

2001

**HOUSE
LOCAL GOVERNMENT I**

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT I 2001 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Dedmon, Andy, Chairman	Donna Abu Harb, Committee Assistant	733-5732	2213	112
McAllister, Mary, Vice Chair	Marilyn Suitt	733-5959	638	28
Adams, Alma	Rhonda Towns	733-5902	542	67
Buchanan, Charles	Glenda Jones	733-5825	536	30
Decker, Michael	Linda Hines	733-5988	1021	87
Ellis, Sam	Alice Falcone	733-5755	607	116
Gibson, Pryor	Shirlyn MacPherson	715-3007	419A	108
Hensley, Robert	Margie Penven	733-5780	610	79
Hill, Dewey	Ginny McCann	733-5830	1309	21
Kiser, Joe	Marilyn Holder	733-5782	1317	100
Saunders, Drew	Ruth Fish	733-5606	2217	48
Setzer, Mitchell	Joanna Mills	733-5886	1015	86
Teague, Junior	Anna Kidd	733-5530	1017	94
Giles Perry & Erika Churchill, Committee Counsel				

EX OFFICIO MEMBERS:

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

**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE LOCAL GOVERNMENT I COMMITTEE
2001 – 2002 SESSION**



**Rep. Dedmon
Chair**



**Rep. McAllister
Vice-Chair**



Rep. Adams



Rep. Buchanan



Rep. Decker



Rep. Ellis



Rep. Gibson



Rep. Hensley



Rep. Hill



Rep. Kiser



Rep. Saunders



Rep. Setzer



Rep. Teague

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

2001 SESSION

[illegible]

North Carolina General Assembly
Through House Committee on
Local Government I

Date: 01/23/2002
Time: 11:10
Page: 001 of 004
Leg. Day: H-179/S-173

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0019	Smith	CERTAIN LOCAL GOVERNMENTS' CONDEMNATION.	*HR Ch. SL 2001-36	02-20-01	02-28-01
H0047	Bonner	FAIRMONT PRIVATE SALE.	HR Ch. SL 2001-2	02-20-01	02-27-01
H0071	West	CLAY CO. AMBULANCE SERVICE LIEN.	H Ref To Com On Finance	02-20-01	02-27-01
H0077	Fox	CERTAIN CITIES AND TOWNS ANNEXATIONS.	*HR Ch. SL 2001-37	04-17-01	04-18-01
H0086	Sutton	RENNERT MAYOR.	HR Ch. SL 2001-3	02-20-01	02-27-01
H0172	Smith	CEDAR POINT NO-WAKE ZONE.	*HR Ch. SL 2001-65	04-17-01	04-18-01
H0175	Goodwin	ROCKINGHAM ETJ AUTHORITY.	*HR Ch. SL 2001-6	02-20-01	02-27-01
H0198=	Smith	REPEAL MOREHEAD CITY FIREMEN'S RETIRE. FUND.	*HR Ch. SL 2001-18	02-22-01	03-07-01
H0208	Setzer	MOORESVILLE TREES.	H Ref To Com On Local Government I	02-22-01	
H0225=	Preston	REPEAL MOREHEAD CITY FIREMEN'S RETIRE. FUND.	H Ref To Com On Local Government I	02-22-01	
H0278	Culpepper	TYRRELL SCHOOL BOARD ELECTION.	HR Ch. SL 2001-4	02-27-01	03-06-01
H0279	Culpepper	MODIFY DARE TRANSFER TAX.	*H Re-ref Com On Finance	04-23-01	04-24-01
H0290=	Barnhart	MIDLAND CHARTER AMENDMENTS.	*HR Ch. SL 2001-30	02-28-01	03-06-01
H0447	Gibson	NORWOOD ELECTION CHANGES.	HR Ch. SL 2001-15	03-01-01	03-27-01
H0449	Gibson	TROY ANNEXATION.	*HR Ch. SL 2001-136	04-18-01	04-24-01
H0477	Gillespie	REPEAL MARION FIREMEN'S SUPP. RETIRE. FUND.	*HR Ch. SL 2001-21	03-05-01	03-20-01
H0498	Gulley	CHARLOTTE-MECKLENBURG SCHOOL BOARD MEMBERS.	H Ref To Com On Local Government I	03-07-01	
H0500	Gulley	LOCAL SCHOOL BOARD ELECTIONS-STUDY.	*H Re-ref Com On Rules, Calendar, and Operations of the House	03-07-01	08-08-01
H0501	Gulley	CHARLOTTE/MECK SCHOOL BOARD TERMS.	H Ref To Com On Local Government I	03-07-01	
H0502	Gulley	CHARLOTTE-MECKLENBURG SCHOOL PRIMARY.	H Ref To Com On Local Government I	03-07-01	
H0504	Gulley	MATTHEWS PROPERTY LEASE.	*HR Ch. SL 2001-102	03-27-01	04-17-01
H0533	Ellis	FUQUAY-VARINA RED LIGHT CAMERAS.	H Re-ref Com On Judiciary II	03-08-01	03-29-01
H0534	Ellis	KNIGHTDALE RED LIGHT CAMERAS.	H Re-ref Com On Judiciary II	03-08-01	03-29-01
H0535	Ellis	GARNER RED LIGHT CAMERAS.	H Re-ref Com On Judiciary II	03-08-01	03-29-01
H0543	Setzer	TROUTMAN/LOCAL GOVT. EMP. RETIREMENT SYSTEM.	H Ref To Com On Local Government I	03-08-01	
H0586=	Alexander	CHARLOTTE AREA SPHERE OF INFLUENCE.	H Ref To Com On Local Government I	03-14-01	

