1553 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
LUMBERTON TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF
A TRAFFIC VIOLATION.
- ☐ 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 ~~the~~
- ☐ 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 1553

Short Title: Lumberton Traffic Violations.

(Local)

Sponsors: Representatives Yongue and Bonner.

Referred to: Local Government II.

May 17, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO USE
3 PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC
4 VIOLATION.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 2 of Chapter 216 of the 1997 Session Laws as
7 amended by S.L. 1999-182, reads as rewritten:
8 "Section 2. This act applies to the Cities of Charlotte, Fayetteville, Greenville,
9 Lumberton, Wilmington, and Greensboro, and the Towns of Huntersville, Matthews,
10 and Cornelius only."
11 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1553

Proposed Committee Substitute H1553-PCS4328-SK001

Short Title: Lumberton Traffic Violations.

(Local)

Sponsors:

Referred to:

May 17, 2000

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO USE
3 PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC
4 VIOLATION AND TO RESTORE THE APPLICABILITY OF THE STATUTE
5 TO THE CITY OF GREENVILLE AFTER ITS ENACTMENT IN 1999 AND
6 ERRONEOUS DELETION IN A LATER ACT THAT SAME YEAR.

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 2 of S.L. 1997-216, as amended by S.L. 1999-17 and
9 S.L. 1999-181, and as rewritten by Section 48(c) of S.L. 1999-456, reads as rewritten:

10 "Section 2. This act applies to the Cities of Charlotte, Fayetteville, Greensboro,
11 High Point, Rocky Mount, ~~and~~ Wilmington, Greenville, and Lumberton, and the
12 Towns of Cornelius, Huntersville, and Matthews only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-181
HOUSE BILL 426

AN ACT TO AUTHORIZE THE CITIES OF GREENSBORO, HIGH POINT, AND
ROCKY MOUNT TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE
EVIDENCE OF A TRAFFIC VIOLATION.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 216 of the 1997 Session Laws reads as rewritten:

"Section 1. Chapter 160A of the General Statutes is amended by adding a new section to read:

'§ 160A-300.1. Use of traffic control photographic systems.

(a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subdivision (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(b1) Any traffic control photographic system installed on a street or highway must be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install traffic control photographic systems.

(c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 21 days after notification of the violation, furnishes the officials or agents of the municipality which issued the citation:

(2)

(3)

(4)

Section
amended by S.L. 1
"Section 2. T
Charlotte, Favettev
Section
In the
June, 1999.

- a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle; or
 - b. An affidavit stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.
- (2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the ~~vehicle~~. vehicle nor insurance points as authorized by G.S. 58-36-65.
 - (3) The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.
 - (4) The municipality shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section."

Section 2. Section 2 of Chapter 216 of the 1997 Session Laws, as amended by S.L. 1999-17, reads as rewritten:

"Section 2. This act applies to the Cities of ~~Charlotte and Fayetteville only.~~
Charlotte, Fayetteville, Greensboro, High Point, and Rocky Mount only."

Section 3. This act becomes effective January 1, 2000.

In the General Assembly read three times and ratified this the 16th day of June, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1553

Proposed House Committee Substitute: H1553-PCSSK-001

Attention: Line numbers may change after adoption.

Short Title: Lumberton Traffic Violations.

(Local)

Sponsors: Representatives Yongue and Bonner.

Referred to: Local Government II.

May 17, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO USE PHOTOGRAPHIC
3 IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO
4 RESTORE THE APPLICABILITY OF THE STATUTE TO THE CITY OF
5 GREENVILLE AFTER ITS ENACTMENT IN 1999 AND ERRONEOUS DELETION
6 IN A LATER ACT THAT SAME YEAR.
7 The General Assembly of North Carolina enacts:
8 Section 1. Section 2 of S.L. 1997-216, as amended by
9 S.L. 1999-17 and S.L. 1999-181, and as rewritten by Section 48(c)
10 of S.L. 1999-456, reads as rewritten:
11 "Section 2. This act applies to the Cities of Charlotte,
12 Fayetteville, Greensboro, High Point, Rocky Mount, and
13 Wilmington, Greenville, and Lumberton, and the Towns of
14 Cornelius, Huntersville, and Matthews only."
15 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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

H.B. 1606 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HIGH POINT 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1606

Short Title: High Point Overgrown Lots.

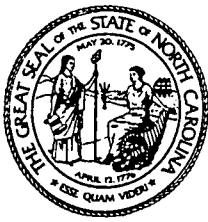
(Local)

Sponsors: Representatives Jarrell; Adams, Bowie, Boyd-McIntyre, Decker,
Dockham, Esposito, Jeffus, and Wood.

Referred to: Local Government II.

May 18, 2000

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITY OF HIGH POINT TO GIVE ANNUAL
3 NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN
4 VEGETATION ORDINANCE.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 2 of S.L. 1999-58 reads as rewritten:
7 "Section 2. This act applies to the ~~City~~ Cities of High Point and Roanoke Rapids
8 only."
9 Section 2. This act is effective when it becomes law.



BILL ANALYSIS

Committee: Local Government II
Date: May 24, 2000
Version: See Below

Introduced by: See Below
Summary by: Frank Folger and
Esther Manheimer
Committee Counsel

House Bill 1490: China Grove Charter (= SB1189)

Version: First Edition

Sponsor: Representative McCombs.

Bill Analysis: This bill converts the form of government for the municipality of China Grove to a council-manager form of government, pursuant to Part 2 of Article 7 of Chapter 160A.

This act is effective when it becomes law.

House Bill 1536: Sylva Elections

Version: First Edition

Sponsor: Representative Haire

Bill Analysis: This bill allows the Town of Sylva to have nonpartisan municipal elections. Sylva has had partisan elections since its incorporation in 1899. In addition, this bill creates staggered terms for the Sylva Town Council.

This bill is subject to preclearance by the United States Justice Department under Section 5 of the Voting Rights Act.

This act is effective when it becomes law.

House Bill 1541: Camden Ambulance Fees

Version: First Edition

Sponsor: Representative Owens

Bill Analysis: This bill has three separate provisions regarding ambulance fees:

- Section 1 -adds Camden County to the list of 43 other counties that have made it a criminal offense (Class 2 misdemeanor) for a person, with fraudulent intent, to receive ambulance services intending at the time not to pay the reasonable charges for them, though financially able to do so;
- Section 2. - adds Camden County to the list of 19 other counties that have made it a criminal offense (Class 3 misdemeanor) for a person to willfully obtain or willfully attempt to obtain unnecessary ambulance services or to falsely request an ambulance or report that an ambulance is needed;
- Section 3. – adds Camden County to the list of 85 other counties that allow a lien upon real property to be imposed and/or garnishment and attachment proceedings to be used by a county for recovering unpaid ambulance fees owed to the county or municipality or to a county- or municipality-funded ambulance service for ambulance services rendered. If an ambulance service fee remains unpaid after 90 days, the county can treat the debt like uncollected taxes and may, pursuant to G.S. §105-368, attach wages, other compensation and income, bank accounts, property subject to levy, and certain intangible personal property. A general lien is created against real property owned by the recipient or the person

legally responsible for the recipient of the unpaid ambulance services created; it is made valid by filing the lien in the clerk of superior court's office after 90 days but before 180 days have expired from the date services were rendered.

This act becomes effective December 1, 2000. Sections 1 and 2 only apply to offenses committed on or after December 1, 2000.

House Bill 1542: Camden/Electronic Dog Collars

Version: First Edition

Sponsor: Representative Owens

Bill Analysis: This bill adds Camden County to the list of 35 counties that make it a criminal offense to intentionally remove or destroy an electronic dog collar or other electronic dog control device placed on a dog. A first conviction is a Class 3 misdemeanor, and any subsequent conviction is a Class 2 misdemeanor.

This act becomes effective December 1, 2000, and applies to offenses committed on or after that date.

House Bill 1552: Laurinburg Street Assessments (= SB 1222)

Version: First Edition

Sponsors: Representatives Yongue, Bonner, and Goodwin

Bill Analysis: This bill exempts the City of Laurinburg from the requirements of G.S. 160A-217(a) and (c). Thus, Laurinburg would be exempt from the following:

- Cities that levy special assessments for street or sidewalk improvements must first receive a petition for the improvements signed by a majority of the landowners abutting the street.
- The assessments are limited to 50% of the cost of the improvement.
- The provisions regarding rights of action or defense challenging the validity of an assessment on the grounds that the city failed to secure a valid petition.

The cities of Beech Mountain and Oxford and the Towns of Carrboro and Wake Forest have similar local modifications.

This act is effective when it becomes law.

House Bill 1553: Lumberton Traffic Violations

Version: Committee Substitute

Sponsors: Representatives Yongue and Bonner

Bill Analysis: This bill allows the city of Lumberton to adopt a local ordinance to enforce traffic offenses such as running a red light or stop sign through the use of a "traffic control photographic system". The bill also grants the same authority to the City of Greenville, which was erroneously omitted from last year's technical corrections in an effort to group together all cities and towns that have been granted this authority thus far. A traffic control photographic system is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor that works in conjunction with a traffic control device to automatically produce photographs, video, or digital images of vehicles violating these types of statutes or ordinances. A sign identifying each traffic control photographic system must be placed not more than 300 feet from all photographic systems.

The owner of a vehicle photographed is responsible for the violation unless the owner can furnish evidence that, at the time of the offense, the vehicle was under the care, custody or control of another person. The violation is noncriminal and a civil penalty of \$50 is assessed. In

addition, no license or insurance points may be assigned to the owner or the driver of the vehicle. A citation will be mailed to the owner. Personal service is not required. If the owner fails to provide evidence or pay the civil penalty they waive the right to contest the responsibility and will be subject to a civil penalty not to exceed \$100. The cities must institute a nonjudicial administrative hearing to review objections to citations or penalties issued.

Constitutional issues: It is unclear whether, under the North Carolina Constitution, Article IX, Section 7, the monies collected under G.S. 160A-300.1 belong to the cities and towns issuing the tickets or to the school boards. The City of Charlotte, the first to implement this system, has begun using the monies arguing that because the violation is noncriminal the money belongs to the city.

This act is effective when it becomes law.

This bill is not required to be referred to Finance.

House Bill 1606: High Point Overgrown Lots

Version: First Edition

Sponsor: Representatives Jarrell, Adams, Bowie, Boyd-McIntyre, Decker, Dockham, Esposito, Jeffus, and Wood.

Bill Analysis: This bill authorizes the City of High Point, like the City of Roanoke Rapids, to notify anyone who chronically violates the city's overgrown vegetation ordinance that the city will remedy any observed violation occurring in the same calendar year and impose a lien, on the property, collectable as unpaid taxes, for expenses incurred in remedying the violation. The law defines "chronic violator" as someone whose property has been the subject of three remedial city actions in the previous calendar year.

This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

Name of Committee

5-24, 2000
1999

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bob Hall
Eric Dyer

NEZM
Democracy South
Cso News & Record

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING
MAY 31, 2000
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

| | |
|----------------|--|
| HB 1739 | ASHEVILLE CHARTER AMENDMENT (Rep. Nesbitt) |
| HB 1660 | ASHE SCHOOL BOARD ((Rep. Baker) |
| HB 1675 | MAYODAN TOWN MANAGER RESIDENCY (Rep. Sexton) |
| HB 1688 | CURRITUCK PERSONAL WATERCRAFT REGULATION (Rep. Owens) |

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
May 31, 2000

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, May 31, 2000, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Bonner, Vice Chair; Representatives Barbee, Capps, Haire, Hurley, McAllister, Sexton, Smith, Warren, and G. Wilson. Also in attendance were Esther Manheimer and Frank Folger, committee counselors. A visitor registration sheet is attached and made part of the minutes.