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

North Carolina General Assembly
Through House Committee on
Local Government I

Date: 01/23/2002
Time: 11:10
Page: 002 of 004
Leg. Day: H-179/S-173

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0587=	Alexander	MUNICIPAL ETJ ROADWAY IMPROVEMENTS.	*H Re-ref Com On Local Government I	03-14-01	04-03-01
H0587=	Alexander	MUNICIPAL ETJ ROADWAY IMPROVEMENTS.	*H Re-ref Com On Local Government I	04-04-01	
H0588=	Alexander	CHARLOTTE STORM DRAIN/ROAD PROJECTS.	H Ref To Com On Local Government I	03-14-01	
H0589=	Alexander	INFRASTRUCTURE REIMBURSEMENT.	H Ref To Com On Local Government I	03-14-01	
H0590	Alexander	CHARLOTTE HANDICAPPED PARKING ENFORCEMENT.	H Ref To Com On Local Government I	03-14-01	
H0591=	Alexander	CHARLOTTE CHARTER CLEANUP.	H Ref To Com On Local Government I	03-14-01	
H0597	McMahan	CHARLOTTE ADVISORY REFERENDUM.	*HR Ch. SL 2001-10	03-22-01	03-27-01
H0616	Smith	ATLANTIC BEACH ANNEXATION.	*HR Ch. SL 2001-137	04-10-01	04-19-01
H0647=	Miller	DURHAM FACILITIES FEES.	H Re-ref Com On Local Government I	03-28-01	
H0658	Arnold	ROCKY MOUNT POLICE OFFICER RESIDENCY.	*H Ref To Com On State and Local Government	04-16-01	04-19-01
H0661	Harrington	GASTON CO. DSS. BD. SIZE.	H Ref To Com On State and Local Government	03-28-01	04-17-01
H0664	Goodwin	ROCKINGHAM CITY ZONING PROTESTS.	HR Ch. SL 2001-48	03-19-01	04-03-01
H0666	Crawford, J.	HALIFAX COUNTY AMBULANCE SERVICES.	H Ref To Com On State and Local Government	03-19-01	04-03-01
H0682	Davis	HARNETT COUNTY SUBDIVISION DEFINITION.	HR Ch. SL 2001-50	03-19-01	04-03-01
H0695	McMahan	LIFT MECKLENBURG CO. ZONING SUNSET.	HR Ch. SL 2001-275	03-20-01	04-03-01
H0696=	McMahan	LIFT MECKLENBURG MUNI. ZONING SUNSET.	HR Ch. SL 2001-276	03-20-01	04-03-01
H0715	Gulley	MECKLENBURG LOCAL TAX/ COLISEUM AUTHORITY.	*HR Ch. SL 2001-402	03-21-01	04-17-01
H0726	Culpepper	DARE COUNTY OCEAN REGULATION.	*HR Ch. SL 2001-52	04-23-01	04-24-01
H0727	Culpepper	DARE CO. DSS USE OF FUNDS	HR Ch. SL 2001-53	03-22-01	04-10-01
H0744	Morgan	SEVEN LAKES WEST MV REG.	*HR Ch. SL 2001-132	04-19-01	04-25-01
H0749	Ellis	LIMITS ON TREE REMOVAL.	H Ref To Com On Local Government I	03-22-01	
H0802	Culpepper	DARE UTILITY UNDERGROUNDING AMENDMENTS.	H Re-ref Com On Local Government I	04-23-01	
H0804	Underhill	COUNTY SCHOOL ACQUISITION	*HR Ch. SL 2001-76	03-26-01	04-11-01
H0810=	Alexander	STUDY DOMESTIC VIOLENCE FATALITY REVIEW TEAM.	*H Re-ref Com On Rules, Calendar, and Operations of the House	03-26-01	04-24-01
H0817	Goodwin	RICHMOND COUNTY	*HR Ch. SL 2001-189	04-19-01	04-26-01