Representative Jarrell, Chair, called the meeting to order to consider the following bills:

HB 1739 – ASHEVILLE CHARTER AMENDMENTS. The Chair recognized Representative Nesbitt, sponsor, to explain the bill which would amend the Asheville City Charter regarding the calling of special meetings and the removal of garbage. Representative Warren moved that the bill be given a favorable report and the motion carried.


HB 1660 – ASHE SCHOOL BOARD. Representative Baker, bill sponsor, was recognized to explain the bill which would correct the candidate filing deadline for the Ashe County Board of Education. Representative Sexton moved to give the bill a favorable report and the motion carried.

HB 1675 – MAYODAN TOWN MANAGER RESIDENCY. Representative Sexton, sponsor, explained that this bill amends the charter of the Town of Mayodan to eliminate the requirement that the town manager must reside within the town limits. Representative Haire moved for a favorable report and the motion carried.

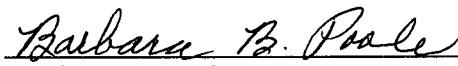
HB 1688 – CURRITUCK PERSONAL WATERCRAFT REGULATION. In the absence of Representative Owens, Representative Haire and Esther Manheimer, staff counsel, explained the bill. It allows Currituck County to adopt ordinances regulating personal watercraft in the ocean and other waterways in and adjacent to the County. Cities within the county may adopt a resolution permitting the ordinance to be applicable within the city. Representative Bonner moved for a favorable report and the motion carried.

There being no further business, the meeting adjourned at 11:15 a.m.

Respectfully submitted,



Representative Mary L. Jarrell
Committee Chair



Barbara B. Poole
Acting Committee Clerk

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

H.B. 1739 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE RESPECTING THE CALLING OF SPECIAL MEETINGS, AND TO REPEAL AN ACT RESPECTING THE REMOVAL OF GARBAGE WITHIN THAT 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 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 1739

Short Title: Asheville Charter Amendments.

(Local)

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

Referred to: Local Government II.

May 25, 2000

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE
3 RESPECTING THE CALLING OF SPECIAL MEETINGS, AND TO REPEAL
4 AN ACT RESPECTING THE REMOVAL OF GARBAGE WITHIN THAT
5 CITY.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 8 of the Charter of the City of Asheville, being
8 Chapter 121 of the Private Laws of 1931, as amended by Section IV of Ordinance
9 No. 1501 of the City of Asheville, adopted March 19, 1985, pursuant to Part 4 of
10 Article 5 of Chapter 160A of the General Statutes, and as rewritten by S.L. 1998-31,
11 reads as rewritten:

12 "On its first regular meeting date in December following a regular municipal
13 election, the council shall meet at the usual place for holding its meetings, and the
14 newly elected mayor and councilmembers shall assume the duties of office. Before
15 entering upon the duties of their offices, the newly elected mayor and ~~councilmen~~
16 councilmembers shall severally make oath before the retiring mayor, city clerk or
17 some person authorized by law to administer oaths to perform faithfully the duties of
18 their respective offices. Thereafter the council shall meet at such times as may be
19 prescribed by ordinance or resolution. Special meetings ~~shall~~ may be called ~~by the~~
20 ~~clerk upon written request of the mayor or of the city manager or of three members~~
21 ~~of the council. No less than 12 hours' notice of special meetings shall be given to~~
22 ~~each member of the council at such address, within the corporate limits of the City of~~
23 ~~Asheville, as he shall designate and such notice shall be published at least once prior~~
24 ~~to the meeting in a daily newspaper of the city. The notice must state the subject or~~

1 ~~subjects to be considered at the meeting and no other subject or subjects may be~~
2 ~~there considered.~~ in the manner provided by general law."

3 Section 2. Section 194 of Chapter 16 of the Private Laws of 1923, as
4 amended by Section 87 of Chapter 121 of the Private Laws of 1931 (sometimes
5 referred to as Section 22 of the Related Laws of the City of Asheville) is repealed.

6 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) **Jarrell** for the Committee on **Local Government II.**

- ☐ Committee Substitute for
H.B. 1660 A BILL TO BE ENTITLED AN ACT TO CORRECT THE CANDIDATE
FILING DEADLINE FOR THE ASHE COUNTY BOARD OF EDUCATION.
- ☒ 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 1660

Short Title: Ashe School Board.

(Local)

Sponsors: Representatives Baker, Hiatt, and G. Wilson.

Referred to: Local Government II.

May 23, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO CORRECT THE CANDIDATE FILING DEADLINE FOR THE
3 ASHE COUNTY BOARD OF EDUCATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 1 of Chapter 128 of the 1995 Session Laws reads as
6 rewritten:
7 "Section 1. Notwithstanding the provisions of G.S. 115C-37, the Ashe County
8 Board of Education shall be elected on a nonpartisan basis at the time set by G.S.
9 163-1 for the general election in each even-numbered year as terms expire. The
10 election shall be conducted on a nonpartisan plurality basis, with the results
11 determined in accordance with G.S. 163-292. Candidates shall file notices of
12 candidacy not earlier than noon on the first Monday in June and not later than noon
13 on the ~~last~~ first Friday in July. The names of the candidates shall be printed on the
14 ballot without reference to any party affiliations. Except as provided by this act, the
15 election shall be conducted in accordance with the applicable provisions of Chapters
16 115C and 163 of the General Statutes."
17 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) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1675 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MAYODAN TO ELIMINATE THE REQUIREMENT THAT THE TOWN MANAGER MUST RESIDE WITHIN TOWN 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1675

Short Title: Mayodan Town Manager Residency.

(Local)

Sponsors: Representative Sexton.

Referred to: Local Government II.

May 24, 2000

1 A BILL TO BE ENTITLED

2 AN ACT AMENDING THE CHARTER OF THE TOWN OF MAYODAN TO
3 ELIMINATE THE REQUIREMENT THAT THE TOWN MANAGER MUST
4 RESIDE WITHIN TOWN LIMITS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 5.1 of the Charter of the Town of Mayodan, being
7 Chapter 501 of the 1973 Session Laws, as amended, reads as rewritten:

8 "Sec. 5.1. Appointment; Compensation. The Town Council shall appoint an officer
9 whose title shall be Town Manager and who shall be the head of the administrative
10 branch of the Town government. The Town Manager shall be chosen by the Council
11 solely on the basis of his executive and administrative qualifications with special
12 reference to his actual experience in, or knowledge of, accepted practice in respect to
13 the duties of his office as hereinafter prescribed. At the time of his appointment he
14 need not be a resident of the Town, but shall reside ~~therein~~ within five miles of the
15 Town limits during his tenure of office. No person elected as Mayor or as a member
16 of the Council shall be eligible for appointment as Town Manager until one year
17 shall have elapsed following the expiration of the term for which he was elected.
18 The Town Manager shall serve at the pleasure of the Council and shall receive such
19 salary as the Council shall fix."

20 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) **Jarrell** for the Committee on **Local Government II.**

- ☐ Committee Substitute for
H.B. 1688 A BILL TO BE ENTITLED AN ACT TO ALLOW CURRITUCK COUNTY TO
REGULATE PERSONAL WATERCRAFT OPERATION.
- ☒ 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 1688

Short Title: Currituck Personal Watercraft Regulation.

(Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

May 24, 2000

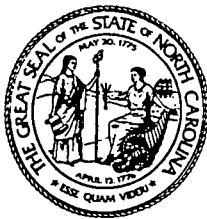
1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CURRITUCK COUNTY TO REGULATE PERSONAL
3 WATERCRAFT OPERATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. A county may adopt ordinances to regulate personal
6 watercraft operation in the Atlantic Ocean and other waterways in and adjacent to
7 the county. The governing board of a municipality within the county may by
8 resolution permit a county ordinance adopted pursuant to this act to be applicable
9 within the municipality consistent with the provisions of G.S. 153A-122.

10 Section 2. This act applies only to Currituck County.

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



BILL ANALYSIS

Committee: Local Government II
Date: May 31, 2000
Version: See Below

Introduced by: See Below
Summary by: Frank Folger and
Esther Manheimer
Committee Counsel

House Bill 1739: Asheville Charter Amendments

Version: First Edition

Sponsor: Representatives Nesbitt, Cansler, Sherrill, and Walend

Bill Analysis: This bill brings the Asheville City charter into conformity with existing State law regarding the holding of city council special meetings and the removal of garbage.

This act is effective when it becomes law.

House Bill 1660: Ashe School Board (= SB 1283)

Version: First Edition

Sponsor: Representatives Baker, Hiatt, and G. Wilson

Bill Analysis: House Bill 1660 amends Section 1 of Chapter 128 of the 1995 Session Laws, which provides for elections on a nonpartisan basis to the Ashe County School Board. The bill shifts the last day for filing notices of candidacy from the last Friday in July to the first Friday in July.

This act is effective when it becomes law.

House Bill 1675: Mayodan Town Manager Residency

Version: First Edition

Sponsor: Representative Sexton

Bill Analysis: This bill amends the charter of the Town of Mayodan. The change would allow the town manager to reside within five miles of the town limits as part of the residency requirement for the job rather than requiring the town manager to be a town resident. Since 1973, when the town charter was enacted, the town manager has been required, while in office, to reside in the town.

This act is effective when it becomes law.

House Bill 1688: Currituck Personal Watercraft Reg.

Version: First Edition

Sponsor: Representative Owens

Bill Analysis: This bill allows Currituck County to adopt ordinances regulating personal watercraft in the ocean and other waterways in and adjacent to the County. Cities within Currituck may adopt a resolution permitting the County ordinance to be applicable within the city.

This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Local Govt. II

Name of Committee

5/31/2000

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING
JUNE 7, 2000
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

**HB 1744 ROWLAND CHARTER AMENDMENT (Rep. Bonner)
HB 1756 PASQUOTANK FUNDING REPEAL (Rep. Owens)
HB 1807 HAYWOOD/NO SPOTLIGHTING DEER (Rep. Haire)
SB 1283 ASHE SCHOOL BOARD (Sen. East)
SB 1301 CABARRUS ANNEXATION MORATORIUM (Sen. Hartsell)**

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 7, 2000

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, June 7, 2000, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Bonner, Vice Chair; Representatives Barbee, Capps, Haire, Hurley, Owens, Smith, Warren, and G. Wilson. Also in attendance were Esther Manheimer and Frank Folger, committee counselors. A visitor registration sheet is attached and made part of the minutes.

Representative Jarrell, Chair, called the meeting to order and recognized the pages.

The following bills were considered:

SB 1283 - Ashe School Board. Senator East explained this bill which amends Section 1 of Chapter 128 of the 1995 Session Laws, which provides for elections on a nonpartisan basis to the Ashe County School Board. The bill shifts the last day for filing notices of candidacy from the last Friday in July to the first Friday in July.

Representative Gene Wilson moved for a favorable report and the motion carried.

SB 1301 - Cabarrus Annexation Moratorium. Senator Hartsell, sponsor of the bill, explained that this bill would place a moratorium on involuntary, contiguous annexations and incorporations in a designated area of Cabarrus County prior to June 30, 2010.

Representative Owens moved for a favorable report and the motion carried.

House Bill 1744 - Rowland Charter Amendment. Representative Bonner, sponsor of the bill, explained that the Town of Rowland recently revised their charter but mistakenly included a majority election method in the revised charter. This bill would allow the Town of Rowland to switch their municipal elections from a majority election method to a plurality method.

Representative Haire moved to adopt the committee substitute. There is no opposition to the bill. Representative Hurley moved for a favorable report. Motion carried.

House Bill 1756 - Pasquotank Funding Repeal. Representative Owens, sponsor of the bill, explained that this bill would repeal S.L. 1989-61, which theoretically gave the County of Pasquotank additional flexibility to fund public school construction. The County Commissioners are now concerned that these provisions are more restrictive than

current law and that the provisions would complicate the future reorganization of a county hospital.

Representative Smith asked if they have a slush fund. Representative Owens answered by saying that this hospital is owned and operated by trustees and have \$40-\$50 million in the bank.

Representative Haire moved for a favorable report and the motion carried.


HB 1807 – Haywood/No Spotlighting Deer. Representative Haire, sponsor, explained this bill which makes it a criminal offense to spotlight deer in Haywood County. The provision is enforceable by law enforcement officers of the Wildlife Resources Commission in addition to law enforcement personnel of general jurisdiction.

Representative Barbee made a motion for a favorable report. Motion carried.

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

Respectfully submitted:


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

S.B.1283 A BILL TO BE ENTITLED AN ACT TO CORRECT THE CANDIDATE
FILING DEADLINE FOR THE ASHE COUNTY BOARD OF EDUCATION.

☒ 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 1283

Short Title: Ashe School Board.

(Local)

Sponsors: Senators East; Carrington and Foxx.

Referred to: State and Local Government.

May 17, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO CORRECT THE CANDIDATE FILING DEADLINE FOR THE
3 ASHE COUNTY BOARD OF EDUCATION.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 1 of Chapter 128 of the 1995 Session Laws reads as
6 rewritten:
7 "Section 1. Notwithstanding the provisions of G.S. 115C-37, the Ashe County
8 Board of Education shall be elected on a nonpartisan basis at the time set by G.S.
9 163-1 for the general election in each even-numbered year as terms expire. The
10 election shall be conducted on a nonpartisan plurality basis, with the results
11 determined in accordance with G.S. 163-292. Candidates shall file notices of
12 candidacy not earlier than noon on the first Monday in June and not later than noon
13 on the ~~last~~first Friday in July. The names of the candidates shall be printed on the
14 ballot without reference to any party affiliations. Except as provided by this act, the
15 election shall be conducted in accordance with the applicable provisions of Chapters
16 115C and 163 of the General Statutes."
17 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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

S.B. 1301 A BILL TO BE ENTITLED AN ACT TO PLACE A MORATORIUM ON
ANNEXATIONS AND INCORPORATION IN A DESIGNATED AREA OF
CABARRUS 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 1301

Short Title: Cabarrus Annexation Moratorium.

(Local)

Sponsors: Senator Hartsell.

Referred to: State and Local Government.

May 18, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO PLACE A MORATORIUM ON ANNEXATIONS AND
3 INCORPORATION IN A DESIGNATED AREA OF CABARRUS COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. No annexation ordinance shall be adopted under Part 2 or 3
6 of Article 4A of Chapter 160A of the General Statutes nor any incorporation act
7 shall be enacted by the General Assembly as to any or all of the following described
8 territory prior to June 30, 2010:

9
10 Beginning at a nail and cap in the intersection of centerlines for US Highway
11 #601 and NC State Road #1119 (Wallace Road), a corner of the Midland Industrial
12 Park (Deed recorded in the Cabarrus County Register of Deeds in Deed Book 1758
13 Page 235), said beginning point being located N33°-13'-32"E-3,864.92' from NCGS
14 Monument "Kiser"(Grid Coordinates: N536,271.92 feet; El,546,207.01 feet)
15 (Combined Grid Factor = 0.999851569); thence from the point of the beginning and
16 with the property line of Midland Industrial Park and the centerline of US Highway
17 #601 the following (4) courses and distances, (1) S33°-31'-36"W - 23.13' to a
18 railroad spike, (2) S32°-35'-59"W - 29.95' to a nail and cap, (3) S32°-44'-27"W -
19 574.41' to a point, (4) S32°-58'-24"W - 1719.80' to a point in the centerline of US
20 Highway #601, the northeast corner of Corning Incorporated (Deed recorded in the
21 Cabarrus County Register of Deeds in Deed Book 1758 Page 240); thence with the
22 Corning Incorporated Property Line the following (9) courses and distances, (1)
23 S32°-58'-24"W - 229.80' to a nail and cap, (2) N66°-03'-45"W - 50.23' to a 5/8"
24 rebar, (3) S32°-56'-23"W - 1,628.41' to a concrete monument, (4) S32°-21'-17"W -

1 35.84' to a concrete monument, (5) S32°-55'-31"W - 591.41' to a concrete
2 monument, (6) S64°-25'-16"E - 49.59' to a 5/8" rebar, (7) with the arc of a circular
3 curve to the left, having a radius of 3,127.0' a distance of 551.05', and a chord
4 distance and bearing S27°-59'-25"W - 550.34' to a point, (8) S21°-55'-46"W - 215.04'
5 to a point, (9) S21°-35'-34"W - 369.74' to a point in the centerline of US Highway
6 #601, the northeast corner of the property owned by Midland Industrial Park (Deed
7 recorded in the Cabarrus County Register of Deeds in Deed Book 1793 Page 22);
8 thence with the centerline of US Highway #601 and the property line of the
9 Midland Industrial Park the following (2) courses and distances (1) S21°-34'-23"W -
10 233.73' to a point, (2) S21°-27'-48"W - 700.05' to a point in the centerline of US
11 Highway #601; thence N71°-52'-10"W (passing irons at 50.22' and 436.37') for a total
12 of 823.33' to an iron pin, said iron pin being the northeast corner of the property
13 owned by Midland Industrial Park (Deed recorded in Cabarrus County Register of
14 Deeds in Deed Book 1686 Page 313); thence with the property line of Midland
15 Industrial Park the following (6) courses and distances (1) S21°-33'-31"W - 17.42' to
16 an iron pin, (2) S27°-16'-50"W - 1134.60' to iron pin, (3) N72°-14'-53"W - 154.76' to
17 an iron pin, (4) N 52°-37'-30"W 1021.85' to a railroad iron; (5) N45°-59'-15"W -
18 228.96' to an iron pin, (6) N36°-35'-34"E - 739.91' to a nail, said nail being the
19 southwest corner of the property owned by Midland Industrial Park (Deed recorded
20 in the Cabarrus County Register of Deeds in Deed Book 1793 Page 22); thence with
21 the property line of Midland Industrial Park N16°-09'-42"E - 1,126.41' to a 1 1/2" OT
22 Iron Pipe, said 1 1/2" OT Iron Pipe being the southwest corner of the property owned
23 by Corning Incorporated (Deed recorded in Cabarrus County Register of Deeds in
24 Deed Book 1758 Page 240); thence with the property line of Corning Incorporated
25 the following (8) courses and distances (1) N16°-32'-58"E - 1,166.94' to an iron pin,
26 (2) N06°-09'-53"E - 154.65' to an iron pin, (3) S78°-05'-55"E - 918.49' to an iron pin,
27 (4) N03°-11'-46"W - 606.49' to a concrete monument, (5) N03°-11'-50"W - 455.25' to
28 a concrete monument, (6) S75°-17'-59"E - 698.98' to concrete monument, (7) N28°-
29 19'-00"E - 839.70' to a concrete monument, (8) N28°-26'-05"E - 182.50' to an iron
30 pin, said iron pin being the southwest corner of the property owned by the BOC
31 Group, Inc. (Deed recorded in the Cabarrus County Register of Deeds in Deed Book
32 2476 Page 13); thence with the property line of The BOC Group, Inc. property the
33 following (2) courses and distances (1) N28°-43'-57"E - 21.15' to an iron pipe, (2)
34 N30°-08'-05"E - 1,107.12' to an iron pin, said iron pin being the southwest corner of
35 the property owned by Midland Industrial Park (Deed recorded in the Cabarrus
36 County Register of Deeds in Deed Book 1758 Page 235; thence with the property line
37 of Midland Industrial Park N30°-08'-05"E - 498.50' to a railroad spike in the
38 centerline of NC State Road #1119 (Wallace Road), said railroad spike being a point
39 in the southern property line of McGee Brothers, Inc., (Deed recorded in the
40 Cabarrus County Register of Deeds in Deed Book 2097 Page 237) thence with the
41 McGee Brothers, Inc. Property line and the centerline of Wallace Road S74°-55'-
42 16"W - 28.98' to a nail and cap in the centerline of Wallace Road, said nail and cap
43 being the southeast corner of the property owned by McGee Brothers, Inc. (Deed
44 recorded in Cabarrus County Register of Deeds in Deed Book 1845 Page 30) thence

1 with the property line of McGee Brothers, Inc. the following (2) courses and
2 distances (1) S75°-55'-53"W - 116.87' to a nail and cap in the centerline of Wallace
3 Road, (2) N01°-59'-43"W - 580.41' to an iron, said iron being the southwest corner of
4 the property owned by McGee Brothers, Inc. (Deed recorded in Cabarrus County
5 Register of Deeds in Deed Book 1870 Page 281) thence with the following (2) courses
6 and distances (1) N01°-59'-43"W - 907.00' to an iron, (2) N01°-59'-43"W - 569.70' to
7 an iron, said iron being a corner in the southern property line of the property owned
8 by McGee Brothers, Inc. (Deed recorded in Cabarrus County Register of Deeds in
9 Deed Book 1870 Page 277) thence with the property line of McGee Brothers, Inc. the
10 following (4) courses and distances (1) S82°-37'-48"W - 537.64' to an iron pin, (2)
11 N64°-33'-35"W - 261.87' to an iron Pipe, (3) N62°-37'-54"E - 332.08' to an iron pipe,
12 (4) N49°-08'-49"W - 526.15' to a pk nail in the centerline of the Norfolk Southern
13 Railroad, said pk being located 930.00 feet west of Mile Post 369 as measured along
14 said Railroad centerline and being a corner of the property owned by Midland
15 Industrial Park (Deed recorded in the Cabarrus County Register of Deeds in Deed
16 Book 498 Page 7) thence with the property line of Midland Industrial Park the
17 following (6) courses and distances (1) N49°-08'-49"W - 169.61' to an iron pin, (2)
18 N32°E - 1254' to a stone, (3) N22°E 1683' to a large Black Oak, (4) S58°E - 511.5'
19 to a stone, (5) S30°W - 66' to a stone, (6) S33°E - 1864' to an iron stake, said iron
20 stake being a corner of the property owned by Midland Industrial Park (Deed
21 recorded in the Cabarrus County Register of Deeds in Deed Book 1877 Page 245)
22 thence with the property line of Midland Industrial Park the following (3) courses
23 and distances (1) N51°-38'E - 427.3' to an iron stake on the south bank of the north
24 fork of Muddy Creek, (2) S72°-28'E - 360.2' to an iron stake located 25" north from
25 the channel of Muddy Creek, (3) S21°-52'W - 272.8" to an axle on the bank of
26 Muddy Creek, said axle being a corner of the property owned by Midland Industrial
27 Park (Deed recorded in the Cabarrus County Register of Deeds in Deed Book 563
28 Page 52) thence with the property line of Midland Industrial Park the following (3)
29 courses and distances (1) S73°-14'-10"E - 1245.10' to an iron pin, (2) S19°-31'-28"W
30 - 247.88' to a pk nail in the centerline of a paved drive, (3) N73°-15'-32"W - 637.28'
31 to a point in the centerline of Muddy Creek (passing an iron pin at 622.51'), said
32 point being a corner of the property owned by Midland Industrial Park (Deed
33 recorded in the Cabarrus County Register of Deeds in Deed Book 1877 Page 245)
34 thence down the centerline of Muddy Creek and the property line of Midland
35 Industrial Park the following (11) courses and distances (1) S07°-56'-54"E - 85.40' to
36 a point, (2) S11°-54'-39"E - 54.25' to a point, (3) S19°-40'-09"E - 59.15' to a point,
37 (4) S38°-30'-32"E - 105.00' to a point, (5) S01°-50'-11"W - 67.10' to a point, (6)
38 S07°-27'-46"E - 133.88' to a point, (7) S01°-14'-09"E - 97.95' to a point, (8) S25°-
39 18'-49"W - 129.28' to a point, (9) S08°-39'-17"W - 60.00' to a point, (10) S11°-23'-
40 11"W - 187.54' to a point, (11) S39°-54'-47"E - 75.37' to a pk nail in the centerline of
41 the Norfolk Southern Railway track and the centerline of Muddy Creek, said pk nail
42 being a corner of the property owned by Midland Industrial Park (Deed recorded in
43 the Cabarrus County Register of Deeds in Deed Book 531 Page 338) thence down the
44 centerline of Muddy Creek and with the property line of the Midland Industrial Park