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

North Carolina General Assembly
Through House Committee on
Local Government I

Date: 01/23/2002
Time: 11:10
Page: 003 of 004
Leg. Day: H-179/S-173

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		SUBDIVISIONS.			
H0819	Goodwin	ROCKINGHAM CHARTER AMENDMENTS.	*HR Ch. SL 2001-68	04-05-01	04-19-01
H0851=	McMahan	MODIFY MECKLENBURG ROOM TAX USE.	H Ref To Com On Local Government I	03-29-01	
H0852=	McMahan	CHARLOTTE LEASES.	H Ref To Com On Local Government I	03-29-01	
H0854=	McMahan	CHARLOTTE PUBLIC CONTRACTS EXEMPTION.	H Ref To Com On Local Government I	03-29-01	
H0868	Wright	NAVASSA ANNEXATION/ CHARTER.	*HR Ch. SL 2001-325	04-23-01	04-25-01
H0871=	Michaux	DURHAM CITY ANTIDISCRIMINATION.	H Ref To Com On Local Government I	03-29-01	
H0872=	Michaux	DURHAM COUNTY INCLUSIONARY HOUSING.	H Ref To Com On Local Government I	03-29-01	
H0873	Michaux	DURHAM CHARTER PROVISIONS-2	H Ref To Com On Local Government I	03-29-01	
H0885	Culpepper	NAGS HEAD PROPERTY.	*HR Ch. SL 2001-35	03-29-01	04-10-01
H0894	Hensley	GARNER TREE ORDINANCE-2.	H Ref To Com On Local Government I	03-29-01	
H0914	Blust	PIEDMONT TRIAD AIRPORT AUTHORITY APPOINTMENT.	H Re-ref Com On Local Government I	04-05-01	
H0917	Luebke	DURHAM HISTORIC PROPERTIES-2.	*HR Ch. SL 2001-480	03-29-01	04-24-01
H0935	Daughtry	FACILITATE SCHOOL CONSTRUCTION.	HR Ch. SL 2001-135	03-29-01	04-18-01
H1037	Harrington	BUILDING CODE VARIATIONS.	H Ref To Com On Local Government I	04-10-01	
H1169	Saunders	AMEND LOCAL GOV'T. PURCHASING LAWS.	HR Ch. SL 2001-328	04-12-01	04-17-01
H1237	Miller	LANDLORD REGISTRATION.	H Ref To Com On Local Government I	04-12-01	
H1291	Carpenter	LIMIT EXERCISE OF ETJ POWER.	*H Re-ref Com On Rules, Calendar, and Operations of the House	04-12-01	06-05-01
S0255=	Fletcher L. Hart	MIDLAND/ELON LOCAL ACT.	*HR Ch. SL 2001-366	03-14-01	07-17-01
S0399=	Charlie S. Danne	CHARLOTTE CHARTER CLEANUP.	HR Ch. SL 2001-79	03-29-01	04-10-01
S0405=	Daniel G. Clodfe	INFRASTRUCTURE REIMBURSEMENT.	*HR Ch. SL 2001-329	04-10-01	07-17-01
S0407	Daniel G. Clodfe	CHARLOTTE STORM WATER/ TRANSIT QUICK TAKE.	HR Ch. SL 2001-304	04-10-01	07-17-01
S0408=	Daniel G. Clodfe	MUNICIPAL ETJ ROADWAY IMPROVEMENTS.	*HR Ch. SL 2001-261	04-10-01	06-05-01
S0420	A. B Swindell	ROCKY MOUNT/ PERQUIMANS LOCAL ACT.	*HR Ch. SL 2001-330	04-26-01	07-17-01
S0439	Charlie S. Danne	CHARLOTTE-PARKING ORDINANCES.	*HR Ch. SL 2001-88	03-29-01	04-10-01
S0453	James Calvin Cun	LEXINGTON/WINSTON-SALEM VEGETATION ORDINANCE.	*HR Ch. SL 2001-107	04-04-01	05-16-01
S0533	Daniel G. Clodfe	CHARLOTTE/MECKLENBURG SUBDIVISION MARKERS.	HR Ch. SL 2001-187	04-03-01	06-05-01

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

North Carolina General Assembly
Through House Committee on
Local Government I

Date: 01/23/2002
Time: 11:10
Page: 004 of 004
Leg. Day: H-179/S-173

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S0534=	Daniel G. Clodfe	CHARLOTTE STORM DRAIN/ ROAD PROJECTS.	*HR Ch. SL 2001-248	04-03-01	06-20-01
S0535=	Daniel G. Clodfe	CHARLOTTE AREA SPHERE OF INFLUENCE.	*HR Ch. SL 2001-228	04-11-01	06-05-01
S0535=	Daniel G. Clodfe	CHARLOTTE AREA SPHERE OF INFLUENCE.	*HR Ch. SL 2001-228	06-06-01	06-14-01
S0569	Charles W. Alber	ALLOW SINGLE-PRIME CONTRACT/JACKSONVILLE.	H Re-ref Com On Local Government I	04-05-01	
S0584	Walter H. Dalton	RUTHERFORDTON ABC DISTRIBUTIONS.	HR Ch. SL 2001-188	04-10-01	06-05-01
S0588=	Jeanne H. Lucas	DURHAM CHARTER TECHNICAL CORRECTIONS.	H Ref To Com On Local Government I	04-03-01	
S0603	Wib Gulley	NAVASSA/CARY CHANGES.	*HR Ch. SL 2001-485	04-03-01	12-04-01
S0631	Daniel G. Clodfe	CHARLOTTE LOCAL ACT.	*H Ref To Com On Local Government I	04-25-01	
S0645	John A. Garwood	WILKES COUNTY/SCHOOL PROPERTY TRANSFER.	HR Ch. SL 2001-58	04-10-01	05-08-01
S0666	Aaron W. Plyler	MONROE/BURLINGTON PROPERTY.	*HR Ch. SL 2001-190	04-23-01	05-09-01
S0666	Aaron W. Plyler	MONROE/BURLINGTON PROPERTY.	*HR Ch. SL 2001-190	05-10-01	05-16-01
S0667	Scott Thomas	SERVE CRIM. PROCESS/ CARTERET CO. GOV'T. COMPLEX.	*HR Ch. SL 2001-60	04-17-01	05-08-01
S0668	Charles W. Alber	BURGAW CHARTER REVISED.	*HR Ch. SL 2001-247	04-11-01	05-09-01
S0885	Daniel G. Clodfe	UNSAFE BUILDINGS.	*HR Ch. SL 2001-386	04-16-01	08-08-01

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

February 27, 2001

The House Committee on Local Government I met on Tuesday, February 27, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Hensley, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order. The first order of business was **HB 19, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF PINE KNOLL SHORES AND INDIAN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.** Representative Smith was recognized to explain the bill and offered a committee substitute to include Carteret County. Representative Buchanan was recognized and moved to adopt the committee substitute and it was properly brought before the committee for discussion. Representative Buchanan then moved for a favorable report as to the committee substitute, unfavorable to the original bill. The motion carried.

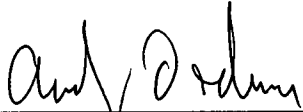
The next order of business was **HB 47, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FAIRMONT TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.** Representative Bonner was recognized to explain the bill. After some questions from members, Representative Buchanan moved to give the bill a favorable report. The motion carried.

The next order of business was **HB 71, A BILL TO BE ENTITLED AN ACT ALLOWING CLAY COUNTY TO EMPLOY ATTACHMENT OR GARNISHMENT AND TO OBTAIN A LIEN FOR AMBULANCE SERVICES.** Representative West was recognized and explained the bill. Representative Buchanan moved to give the bill a favorable report. The motion carried.

The next order of business was **HB 86, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR OF RENNERT AND PROVIDE THAT THE MAYOR MAY ONLY VOTE TO BREAK TIES.** Representative Sutton was recognized to explain the bill. After committee discussion, Representative Buchanan moved for a favorable report. The motion carried.

The last order of business was **HB 175, A BILL TO BE ENTITLED AN ACT EXTENDING THE CITY OF ROCKINGHAM'S EXTRATERRITORIAL JURISDICTION**. Representative Goodwin was recognized to explain the bill. Representative Buchanan moved for a favorable report. The motion carried.