1 to the intersection of the centerline of US Highway #601; thence with the centerline
2 of US Highway #601 to the point of beginning, containing 608.63 acres plus or
3 minus.

4 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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

H.B. 1744 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF ROWLAND TO PROVIDE THAT TOWN ELECTIONS SHALL BE CONDUCTED USING THE NONPARTISAN PLURALITY METHOD.

☐ 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 1744

Short Title: Rowland Charter Amendment.

(Local)

Sponsors: Representatives Bonner; and Yongue.

Referred to: Local Government II.

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF ROWLAND TO
3 PROVIDE THAT TOWN ELECTIONS SHALL BE CONDUCTED USING THE
4 NONPARTISAN PLURALITY METHOD.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 3.1 of the Charter of the Town of Rowland, being S.L.
7 1998-105, reads as rewritten:
8 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
9 held in each odd-numbered year in accordance with the uniform municipal election
10 laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the
11 results determined ~~using the nonpartisan election and runoff election method as~~
12 ~~provided in G.S. 163-279(a)(4) and G.S. 163-293. by a plurality as provided in G.S.~~
13 163-292."
14 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1744
Proposed Committee Substitute H1744-PCS2431-SK001

Short Title: Rowland Charter Amendment.

(Local)

Sponsors:

Referred to:

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF ROWLAND TO
3 PROVIDE THAT TOWN ELECTIONS SHALL BE CONDUCTED USING THE
4 NONPARTISAN PLURALITY METHOD.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 3.1 of the Charter of the Town of Rowland, being S.L.
7 1998-105, reads as rewritten:
8 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
9 held in each odd-numbered year in accordance with the uniform municipal election
10 laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the
11 results determined ~~using the nonpartisan election and runoff election method as~~
12 ~~provided in G.S. 163-279(a)(4) and G.S. 163-293.~~ by a plurality as provided in G.S.
13 163-292."
14 Section 2. This act becomes effective July 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1744

Proposed Committee Substitute: H1744-PCSSK-001

This is a draft.

Short Title: Rowland Charter Amendment.

(Local)

Sponsors:

Referred to: Local Government II.

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF ROWLAND TO PROVIDE
3 THAT TOWN ELECTIONS SHALL BE CONDUCTED USING THE NONPARTISAN
4 PLURALITY METHOD.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 3.1 of the Charter of the Town of
7 Rowland, being S.L. 1998-105, reads as rewritten:
8 "Section 3.1. Regular Municipal Elections. Regular municipal
9 elections shall be held in each odd-numbered year in accordance
10 with the uniform municipal election laws of North Carolina.
11 Elections shall be conducted on a nonpartisan basis and the
12 results determined ~~using the nonpartisan election and runoff~~
13 ~~election method as provided in G.S. 163-279(a)(4) and G.S.~~
14 ~~163-293.~~ by a plurality as provided in G.S. 163-292."
15 Section 2. This act is effective July 1, 2000.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1756 A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 61 OF THE
1989 SESSION LAWS WHICH ALLOWED PASQUOTANK COUNTY ADDITIONAL
FLEXIBILITY TO FUND PUBLIC SCHOOL CONSTRUCTION.

☒ 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 1756

Short Title: Pasquotank Funding Repeal.

(Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL CHAPTER 61 OF THE 1989 SESSION LAWS WHICH
3 ALLOWED PASQUOTANK COUNTY ADDITIONAL FLEXIBILITY TO
4 FUND PUBLIC SCHOOL CONSTRUCTION.
5 The General Assembly of North Carolina enacts:
6 Section 1. Chapter 61 of the 1989 Session Laws is repealed.
7 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) **Jarrell** for the Committee on **Local Government II**.

☐ Committee Substitute for

H.B. 1807 A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SHINING OF
LIGHTS IN DEER AREAS IN HAYWOOD 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1807*

Short Title: Haywood/No Spotighting Deer.

(Local)

Sponsors: Representative Haire.

Referred to: Local Government II.

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE SHINING OF LIGHTS IN DEER AREAS IN
3 HAYWOOD COUNTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. It is unlawful to shine a light intentionally upon a deer or to
6 sweep a light in search of deer between the hours of one-half hour after sunset and
7 one-half hour before sunrise in Haywood County.

8 Section 2. Section 1 of this act shall not be construed to prevent:

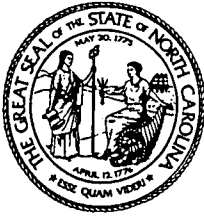
- 9 (1) The lawful hunting of raccoon or opossum during open season
10 with artificial lights designed or commonly used in taking raccoon
11 and opossum at night;
12 (2) The necessary shining of lights by landholders on their own lands;
13 (3) The shining of lights necessary to normal travel by motor vehicles
14 on roads or highways; or
15 (4) The use of lights by campers and others who are legitimately in
16 these areas for other reasons and who are not attempting to attract
17 or to immobilize deer by the use of lights.

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

19 Section 4. This act is enforceable by law enforcement officers of the
20 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace
21 officers with general subject matter jurisdiction.

22 Section 5. This act applies only to Haywood County.

23 Section 6. This act becomes effective October 1, 2000.



BILL ANALYSIS

Committee: Local Government II
Date: June 7, 2000
Version: See Below

Introduced by: See Below
Summary by: Esther Manheimer and
Frank Folger
Committee Counsel

Senate Bill 1283: Ashe School Board (=HB 1660)

Version: First Edition

Sponsor: Senators East, Carrington, and Foxx

Bill Analysis: Senate Bill 1283 amends Section 1 of Chapter 128 of the 1995 Session Laws, which provides for elections on a nonpartisan basis to the Ashe County School Board. The bill shifts the last day for filing notices of candidacy from the last Friday in July to the first Friday in July.

This act is effective when it becomes law.

House Bill 1744: Rowland Charter Amendment

Version: Committee Substitute (H1744-PCSSK-001)

Sponsor: Representatives Bonner and Yongue

Bill Analysis: The Town of Rowland recently revised their charter (S.L. 1998-105) but mistakenly included a majority election method in the revised charter. This bill would allow the Town of Rowland to switch their municipal elections from a majority election method to a plurality election method.

This act is effective July 1, 2000.

This bill is subject to preclearance by the United States Justice Department under Section 5 of the Voting Rights Act.

House Bill 1756: Pasquotenk Funding Repeal

Version: First Edition

Sponsor: Representative Owens

Bill Analysis: This bill would repeal S.L. 1989-61, which theoretically gave the County of Pasquotank additional flexibility to fund public school construction. The County Commissioners are now concerned that the provisions of S.L. 1989-61 are more restrictive than current law and that the provisions would complicate the future reorganization of a county hospital.

This act is effective when it becomes law.

House Bill 1807: Haywood/No Spotlighting Deer

Version: First Edition

Sponsor: Representative Haire

Bill Analysis: This bill makes it a criminal offense (Class 3 Misdemeanor) to spotlight deer in Haywood County. The provision is enforceable by law enforcement officers of the Wildlife Resources Commission in addition to law enforcement personnel of general jurisdiction.

This act is effective when it becomes law.

Senate Bill 1301: Cabarrus Annexation Moratorium

Version: First Edition

Sponsor: Senator Hartsell

Bill Analysis: This bill would place a moratorium on involuntary, contiguous annexations and incorporations in a designated area of Cabarrus County prior to June 30, 2010.

This act is effective when it becomes law.

Section 1. Article 1 of Chapter 121 of the General Statutes is amended by adding a new section to read:

"§ 121-4.1. *North Carolina Register of Historic Places.*

(a) The Department of Cultural Resources may establish, expand, and maintain a North Carolina Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in North Carolina history, architecture, archaeology, engineering, and culture. Until such time as the North Carolina Register of Historic Places is established, all references to it in the General Statutes and in the rules adopted pursuant to it shall be construed to mean properties and districts in North Carolina that are listed in the National Register of Historic Places.

(b) The North Carolina Historical Commission shall establish criteria for properties to be included in the State Register of Historic Places, and, within such criteria, shall provide for levels of significance as necessary and appropriate.

(c) The North Carolina Historical Commission shall promulgate regulations requiring that before any property or district may be included on the North Carolina Register of Historic Places, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the North Carolina Register until such objection has been withdrawn. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property."

Sec. 2. This act shall become effective October 1, 1989.

In the General Assembly read three times and ratified this the 18th day of April, 1989.

H.B. 222

CHAPTER 61

AN ACT TO ALLOW PASQUOTANK COUNTY ADDITIONAL FLEXIBILITY TO FUND PUBLIC SCHOOL CONSTRUCTION.

The General Assembly of North Carolina enacts:

Section 1. (a) A county may provide for a transfer of any funds from any agency or instrumentality of the county to a special county fund or to a special public school capital outlay fund. This act

shall only be applicable where the funds prior to transfer were held by or for the benefit of a separate board of trustees of such agency or instrumentality. The transfer must be approved by ordinance of the county board of commissioners and resolution of the board of trustees.

(b) Any appropriation from such special county fund or special public school capital outlay fund must have the approval of both the board of commissioners of the county and the board of education of the school administrative unit for whose capital projects the funds are to be expended, and may be made only by:

- (1) A project ordinance as provided by G.S. 159-13.2; or
- (2) Appropriation from a special capital outlay fund under the procedures provided by Article 31 of Chapter 115C of the General Statutes for the regular capital outlay fund.
- (c) Any appropriation from such special fund may be expended only:

- (1) For capital outlay projects as provided by G.S. 115C-546.2(b); or
- (2) To return funds to the agency or instrumentality from which they were transferred.

Sec. 2. (a) The ordinance and resolution authorizing the transfer shall provide for payment of a like amount of funds back to the agency or instrumentality, or to one or more other parties for the benefit of the agency or instrumentality, which shall include a sum to compensate for use of the funds.