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



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration
Agenda
HB 19 & Summary
Committee Substitute for HB 19
HB 47 & Summary
HB 71 & Summary
HB 86 & Summary
HB 175 & Summary

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**February 27, 2001
Room 415 LOB
11:00 AM**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 19 PINE KNOLL SHORES/INDIAN BEACH CONDEMNATION
REPRESENTATIVE SMITH**

**HB 47 FAIRMONT PRIVATE SALE
REPRESENTATIVE BONNER**

**HB 71 CLAY COUNTY AMBULANCE SERVICE LIENS
REPRESENTATIVE WEST**

**HB 86 RENNERT MAYOR
REPRESENTATIVE'S SUTTON, YONGUE & BONNER**

**HB 175 ROCKINGHAM ETJ AUTHORITY
REPRESENTATIVE GOODWIN**

ADJOURNMENT

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

2-27-01

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Barry Smith	Freedom Newspapers
Paul Woolverton	Fayetteville Observer
Stephanie Mann	NCAR
Nat Muel	CCNC
Andy Lomenet	NCLM
David Knight	NC Sierra Club
Dan St. Louis	Hosiery Technology Center of NC
STEVE IKERD	Catawba County
Marie L. Huffman	Catawba Co
Bibb G. Ford	Mayor, City of Nelson

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **ANDY DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 175 A BILL TO BE ENTITLED AN ACT EXTENDING THE CITY OF ROCKINGHAM'S EXTRATERRITORIAL JURISDICTION.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

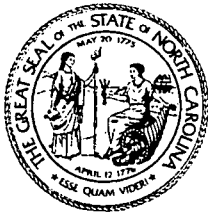
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



ROCKINGHAM ETJ AUTHORITY: House Bill 175

BILL ANALYSIS

Committee: House Local Government I
Date: February 27, 2001
Version: First Edition

Introduced by: Representative Goodwin
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 175 extends the City of Rockingham's extraterritorial planning and zoning authority to an additional area described in the bill.*

CURRENT LAW: Under current law, municipalities with a population of up to 10,000 persons may unilaterally exercise planning and zoning powers in an area extending up to one mile from their municipal limits, if the surrounding county is not already enforcing planning regulations, zoning regulations, and the State building code. If the county is enforcing all three of these functions, then a municipality may exercise ETJ authority in the one-mile area with the county's permission.

BILL ANALYSIS: House Bill 175 extends the City of Rockingham's extraterritorial planning and zoning authority to an additional area described in the bill.

House Bill 175 becomes effective when it becomes law.

H175-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 175

Short Title: Rockingham ETJ Authority.

(Local)

Sponsors: Representative Goodwin.

Referred to: Local Government I.

February 20, 2001

A BILL TO BE ENTITLED
AN ACT EXTENDING THE CITY OF ROCKINGHAM'S EXTRATERRITORIAL
JURISDICTION.

The General Assembly of North Carolina enacts:

SECTION 1. In addition to any areas where the City of Rockingham exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, the City shall have extraterritorial jurisdiction under that Article in the following described area:

Commencing at a point in the centerline of State Road 1103 approximately 250 feet north of the US Highway 74 Bypass right-of-way where such point is also the present extent of the extraterritorial jurisdiction of the City of Rockingham and running southwest following the centerline of State Road 1103 to the intersection of State Road 1137. Thence running south following the centerline of State Road 1137 for approximately 1,000 feet to a point in the centerline of State Road 1137 located 1,364 feet north of the US Highway 1 right-of-way. Thence running west following property boundaries for a distance of 941 feet to the southwest corner of Lakewood Subdivision. Thence running southwest following the southeastern boundaries of Lakeshore Village Subdivision, Lakeshore Village Section 2 Subdivision, Country Side Section 2 Subdivision, and Country Side Subdivision for 4,077 feet to a point on the Plantation Drive right-of-way 129 feet north of State Road 1108. Thence running southwest following the eastern right-of-way boundary of Plantation Drive 159 feet to the centerline of State Road 1108. Thence running east following the centerline of State Road 1108 for approximately 8,020 feet to the centerline of State Road 1971. Thence running north following the centerline of State Road 1971 for approximately 3,850 feet to a point in the centerline of State Road 1971 that is also the extent of the extraterritorial jurisdiction for the City of Rockingham. Thence running northwest following the existing extraterritorial jurisdiction approximately 5,350 to the point of commencement.

1

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

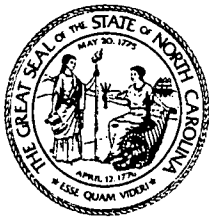
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **ANDY DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 86 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR
THE MAYOR OF RENNERT AND PROVIDE THAT THE MAYOR MAY ONLY VOTE
TO BREAK TIES.
- ☒ 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)

2/15/01



HB 86: Rennert Mayor

BILL ANALYSIS

Committee: Local Government I
Date: February 27, 2001
Version: First Edition

Introduced by: Representative Sutton
Summary by: Erika Churchill
Committee Counsel

SUMMARY: *The bill would change the term of the Rennert mayor from two years to four years, and would allow the mayor to vote only in the case of a tie among the Town Board of Commissioners.*

CURRENT LAW: Currently, the mayor of Rennert is elected for a two-year term. The mayor also has the authority to vote on any question before the Town Board of Commissioners. However, the mayor does not have the power to veto.

BILL ANALYSIS: The bill would:

- Change the term period from two years to four years.
- Remove the ability of the mayor to vote as any other member of the Town Board of Commissioners.
- Grant the mayor the authority to vote only when there is a tie vote among the Town Board of Commissioners.

EFFECTIVE DATE: The bill would become effective beginning with the mayor elected in the 2001 municipal election.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 86

Short Title: Rennert Mayor.

(Local)

Sponsors: Representatives Sutton, Yongue, and Bonner.

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

February 8, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR OF RENNERT
AND PROVIDE THAT THE MAYOR MAY ONLY VOTE TO BREAK TIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.2 of the Charter of the Town of Rennert, being Chapter 300, Session Laws of 1977, as amended by Chapter 342 of the Session Laws of 1987 reads as rewritten:

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by the qualified voters of the Town and his term shall be for ~~two~~ four years. In case of a vacancy in the office of the Mayor, the remaining members shall elect his successor for the unexpired term. The duties of the Mayor shall be to preside at all meetings of the Town Board of Commissioners; to be the official head of the Town for the service of process, for ceremonial purposes, and shall be so recognized by the Governor of the State in connection with the military law; shall have power to administer oaths and take affidavits; shall sign all written contracts entered into by the Commission on behalf of the Town and all other contracts and instruments executed by the Town, which by law required the Mayor's signature. The Mayor ~~shall have the same power as other members of the Board of Commissioners to vote on any question, or upon the appointment of officers, but he shall have no power to veto.~~ may vote only when there are equal numbers of votes in the affirmative and in the negative. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the Ordinances of the Town. At the January Board of Commissioners meeting each year, the Commission shall elect one of its members to be Mayor Pro Tempore, to preside in absence of or during the disability of the Mayor until a Mayor is elected by the Board of Commissioners pursuant to G.S. 160A-63 and this section."

SECTION 2. This act becomes effective beginning with the Mayor elected in the 2001 municipal election.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **ANDY DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 71 A BILL TO BE ENTITLED AN ACT ALLOWING CLAY COUNTY TO EMPLOY ATTACHMENT OR GARNISHMENT AND TO OBTAIN A LIEN FOR 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)

2/15/01



HB 71: Clay County Ambulance Service Lein

BILL ANALYSIS

Committee: Local Government I
Date: February 27, 2001
Version: First Edition

Introduced by: Representative West
Summary by: Erika Churchill
Committee Counsel

SUMMARY: *This bill would allow Clay County to utilize attachment and garnishment as a method to collect ambulance service fees.*

BILL ANALYSIS:

The bill would add the County of Clay to the list of those counties may treat the amount due for ambulance service fees as if it were a tax due to the county, and thereby may use attachment and garnishment to collect the ambulance service fees. Currently, 89 other counties have this authority.

EFFECTIVE DATE:

This bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 71

Short Title: Clay Co. Ambulance Service Lien.

(Local)

Sponsors: Representative West.

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

February 8, 2001

A BILL TO BE ENTITLED

AN ACT ALLOWING CLAY COUNTY TO EMPLOY ATTACHMENT OR
GARNISHMENT AND TO OBTAIN A LIEN FOR AMBULANCE SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 44-51.8 reads as rewritten:

"§ 44-51.8. Counties to which Article applies.

The provisions of this Article shall apply only to Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Cumberland, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pasquotank, Pender, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancey Counties."