(b) The county shall appropriate sufficient funds from revenues that are not derived from the exercise by the county of its taxing power to meet the schedule. The ordinance may not be amended or repeated after its adoption.

Sec. 3. (a) This act does not provide for the pledge of the faith and credit of the county. This act applies only when the county and its agency or instrumentality are the same person.

(b) The provisions of this act are severable, and if any provision of this act is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this act which can be given effect without the invalid provision.

Sec. 4. This act applies to Pasquotank County only.

Sec. 5. Nothing herein shall be construed to prohibit or limit the ultimate authority of the county board of commissioners to reallocate the assets of any agency or instrumentality affected by this act, for legitimate county uses as determined by the county board of commissioners.

Sec. 6. This act is effective upon ratification, but any ordinance under Section 1(a) of this act must be adopted no later than December 31, 1993.

VISITOR REGISTRATION SHEET

Local Government II

Name of Committee

6-7, 2000

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Joan Troy

ALBERT ELKEL

WRC

CANNING

LISA ROYES

THE INSIDER

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING**

JUNE 14, 2000

11:00 A.M.

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

HB 1736 LAKE LURE FISHING REGULATIONS

SB 1189 CHINA GROVE CHARTER

ADJOURNMENT

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 14, 2000

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, June 14, 2000, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Hurley, Owens, Smith, Warren and G. Wilson. Also in attendance were Esther Manheimer and Frank Folger, committee counselors. A visitor registration sheet is attached and made part of the minutes.

Representative Jarrell, Chair, called the meeting to order and recognized the pages, Jordan Long and Anna Fishel.


The following bill was considered:

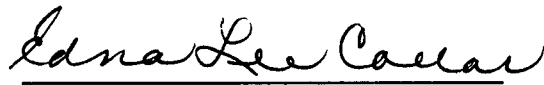
SB 1189 - China Grove Charter. Senator Hartsell, sponsor, explained that this bill converts the form of government of the municipality of China Grove to a council-manager form of government, pursuant to Part 2 of Article 7 of Chapter 160A.

Representative Hurley made a motion to give SB 1189 a favorable report. Motion carried.

There being no further business, the meeting adjourned at 11:10.

Respectfully submitted:


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) Jarrell for the Committee on Local Government II.

☐ Committee Substitute for

S.B. 1189 A BILL TO BE ENTITLED AN ACT AMENDING THE TOWN OF CHINA GROVE TO ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT.

☒ 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 1189

Short Title: China Grove Charter.

(Local)

Sponsors: Senators Hartsell; Cochrane and Phillips.

Referred to: State and Local Government.

May 10, 2000

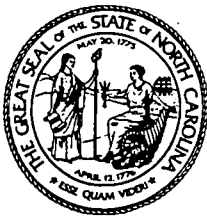
1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF CHINA GROVE TO
3 ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER
4 FORM OF GOVERNMENT.

5 The General Assembly of North Carolina enacts:

6 Section 1. The Charter of the Town of China Grove, being Chapter 309
7 of the Private Laws of 1903, is amended by adding a new section to read:

8 "Sec. 4A. Notwithstanding any other provision of this Charter, the town shall
9 operate under the council-manager form of government as provided in Part 2 of
10 Article 7 of Chapter 160A of the General Statutes."

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



BILL ANALYSIS

Committee: Local Government II
Date: June 14, 2000
Version: See Below

Introduced by: See Below
Summary by: Frank Folger and
Esther Manheimer
Committee Counsel

Senate Bill 1189: China Grove Charter (= HB1490)

Version: First Edition

Sponsors: Senators Hartsell, Cochrane and Phillips

Bill Analysis: This bill converts the form of government of the municipality of China Grove to a council-manager form of government, pursuant to Part 2 of Article 7 of Chapter 160A.

This act is effective when it becomes law.

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING**

June 28, 2000

11:00 A.M.

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

SB 1286 Randleman Recall (Senator Kinnaird)

SB 1418 Yanceyville Charter Amendments (Senator Webster)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT II
June 28, 2000

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, June 28, 2000 in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Bonner, Vice-Chair; Representatives Barbee, Capps, Hurley, Smith, Warren and G. Wilson. Also in attendance was Esther Manheimer and Frank Folger, committee counselors. A visitor registration sheet is attached and made a part of the minutes.

Representative Jarrell recognized the pages, Mark Turner and Valerie Harris. She then called the meeting to order to consider the following bills:

SB 1418 – Yanceyville Charter Amendments. Senator Webster, sponsor of the bill, explained that this bill amends the charter of the bill in several ways. These amendments are set forth in the bill analysis which is attached.

Representative Hurley raised the question as to whether or not the Mayor is required to vote on all issues. Senator Webster responded in the negative.

Representative Warren made a motion for a favorable report. Motion carried.

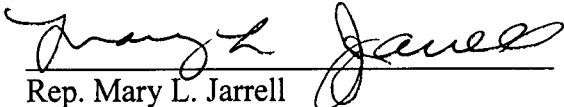
SB 1286 – Randleman Recall. Representative Brubaker explained this bill which would allow recall elections in the City of Randleman. A committee substitute was offered. Representative Bonner made a motion to adopt the committee substitute which is merely a technical change. Motion carried.

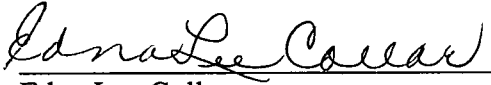
Representative Hurley stated that he had a similar bill which was defeated on the House floor. Esther Manheimer, committee counsel, presented analysis to be sure this is within the law.

Representative Smith moved for a favorable report. Motion carried

There being no further business, the meeting adjourned at 11:15 a.m.

Respectfully submitted:


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) **Jarrell** for the Committee on **Local Government II.**

☐ Committee Substitute for

S.B. 1286 A BILL TO BE ENTITLED AN ACT TO RECALL ELECTIONS IN THE
CITY OF RANDLEMAN.

☐ 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)

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1286
Proposed Committee Substitute: H1286-PCSSK-001
This is a draft.

Short Title: Randleman Recall.

(Local)

Sponsors:

Referred to:

May 17, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW RECALL ELECTIONS IN THE CITY OF RANDLEMAN.
3 The General Assembly of North Carolina enacts:
4 Section 1. The Charter of the City of Randleman, being
5 Chapter 209 of the Private Laws of 1905, is amended by adding a
6 new section to read:
7 "Section 3.1. Recall of Officials by the People.
8 (a) The holder of any elective office may be removed at any
9 time by the electors qualified to vote for a successor of such
10 incumbent.
11 (b) Prior to circulating any petition under this section, it
12 must be registered with the City Clerk, and the petition with
13 signatures must be submitted to the City Clerk within 30 days of
14 that date in order to be considered.
15 (c) The procedure to effect the removal of an incumbent of an
16 elective office shall be as follows: a petition demanding an
17 election of a successor of the person sought to be removed and
18 signed by at least thirty percent (30%) of the total number of
19 registered voters in the City shall be filed with the City Clerk.
20 In order to be effective, the petition when filed shall list both
21 the name of the officer to be removed and the cause for removal.
22 The cause for removal must relate to the misfeasance,

1 malfeasance, or nonfeasance of the officer, or for personal
2 conduct that brings the office into disrepute. The superior
3 court shall have jurisdiction of issues relating to whether cause
4 is sufficient.

5 (d) The signatures to the petition need not be on one petition
6 paper, but each signer shall add to the signature that person's
7 residence address. One or more of the signers of the petition
8 shall make oath before an officer competent to administer oaths
9 that the statements therein made are true, as that person
10 believes, and that each signature to the paper appended is the
11 genuine signature of the person whose name it purports to be.

12 (e) Within 10 days from the date of filing such a petition,
13 the City Clerk shall examine and from the records of the board of
14 elections determine whether the petition is signed by the
15 required number of qualified electors, and the Clerk shall attach
16 to the petition a certificate showing the results of such
17 examination. If by the Clerk's certificate, the petition is
18 shown to be insufficient, it may be amended within 10 days from
19 the date of the certificate. The Clerk shall, within 10 days
20 after such amendment, examine the amended petition in the same
21 fashion. If the Clerk's certificate shows the petition to be
22 insufficient, it shall be returned to the person filing the same,
23 but such return shall not prevent the filing of a new petition if
24 it is otherwise allowed by this section. If the petition shall
25 be deemed to be sufficient, the Clerk shall without delay submit
26 the same to the board of elections which conducts elections for
27 the City.

28 (f) If the petition shall be found to be sufficient, the board
29 of elections which conducts elections for the City shall set a
30 date for holding an election for the remainder of the unexpired
31 term in the same manner as provided in this Charter and in
32 Chapter 163 of the General Statutes of North Carolina for regular
33 municipal elections, such election to be held not greater than 90
34 days from the date of the Clerk's certificate to the board of
35 elections that a sufficient petition is filed. Candidates'
36 names shall be placed on the ballot, the election held, and the
37 results canvassed, under the same rules, conditions, and
38 regulations as are prescribed for municipal elections under this
39 Charter and Chapter 163 of the General Statutes of North
40 Carolina. Opening and closing dates for candidate filing shall
41 be set by the board of elections, and notice of the election
42 shall be published at least three days prior to the opening of
43 candidate filing.

1 (g) The successor of any officer so removed shall hold office
2 for the unexpired term of the predecessor. Any person sought to
3 be removed may be a candidate to succeed himself, and unless that
4 incumbent requests otherwise in writing, the board of elections
5 shall place the incumbents' name on the official ballot without
6 filing. At the election, if some other person than the incumbent
7 is elected, the incumbent shall thereupon be deemed removed from
8 the office upon the taking of the oath of office of the
9 successor.

10 (h) In case the person elected should fail to take the oath of
11 office within 10 days after certification of the election
12 returns, the office shall be deemed vacant, and in that event,
13 the office shall be filled for the remainder of the unexpired
14 term by the Board of Aldermen, but the officer removed shall not
15 be eligible to election by the board, and the person chosen by
16 the Council shall be subject to recall as other elected
17 officials. If the incumbent receives the most votes in the
18 election, the incumbent shall continue his office.

19 (i) Such method of removal shall be cumulative and additional
20 to any other method provided by law. In the event any officer is
21 recalled, the elected successor shall be subject to recall in the
22 same manner as the originally elected officer.

23 (j) Time limitation. No person shall be subject to recall if
24 the petition is filed within six months of the person having
25 taken office, within six months of a recall election, or within
26 six months of the expiration of the term."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

Proposed ^{House} SENATE BILL 1286
Committee Substitute S1286-PCS4793-SK001

Short Title: Randleman Recall.