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

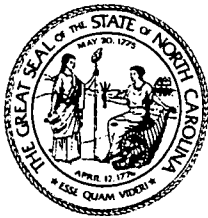
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **ANDY DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 47 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF
FAIRMONT TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01



HB 47: Fairmont Private Sale

BILL ANALYSIS

Committee: Local Government I
Date: February 27, 2001
Version: First Edition

Introduced by: Representative Bonner
Summary by: Erika Churchill
Committee Counsel

SUMMARY: *The bill would allow the Town of Fairmont to dispose of the Premium Wear Textile Facility by private negotiation and sale.*

CURRENT LAW: A municipality is required to dispose of real and personal property according to statutory regulations found in Article 12 of Chapter 160A. Under current law, the Town of Fairmont could not utilize the private negotiation and sale method to dispose of the described real property.

BILL ANALYSIS: The bill would allow the Town of Fairmont to dispose of approximately twenty acres of land, known as the Premium Wear Textile Facility and used by the Fairmont Civitan Club for youth baseball activity. The disposal would be by private negotiation and sale, and could be with or without consideration.

EFFECTIVE DATE: The bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 47

Short Title: Fairmont Private Sale.

(Local)

Sponsors: Representatives Bonner; Barefoot, Sutton, and Yongue.

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

February 5, 2001

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE TOWN OF FAIRMONT TO CONVEY CERTAIN
3 PROPERTY AT A PRIVATE SALE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General
6 Statutes, the Town of Fairmont may convey by private negotiation and sale, with or
7 without monetary consideration, any or all of its right, title, and interest in the following
8 described property, including any buildings situated on the property:

9 Twenty acres, more or less, located on the western side of White Pond Road
10 and known as the Premium Wear Textile Facility less and except five acres,
11 more or less, that are used by the Fairmont Civitan Club for youth baseball
12 activity.

13 SECTION 2. This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **ANDY DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 19 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF PINE KNOLL SHORES AND INDIAN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.

☐ 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.

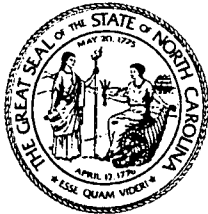
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



BILL ANALYSIS

PINE KNOLL SHORES/INDIAN BEACH CONDEMNATION: House Bill 19

Committee: House Local Government I
Date: February 27, 2001
Version: First Edition

Introduced by: Rep. Smith.
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 19 authorizes the Towns of Pine Knoll Shores and Indian Beach in Carteret County to exercise the power of eminent domain to acquire property for beach erosion control, flood and hurricane protection works, and public beach access*

CURRENT LAW: Under current law, municipalities may use the power of eminent domain for the purposes listed in G.S. 40A-3(b), such as constructing streets, building water and sewer lines, parks, etc.

BILL ANALYSIS: House Bill 19 authorizes three additional purposes for which the Towns of Pine Knoll Shores and Indian Beach may use eminent domain: beach erosion control, flood and hurricane protection works, and beach access.

House Bill 19 becomes effective when it becomes law.

BACKGROUND:

Similar legislation was enacted for Kure Beach: S. L. 1997-94; Ocean Isle: S.L. 2000-43; and Wrightsville Beach: S.L. 1993-187.

H19-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 19
PROPOSED COMMITTEE SUBSTITUTE H19-PCS3114-RW-2

Short Title: Pine Knoll Shores/Indian Beach Condemnation.

(Local)

Sponsors:

Referred to:

January 30, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW CARTERET COUNTY, THE TOWN OF PINE KNOLL SHORES, AND THE TOWN OF INDIAN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 40A-3(b) reads as rewritten:

"(b) Local Public Condemnors. – For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any ~~property, property or interest therein~~, either inside or outside its boundaries, for the following purposes.

- (1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subsection is in addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.
- (2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.
- (3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
- (4) Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and 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 and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities. The authority contained in this subdivision is in addition to any authority contained in Chapter 156.
- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3B, effective until October 1, 1989, or G.S. 160A-400.14, whichever is appropriate.
- (9) Opening, widening, extending, or improving public wharves.
- (10) Engaging in or participating with other governmental entities in acquiring, constructing, reconstructing, extending, or otherwise building or improving beach erosion control or flood and hurricane protection works, including, but not limited to, the acquisition of any property that may be required as a source for beach renourishment.
- (11) Establishing access for the public to public trust beaches and appurtenant parking areas.

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

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

SECTION 2. G.S. 40A-42(a) reads as rewritten:

"(a) When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), ~~(4) or (7),~~ (4), (7), (10), or (11), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10) or (12), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41."

SECTION 3. This act applies only to Carteret County, the Town of Pine Knoll Shores, and the Town of Indian Beach.