(Local)

Sponsors:

Referred to:

May 17, 2000

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW RECALL ELECTIONS IN THE CITY OF RANDLEMAN.
3 The General Assembly of North Carolina enacts:
4 Section 1. The Charter of the City of Randleman, being Chapter 209 of
5 the Private Laws of 1905, is amended by adding a new section to read:
6 "Section 3.1. **Recall of Officials by the People.**
7 (a) The holder of any elective office may be removed at any time by the electors
8 qualified to vote for a successor of such incumbent.
9 (b) Prior to circulating any petition under this section, it must be registered with
10 the City Clerk, and the petition with signatures must be submitted to the City Clerk
11 within 30 days of that date in order to be considered.
12 (c) The procedure to effect the removal of an incumbent of an elective office shall
13 be as follows: a petition demanding an election of a successor of the person sought to
14 be removed and signed by at least thirty percent (30%) of the total number of
15 registered voters in the City shall be filed with the City Clerk. In order to be
16 effective, the petition when filed shall list both the name of the officer to be removed
17 and the cause for removal. The cause for removal must relate to the misfeasance,
18 malfeasance, or nonfeasance of the officer, or for personal conduct that brings the
19 office into disrepute. The superior court shall have jurisdiction of issues relating to
20 whether cause is sufficient.
21 (d) The signatures to the petition need not be on one petition paper, but each
22 signer shall add to the signature that person's residence address. One or more of the
23 signers of the petition shall make oath before an officer competent to administer

1 oaths that the statements therein made are true, as that person believes, and that each
2 signature to the paper appended is the genuine signature of the person whose name it
3 purports to be.

4 (e) Within 10 days from the date of filing such a petition, the City Clerk shall
5 examine and from the records of the board of elections determine whether the
6 petition is signed by the required number of qualified electors, and the Clerk shall
7 attach to the petition a certificate showing the results of such examination. If by the
8 Clerk's certificate, the petition is shown to be insufficient, it may be amended within
9 10 days from the date of the certificate. The Clerk shall, within 10 days after such
10 amendment, examine the amended petition in the same fashion. If the Clerk's
11 certificate shows the petition to be insufficient, it shall be returned to the person
12 filing the same, but such return shall not prevent the filing of a new petition if it is
13 otherwise allowed by this section. If the petition shall be deemed to be sufficient, the
14 Clerk shall without delay submit the same to the board of elections which conducts
15 elections for the City.

16 (f) If the petition shall be found to be sufficient, the board of elections which
17 conducts elections for the City shall set a date for holding an election for the
18 remainder of the unexpired term in the same manner as provided in this Charter and
19 in Chapter 163 of the General Statutes of North Carolina for regular municipal
20 elections, such election to be held not greater than 90 days from the date of the
21 Clerk's certificate to the board of elections that a sufficient petition is filed.
22 Candidates' names shall be placed on the ballot, the election held, and the results
23 canvassed, under the same rules, conditions, and regulations as are prescribed for
24 municipal elections under this Charter and Chapter 163 of the General Statutes of
25 North Carolina. Opening and closing dates for candidate filing shall be set by the
26 board of elections, and notice of the election shall be published at least three days
27 prior to the opening of candidate filing.

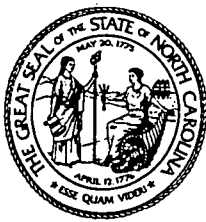
28 (g) The successor of any officer so removed shall hold office for the unexpired
29 term of the predecessor. Any person sought to be removed may be a candidate to
30 succeed himself, and unless that incumbent requests otherwise in writing, the board
31 of elections shall place the incumbent's name on the official ballot without filing. At
32 the election, if some other person than the incumbent is elected, the incumbent shall
33 thereupon be deemed removed from the office upon the taking of the oath of office
34 of the successor.

35 (h) In case the person elected should fail to take the oath of office within 10 days
36 after certification of the election returns, the office shall be deemed vacant, and in
37 that event, the office shall be filled for the remainder of the unexpired term by the
38 Board of Aldermen, but the officer removed shall not be eligible to election by the
39 board, and the person chosen by the Council shall be subject to recall as other
40 elected officials. If the incumbent receives the most votes in the election, the
41 incumbent shall continue his office.

42 (i) Such method of removal shall be cumulative and additional to any other
43 method provided by law. In the event any officer is recalled, the elected successor
44 shall be subject to recall in the same manner as the originally elected officer.

1 (j) Time limitation. No person shall be subject to recall if the petition is filed
2 within six months of the person having taken office, within six months of a recall
3 election, or within six months of the expiration of the term."

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



SB 1286: Randleman Recall.

BILL ANALYSIS

Committee: Local Government II
Date: June 28, 2000
Version: First Edition

Introduced by: Senator Kinnaird
Summary by: Esther Manheimer
Committee Counsel

Bill Analysis: SB 1286 would allow recall elections in the City of Randleman. In order to recall an elected official, a petition must be submitted with signatures and addresses of 30% of the registered voters in the City. Once the petition requirements have been fulfilled, a new election must be held to fill the offices of those subject to the recall election. The incumbent may run for their office in the recall election. No recall election may be held within six months after a person is elected to office, within six months after a recall election or within six months from the end of the elected official's term.

This act is effective when it becomes law.

| | <u>How many signatures are required?</u> | <u>If enough sign, what happens?</u> | <u>Is timing of recalls limited?</u> | <u>What is legal authority?</u> |
|-----------------------------|--|--|---|---|
| Asheville | 15 % of registered voters | Election for seat | | |
| Cajah Mtn. (Caldwell Co) | 33 % of registered voters | Referendum on recall | | |
| Carrboro | 8 % of registered voters | Referendum on recall | No petition w/in 6 mos. after recall election | |
| Chapel Hill | 8 % of registered voters | Referendum on recall | No petition w/in 6 mos. after recall election | |
| Durham | 25 % of registered voters | Referendum on recall | Not during 1st 3 mos. of term or w/in 6 mos. after recall election | |
| Foxfire Vill. (Moore Co) | 25 % of votes cast last electn | Election for seat | | |
| Greensboro | 25 % of votes cast last electn | Referendum on recall | | |
| Lewisville (Forsyth Co) | 25 % of registered voters | Referendum on recall | Not during 1st or last 6 mos. of term | |
| Lumberton | 25 % of votes cast last electn | Referendum on recall | | |
| Morganton | 25 % of votes cast last electn | Referendum on recall | Not during 1st year or last 6 mos. of term | |

Pinebluff
(Moore Co)

40 % of
registered
voters

Election
for seat

Not during
1st or last
6 mos. of
term, or
w/in 6 mos.
after recall
election

Raleigh

25 % of
votes cast
last electn

Election
for seat

Statesville

25 % of
registered
voters

Election
for seat

Troutman
(Iredell Co)

25 % of
registered
voters

Election
for seat

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II**.

- ☐ Committee Substitute for
S.B. 1418 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

S

1

SENATE BILL 1418

Short Title: Yanceyville Charter Amendments.

(Local)

Sponsors: Senator Webster.

Referred to: State and Local Government.

May 24, 2000

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE FOR DIRECT ELECTION OF THE MAYOR OF
3 YANCEYVILLE AND FOR THE TOWN MANAGER FORM OF
4 GOVERNMENT FOR THAT TOWN.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 3.4 of the Charter of the Town of Yanceyville, being
7 Chapter 501 of the 1985 Session Laws, reads as rewritten:

8 "Sec. 3.4. **Selection of Mayor; term of office.** The Mayor shall be ~~appointed by the~~
9 ~~Town Council from among its own membership~~ elected by the qualified voters of the
10 Town in 2001 and biennially thereafter for a two-year term. The Mayor shall have
11 the right to vote on all questions that come before the Council, but shall have no
12 right to break a tie vote in which he participated."

13 Section 2. Effective with the organizational meeting after the 2001
14 municipal election, Section 3.1 of the Charter of the Town of Yanceyville, being
15 Chapter 501 of the 1985 Session Laws, reads as rewritten:

16 "Sec. 3.1. **Structure of governing body; number of members.** The governing body
17 of the Town of Yanceyville is the Town Council, which has ~~five~~ four members."

18 Section 3. Section 3.3 of the Charter of the Town of Yanceyville, being
19 Chapter 501 of the 1985 Session Laws, reads as rewritten:

20 "Sec. 3.3. **Term of office of Council members.** ~~Until members are elected in~~
21 ~~accordance with this section, the Town Council shall consist of the three members of~~
22 ~~the Yanceyville Sanitary District Board, and two other persons appointed by those~~
23 ~~three members at the Town Council's first meeting in July, 1986. The two persons~~
24 ~~on the Yanceyville Sanitary District Board whose terms expire in 1986 shall serve~~

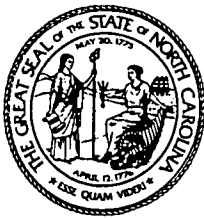
1 ~~until the 1987 municipal election. The person on the Yanceyville Sanitary District~~
2 ~~Board whose term expires in 1988 shall serve until the 1989 municipal election. One~~
3 ~~of the two persons appointed to the Town Council by the three members of the~~
4 ~~Yanceyville Sanitary District Board shall serve until the 1987 municipal election, and~~
5 ~~the other shall serve until the 1989 municipal election. The three members of the~~
6 ~~Yanceyville Sanitary District Board shall designate whom shall serve which term. In~~
7 ~~the 1987~~ 2003 municipal election and quadrennially thereafter, the ~~three~~ two persons
8 receiving the highest numbers of votes shall be elected for four-year terms on the
9 Town Council. In the ~~1989~~ 2001 municipal election and quadrennially thereafter, the
10 two persons receiving the highest numbers of votes shall be elected for four-year
11 terms on the Town Council."

12 Section 4. Section 5.1 of the Charter of the Town of Yanceyville, being
13 Chapter 501 of the 1985 Session Laws, reads as rewritten:

14 "Sec. 5.1. ~~Mayor-council~~ Council-manager plan. The Town of Yanceyville
15 operates under the ~~mayor-council~~ council-manager plan as provided by ~~Part 3~~ Part 2
16 of Article 7 of Chapter 160A of the General ~~Statutes~~ Statutes."

17 Section 5. This act does not affect the term of office of the current
18 Mayor or members of the Town Council of the Town of Yanceyville, except that if in
19 2001 a member of the Town Council with a term expiring in 2003 is elected Mayor,
20 then effective upon that person taking the oath of office as Mayor, the seat on the
21 Town Council that the Mayor is vacating is abolished so that the size of the council
22 will be four members. If a person who is not a member of the Town Council with a
23 term expiring in 2003 is elected Mayor in 2001, then notwithstanding Section 2 of this
24 act, from the organizational meeting after the 2001 election until the organizational
25 meeting after the 2003 election, the Town Council consists of five members.

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



SB 1418: Yanceyville Charter Amendments

BILL ANALYSIS

Committee: Local Government II
Date: June 28, 2000
Version: First Edition

Introduced by: Senator Webster
Summary by: Frank Folger
Committee Counsel

Bill Analysis: This bill amends the charter of the Town of Yanceyville in several ways.

- The Mayor is to be elected every two years, beginning in 2001, (currently, the Mayor is appointment from and by the Town Council);
- The total number of Town Council members is reduced from five to four members, effective beginning the organizational meeting after the 2001 municipal elections (two are to be elected in 2001 and every four years thereafter, two (instead of three) in 2003 and every four years thereafter) ;
- The form of government is changed to a council-manager form of government as provided in Part 2 of Article 7 of G.S. Chapter 160A (currently the town operates under a mayor-council form of government).
- The act provides that it does not affect the existing terms of office of either the Mayor or the Town Council members. If the Mayor elected in 2001 is a Town Council member whose term expires in 2003, the vacant council seat will be eliminated. Otherwise, the Town Council will continue to have five members until the organizational meeting in 2003. (Section 5 of the bill).

This bill is subject to preclearance by the United States Justice Department under Section 5 of the Voting Rights Act.

This act is effective when it becomes law, except as provided in Section 5.

VISITOR REGISTRATION SHEET

LOCAL GOVT II

Name of Committee

6-28-07

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Phelps

NCLM

George Whitehurst

Press

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LEGISLATIVE BUILDING
JUNE 30, 2000
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

SB 1359 Winston-Salem Local Act (Senator Horton)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
June 30, 2000

The House Committee on Local Government II met at 1:00 p.m. on June 30, 2000, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Vice-Chair Bonner; Representatives Barbee, Hurley, Sexton, Smith and G. Wilson. Also in attendance was Esther Manheimer and Frank Folger, committee counselors. A visitor registration sheet is attached and made part of the minutes.

Representative Jarrell called the meeting to order to consider the following bill:

Committee Substitute for SB 1359 – Winston-Salem Local Act. Representative Womble explained this bill which is sponsored by Senator Horton. The proposed committee substitute authorizes Winston-Salem to remove and dispose of motor vehicles deemed a safety hazard and amends the definitions of “abandoned motor vehicle” and “junked motor vehicle.” A bill analysis is attached which explains the provisions of this bill.

An amendment to this bill was explained by Frank Folger, committee counsel, copy of which is attached. Representative Hurley made a motion to adopt the amendment. Motion carried.

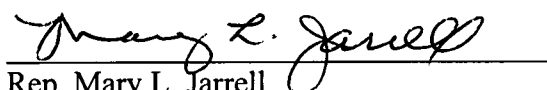
A technical amendment was explained by Frank Folger. Representative Sexton made a motion to adopt the technical amendment. Motion carried.


Representative Smith asked if the entire delegation supports this bill. Representative Womble answered in the affirmative.

Representative Smith then moved for a favorable report to S.B. 1359, as amended, and be rolled into a new House committee substitute. Motion carried.

There being no further business, the meeting adjourned at 1:15.

Respectfully submitted:


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

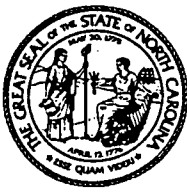
**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **LOCAL GOVERNMENT II**.

- ☒ Committee Substitute for
S.B. 1359 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF
WINSTON-SALEM TO REMOVE AND DISPOSE OF MOTOR VEHICLES THAT POSE
A SAFETY HAZARD.
- ☐ 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



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1359

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

S1359-ASO-002

Date _____, 2000

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

- 1 moves to amend the bill on page 2, lines 21-34,
2 by rewriting the lines to read:
3 " (b3) A motor vehicle that constitutes a safety hazard is one
4 that is left upon a public street or highway or private property
5 longer than 48 hours; has been declared a safety hazard, without
6 regard to whether the vehicle is abandoned or junked as defined in
7 this section, by the Board of Alderman or a duly authorized city
8 official or employee pursuant to an ordinance adopted under this
9 section; and:
10 (1) Is a breeding ground or harbor for rats;
11 (2) Is a point of concentration or source of leaking
12 of uncontained gasoline, oil, or other flammable
13 or explosive materials;
14 (3) Is positioned in a way that there is a danger it
15 will fall or turn over; or
16 (4) Is a source of danger for children because they
17 might become entrapped in areas of



1 confinement that cannot be opened from the
2 inside.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

D

SENATE BILL 1359
Proposed Committee Substitute S1359-PCS2864-SO001

Short Title: Winston-Salem Local Act.

(Local)

Sponsors:

Referred to:

May 22, 2000

- 1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO REMOVE AND
3 DISPOSE OF MOTOR VEHICLES THAT POSE A SAFETY HAZARD.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 160A-303 reads as rewritten:
6 "§ 160A-303. Removal and disposal of junked and abandoned motor vehicles; vehicles
7 and motor vehicles that constitute a safety hazard.
8 (a) A city may by ordinance prohibit the abandonment of motor vehicles on the
9 public streets or on public or private property within the city, and may enforce any
10 such ordinance by removing and disposing of junked or abandoned motor vehicles or
11 motor vehicles that constitute a safety hazard according to the procedures prescribed
12 in this section.
13 (b) A motor vehicle is defined to include all machines designed or intended to
14 travel over land or water by self-propulsion or while attached to any self-propelled
15 vehicle.
16 (b1) An abandoned motor vehicle is one that:
17 (1) Has been left upon a street or highway in violation of a law or
18 ordinance ~~prohibiting parking; or~~ that prohibits parking or
19 requires the display of a valid license plate or registration sticker;
20 or
21 (2) Is left on property owned or operated by the city for longer than
22 24 hours; or

(3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or

(4) Is left on any public street or highway for longer than seven ~~days~~ days, or within the corporate limits of the City of Winston-Salem for longer than 48 hours on:

- a. U.S. Highway 52;
- b. Interstate Highway 40; ~~or~~
- c. Business Interstate Highway 40;
- d. Peters Creek Parkway;
- e. Silas Creek Parkway; or
- f. Highway 421.

~~within the corporate limits of the City of Winston-Salem for longer than 48 hours.~~

(b2) A junked motor vehicle is an abandoned motor vehicle that also:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than five years old and worth less than ~~one hundred dollars (\$100.00);~~ five hundred dollars (\$500.00); or
- (4) Does not display a current license plate.

(b3) A motor vehicle that constitutes a safety hazard is one that is left upon a public street or highway or private property longer than 48 hours; has been declared a safety hazard, without regard to whether the vehicle is abandoned or junked as defined in this section, by the Board of Aldermen or a duly authorized city official or employee pursuant to an ordinance adopted under this section; and:

- (1) Is a breeding ground or harbor for rats;
- (2) Is a point of concentration or source of leaking of uncontained gasoline, oil, or other flammable or explosive materials;
- (3) Is positioned in a way that there is a danger it will fall or turn over; or
- (4) Is a source of danger for children because they might become entrapped in areas of confinement that cannot be opened from the inside.

(c) Any junked or abandoned motor vehicle or motor vehicle that constitutes a safety hazard that is found to be in violation of an ordinance adopted under this section may be removed to a storage garage or area, but no ~~such junked or abandoned motor vehicle~~ or motor vehicle that constitutes a safety hazard shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the council or a duly authorized city official or employee has declared it to be a health or safety hazard. premises. The city may require any person requesting the removal of a ~~junked or abandoned~~ motor vehicle from private property to indemnify the city against any loss, expense, or liability incurred because of the removal, storage, or sale thereof. When ~~an abandoned or~~

1 ~~junked~~ a motor vehicle is removed, the city shall give notice to the owner as required
2 by G.S. 20-219.11(a) and (b).

3 (d) Hearing Procedure. -- Regardless of whether a city does its own removal and
4 disposal of motor vehicles or contracts with another person to do so, the city, shall
5 provide a hearing procedure for the owner. For purposes of this subsection, the
6 definitions in G.S. 20-219.9 apply.

7 (1) If the city operates in such a way that the person who tows the
8 vehicle is responsible for collecting towing fees, all provisions of
9 Article 7A, Chapter 20, apply.

10 (2) If the city operates in such a way that it is responsible for
11 collecting towing fees, it shall:

12 a. Provide by contract or ordinance for a schedule of
13 reasonable towing ~~fees~~, fees and storage fees that are
14 comparable to the fees customarily charged to the public by
15 local private towers.

16 b. Provide a procedure for a prompt fair hearing to contest the
17 towing,

18 c. Provide for an appeal to district court from that hearing,

19 d. Authorize release of the vehicle at any time after towing by
20 the posting of a bond or paying of the fees due, and

21 e. Provide a sale procedure similar to that provided in G.S.
22 44A-4, 44A-5, and 44A-6, except that no hearing in addition
23 to the probable cause hearing is required. If no one
24 purchases the vehicle at the sale and if the value of the
25 vehicle is less than the amount of the lien, the city may
26 destroy it.

27 (e) Repealed by Session Laws 1983, c. 420, s. 13.

28 (f) No person shall be held to answer in any civil or criminal action to any owner
29 or other person legally entitled to the possession of any abandoned, lost, or stolen
30 motor vehicle for disposing of the vehicle as provided in this section.

31 (g) Nothing in this section shall apply to any vehicle in an enclosed building or
32 any vehicle on the premises of a business enterprise being operated in a lawful place
33 and manner if the vehicle is necessary to the operation of the enterprise, or to any
34 vehicle in an appropriate storage place or depository maintained in a lawful place
35 and manner by the city.

36 (h) Repealed by Session Laws 1983, c. 420, s. 13."

37 Section 2. G.S. 160A-303.2(a) reads as rewritten:

38 "(a) A municipality may by ordinance regulate, restrain or prohibit the
39 abandonment of junked motor vehicles on public grounds and on private property
40 within the municipality's ordinance-making jurisdiction upon a finding that such
41 regulation, restraint or prohibition is necessary and desirable to promote or enhance
42 community, neighborhood or area appearance, and may enforce any such ordinance
43 by removing or disposing of junked motor vehicles subject to the ordinance according
44 to the procedures prescribed in this section. The authority granted by this section

1 shall be supplemental to any other authority conferred upon municipalities. Nothing
2 in this section shall be construed to authorize a municipality to require the removal
3 or disposal of a motor vehicle kept or stored at a bona fide 'automobile graveyard' or
4 'junkyard' as defined in G.S. 136-143.

5 For purposes of this section, the term 'junked motor vehicle' means a vehicle that
6 does not display a current license plate and that:

- 7 (1) Is partially dismantled or wrecked; or
8 (2) Cannot be self-propelled or moved in the manner in which it
9 originally was intended to move; or
10 (3) Is more than five years old and appears to be worth less than ~~one~~
11 ~~hundred dollars (\$100.00).~~ five hundred dollars (\$500.00)."

12 Section 3. This act applies to the City of Winston-Salem only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 1359

State and Local Government Committee Substitute Adopted 6/26/00

Short Title: Winston-Salem Local Act.

(Local)

Sponsors:

Referred to:

May 22, 2000

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO REMOVE AND
3 DISPOSE OF MOTOR VEHICLES THAT POSE A SAFETY HAZARD.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 160A-303 reads as rewritten:

6 "**§ 160A-303. Removal and disposal of junked and abandoned motor vehicles: vehicles**
7 **and motor vehicles that constitute a safety hazard.**

8 (a) A city may by ordinance prohibit the abandonment of motor vehicles on the
9 public streets or on public or private property within the city, and may enforce any
10 such ordinance by removing and disposing of junked or abandoned motor vehicles or
11 motor vehicles that constitute a safety hazard according to the procedures prescribed
12 in this section.

13 (b) A motor vehicle is defined to include all machines designed or intended to
14 travel over land or water by self-propulsion or while attached to any self-propelled
15 vehicle.

16 (b1) An abandoned motor vehicle is one that:

- 17 (1) Has been left upon a street or highway in violation of a law or
18 ordinance ~~prohibiting parking; or~~ that prohibits parking or
19 requires the display of a valid license plate or registration sticker;
20 or
21 (2) Is left on property owned or operated by the city for longer than
22 24 hours; or

- 1 (3) Is left on private property without the consent of the owner,
2 occupant, or lessee thereof for longer than two hours; or
3 (4) Is left on any public street or highway for longer than seven ~~days~~
4 days, or within the corporate limits of the City of Winston-Salem
5 for longer than 48 hours on:
6 a. U.S. Highway 52;
7 b. Interstate Highway 40; ~~or~~
8 c. Business Interstate Highway 40;
9 d. Peters Creek Parkway;
10 e. Silas Creek Parkway; or
11 f. Highway 421.
12 ~~within the corporate limits of the City of Winston-Salem for longer~~
13 ~~than 48 hours.~~

14 (b2) A junked motor vehicle is an abandoned motor vehicle that also:

- 15 (1) Is partially dismantled or wrecked; or
16 (2) Cannot be self-propelled or moved in the manner in which it was
17 originally intended to move; or
18 (3) Is more than five years old and worth less than ~~one hundred~~
19 ~~dollars (\$100.00);~~ five hundred dollars (\$500.00); or
20 (4) Does not display a current license plate.

21 (b3) A motor vehicle that constitutes a safety hazard is one that is left upon a
22 public street or highway or private property longer than 48 hours and:

- 23 (1) Is a breeding ground or harbor for rats; or
24 (2) Is a point of concentration or source of leaking of uncontained
25 gasoline, oil, or other flammable or explosive materials; or
26 (3) Is positioned in a way that there is a danger it will fall or turn
27 over; or
28 (4) Is a source of danger for children because they might become
29 entrapped in areas of confinement that cannot be opened from the
30 inside; and
31 (5) Has been declared a safety hazard, without regard to whether the
32 vehicle is abandoned or junked as defined in this section, by the
33 Board of Aldermen or a duly authorized city official or employee
34 pursuant to an ordinance adopted under this section.

35 (c) Any junked or abandoned motor vehicle or motor vehicle that constitutes a
36 safety hazard that is found to be in violation of an ordinance adopted under this
37 section may be removed to a storage garage or area, but no ~~such junked or~~
38 ~~abandoned motor~~ vehicle shall be removed from private property without the written
39 request of the owner, lessee, or occupant of the ~~premises unless the council or a duly~~
40 ~~authorized city official or employee has declared it to be a health or safety hazard.~~
41 premises. The city may require any person requesting the removal of a ~~junked or~~
42 ~~abandoned~~ motor vehicle from private property to indemnify the city against any loss,
43 expense, or liability incurred because of the removal, storage, or sale thereof. When

1 ~~an abandoned or junked~~ a motor vehicle is removed, the city shall give notice to the
2 owner as required by G.S. 20-219.11(a) and (b).

3 (d) Hearing Procedure. -- Regardless of whether a city does its own removal and
4 disposal of motor vehicles or contracts with another person to do so, the city, shall
5 provide a hearing procedure for the owner. For purposes of this subsection, the
6 definitions in G.S. 20-219.9 apply.

7 (1) If the city operates in such a way that the person who tows the
8 vehicle is responsible for collecting towing fees, all provisions of
9 Article 7A, Chapter 20, apply.

10 (2) If the city operates in such a way that it is responsible for
11 collecting towing fees, it shall:

12 a. Provide by contract or ordinance for a schedule of
13 reasonable towing fees, fees and storage fees that are
14 comparable to the fees customarily charged to the public by
15 local private towers.

16 b. Provide a procedure for a prompt fair hearing to contest the
17 towing,

18 c. Provide for an appeal to district court from that hearing,

19 d. Authorize release of the vehicle at any time after towing by
20 the posting of a bond or paying of the fees due, and

21 e. Provide a sale procedure similar to that provided in G.S.
22 44A-4, 44A-5, and 44A-6, except that no hearing in addition
23 to the probable cause hearing is required. If no one
24 purchases the vehicle at the sale and if the value of the
25 vehicle is less than the amount of the lien, the city may
26 destroy it.

27 (e) Repealed by Session Laws 1983, c. 420, s. 13.

28 (f) No person shall be held to answer in any civil or criminal action to any owner
29 or other person legally entitled to the possession of any abandoned, lost, or stolen
30 motor vehicle for disposing of the vehicle as provided in this section.

31 (g) Nothing in this section shall apply to any vehicle in an enclosed building or
32 any vehicle on the premises of a business enterprise being operated in a lawful place
33 and manner if the vehicle is necessary to the operation of the enterprise, or to any
34 vehicle in an appropriate storage place or depository maintained in a lawful place
35 and manner by the city.

36 (h) Repealed by Session Laws 1983, c. 420, s. 13. 27."

37 Section 2. G.S. 160A-303.2(a) reads as rewritten:

38 "(a) A municipality may by ordinance regulate, restrain or prohibit the
39 abandonment of junked motor vehicles on public grounds and on private property
40 within the municipality's ordinance-making jurisdiction upon a finding that such
41 regulation, restraint or prohibition is necessary and desirable to promote or enhance
42 community, neighborhood or area appearance, and may enforce any such ordinance
43 by removing or disposing of junked motor vehicles subject to the ordinance according
44 to the procedures prescribed in this section. The authority granted by this section

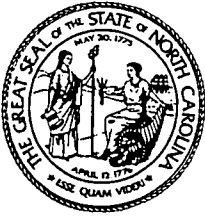
1 shall be supplemental to any other authority conferred upon municipalities. Nothing
2 in this section shall be construed to authorize a municipality to require the removal
3 or disposal of a motor vehicle kept or stored at a bona fide 'automobile graveyard' or
4 'junkyard' as defined in G.S. 136-143.

5 For purposes of this section, the term 'junked motor vehicle' means a vehicle that
6 does not display a current license plate and that:

- 7 (1) Is partially dismantled or wrecked; or
8 (2) Cannot be self-propelled or moved in the manner in which it
9 originally was intended to move; or
10 (3) Is more than five years old and appears to be worth less than ~~one~~
11 ~~hundred dollars (\$100.00).~~ five hundred dollars (\$500.00)."

12 Section 3. This act applies to the City of Winston-Salem only.

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



SENATE BILL 1359: WINSTON-SALEM LOCAL ACT

BILL ANALYSIS

Committee: House Regional and Local Gov't
II

Date: June 30, 2000

Version: 2nd Edition

Introduced by: Senator Horton

Summary by: Barbara Riley

Committee Counsel for Senate
State and Local Gov't

SUMMARY: *The proposed committee substitute authorizes Winston-Salem to remove and dispose of motor vehicles deemed a safety hazard and amends the definitions of "abandoned motor vehicle and "junked motor vehicle."*

CURRENT LAW: Chapter 160A provides municipalities the authority to adopt ordinances prohibiting the abandonment of motor vehicles and providing for their removal and disposal. G.S.160A-303, G.S. 160A-303.2. Winston-Salem sought a modification of the Statewide provisions in 1995 that authorized the City to deal with vehicles that were left on particular highways and streets within the city limits for more than 48 hours. Chapter 92 of the 1995 Session Laws.

G.S. 160A-303 defines abandoned vehicles to mean those vehicles that are left (1) on a street in violation of an ordinance prohibiting parking, (2) on city property for more than 24 hours, (3) on private property without the consent of the owner or lessee for more than 2 hours, or (4) on public streets for more than 7 days. Junked motor vehicles are defined as vehicles that are partially dismantled or wrecked, cannot be self propelled, are more than 5 years old and worth less than \$100.

BILL ANALYSIS: The proposed committee substitute for SB 1359 provides a local amendment for Winston-Salem to the provisions of State law dealing with abandoned and junked vehicles in several respects.

First, it amends the definition of abandoned vehicle to include (1) those left on a street or highway in violation of an ordinance requiring the display of a valid license plate or registration sticker, and (2) those left within the City limits on Peters Creek Parkway, Silas Creek Parkway or Highway 421 for more than 48 hours. The definition of junked vehicle is amended to increase the threshold amount for a vehicle considered junked to \$500.

The bill also provides that the City may by ordinance provide for the removal and disposal of vehicles posing a "safety hazard". Vehicles posing a safety hazard are those that are left on a public street or private property for more than 48 hours that are (1) a breeding grounds for rats, or (2) a source of leaking gas, oil, or other flammables, or (3) positioned so that they might fall over, or (4) a source of danger from entrapment for children, and (5) have been declared a safety hazard by the Board of Aldermen or authorized city official pursuant to an ordinance.

The provisions of the bill allowing the removal and disposal by the City of vehicles deemed a safety hazard present a potential conflict with the provisions of the North Carolina Constitution prohibiting local legislation relating to health, sanitation and the abatement of nuisances. N.C. Const. Art. II, Sec. 24(1)(a). The bill is framed very carefully to address the issue from the perspective of safety. However, health and safety issues are so closely intertwined that the act could be subject to legal challenge on these grounds.

The act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Local Government II

Name of Committee

June 30, 2000

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

John Phelps

NCLM

**MINUTES
HOUSE COMMITTEE ON
LOCAL AND REGIONAL GOVERNMENT II**

July 6, 2000

Representative Mary Jarrell, Chair, called a meeting of the Local Government II Committee around her desk in the House Chamber at 4:05 PM on Thursday, July 6, 2000, to consider SB 1364, EXTEND CABARRUS E & R BOARD.


The following members were present: Representative Jarrell, Representatives Bonner, Barbee, Owens, Sexton, Smith, Warren and G. Wilson.


This bill amends S.L. 1999-353, Section 3, under which the Stokes County E & R Board is authorized to continue meeting past the deadline to: (1) hear and decide appeals re discovered property; (2) hear and decide appeals re appraisals, situs and taxability of motor vehicles; and hear and decide appeals re audits of property classified at present-use value and property excluded or exempted from taxation. The bill will authorize the Cabarrus E & R Board to meet under the same conditions.

Representative Owens moved for a favorable report and the motion carried.

The meeting adjourned at 4:10 PM.

Respectfully submitted:


Rep. Mary L. Jarrell
Committee Chair


Edna Lee Collar
Committee Assistant

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** for the Committee on **Local Government II.**

☒ Committee Substitute for

S.B. 1364 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CABARRUS BOARD OF EQUALIZATION AND REVIEW TO MEET AFTER ITS FORMAL ADJOURNMENT.

☒ 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

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1

SENATE BILL 1364

Short Title: Extend Cabarrus E&R Board.

(Local)

Sponsors: Senator Hartsell.

Referred to: Finance.

May 22, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CABARRUS BOARD OF EQUALIZATION
3 AND REVIEW TO MEET AFTER ITS FORMAL ADJOURNMENT.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 3 of S.L. 1999-353 reads as rewritten:
6 "Section 3. Section 2 of this act applies only to ~~Stokes County~~. Cabarrus and
7 Stokes Counties."
8 Section 2. This act is effective when it becomes law.



SENATE BILL 1364: EXTEND CABARRUS E & R BOARD

BILL ANALYSIS

Committee: House Regional and Local Gov't
II
Date: July 6, 2000
Version: First Edition

Introduced by: Senator Hartsell
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill is a local modification of G.S. 105-322 and authorizes the Cabarrus Board of Equalization and Review (E & R Board) to meet for certain specified limited purposes after completing its statutory duties of the listing and appraising of all taxable property and conducting hearings on its listings and appraisals.*

CURRENT LAW: Cabarrus County has no current local modifications to the provisions of G.S. 105-322. Thus, in years in which revaluation is not done, its E & R Board cannot meet after July 1 except to conduct hearings requested within the time prescribed by law. In years in which revaluation occurs, the E & R Board cannot meet after December 1, except to conduct hearings timely requested.

BILL ANALYSIS: This bill amends S.L. 1999-353, Section 3, under which the Stokes County E & R Board is authorized to continue meeting past the deadline to: 1) hear and decide appeals re: discovered property; 2) hear and decide appeals re: appraisals, situs and taxability of motor vehicles; and hear and decide appeals re: audits of property classified at present-use value and property excluded or exempted from taxation. The bill will authorize the Cabarrus E & R Board to meet under the same conditions.