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



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 19

H19-ARW-2 [v.1]

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

Page 1 of 1

Date _____, 2001

Comm. Sub. [NO]
Amends Title [YES]
First Edition

Representative _____

- 1 moves to amend the bill on page 1, .lines 2-3, by rewriting those lines to read:
2 "AN ACT TO ALLOW CARTERET COUNTY, THE TOWN OF PINE KNOLL
3 SHORES, AND THE TOWN OF INDIAN"; and
4
5 on page 2, lines 41-42, by rewriting those lines to read:
6 "SECTION 3. This act applies only to Carteret County, the Town of Pine
7 Knoll Shores, and the Town of Indian Beach"
8

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 19

Short Title: Pine Knoll Shores/Indian Beach Condemnation.

(Local)

Sponsors: Representative Smith.

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

January 30, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWNS OF PINE KNOLL SHORES AND INDIAN BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 40A-3(b) reads as rewritten:

(b) Local Public Condemnors. – For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any ~~property~~, property or interest therein, either inside or outside its boundaries, for the following purposes.

- (1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subsection is in addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.
- (2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.
- (3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
- (4) Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and 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 and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities. The authority contained in this subdivision is in addition to any authority contained in Chapter 156.
- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3B, effective until October 1, 1989, or G.S. 160A-400.14, whichever is appropriate.
- (9) Opening, widening, extending, or improving public wharves.
- (10) Engaging in or participating with other governmental entities in acquiring, constructing, reconstructing, extending, or otherwise building or improving beach erosion control or flood and hurricane protection works, including, but not limited to, the acquisition of any property that may be required as a source for beach renourishment.
- (11) Establishing access for the public to public trust beaches and appurtenant parking areas.

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

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

SECTION 2. G.S. 40A-42(a) reads as rewritten:

"(a) When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), ~~(4) or (7)~~, ~~(4)~~, (7), (10), or (11), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10) or (12), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41."

SECTION 3. This act applies only to the Towns of Pine Knoll Shores and Indian Beach.

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

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

March 6, 2001

The House Committee on Local Government I met on Tuesday, March 6, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Hensley, Hill, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

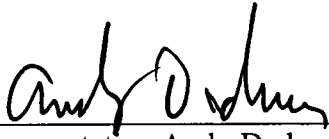
The Chairman called the meeting to order. He told members that HB 208, Mooresville Trees was not going to be taken up today at the bill sponsor's request.

The first order of business was **HB 198, A BILL TO BE ENTITLED AN ACT TO REPEAL THE MOREHEAD CITY FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.** Representative Smith, bill sponsor, was recognized to explain the bill. He briefly explained the bill and offered a committee substitute. Representative Buchanan moved to adopt the committee substitute; the motion carried and it was properly brought before the committee. Representative Dedmon then recognized Mr. Stanley Moore, Fiscal, to give some background about the original bill and to further explain the bill. Representative Buchanan then moved to give the committee substitute a favorable report and re-refer the bill to the committee on Pensions and Retirement, unfavorable to the original bill. The motion carried.

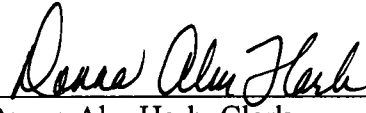
The next order of business was **HB 278, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TYRRELL COUNTY BOARD OF EDUCATION SHALL TAKE OFFICE IN JULY OF THE YEAR OF THEIR ELECTION.** Representative Culpepper, bill sponsor, was recognized to explain the bill. After some questions from members, Representative Buchanan was recognized and moved for a favorable report. The motion carried.

The last order of business was **HB 290, A BILL TO BE ENTITLED AN ACT TO ADD ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, AND TO POSTPONE THE EFFECTIVE DATE OF TAXATION BY THAT TOWN.** Representative Barnhart, bill sponsor, was recognized to explain the bill. After some committee discussion, Representative Adams moved for a favorable report and for the bill to be re-referred to the committee on Finance. The motion carried.

There being no further business, the committee adjourned at 11:23.



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration

Agenda

HB 198

HB 198 Summary

HB 198 Actuarial/Fiscal Note

HB 198 Committee Substitute

HB 278

HB 278 Summary

HB 290

HB 290 Summary

VISITOR REGISTRATION SHEET

Loc Box I

3.6-01

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Steve Hoffman

NCSBA

Klaire Thompson

AKA Sorority

Rev. Jeff Barnhart

Michelle Cook

Wengerhausen

B. Paul Williams

NCMBA

Tim Mink

NC Home BUILDING ASSN

Alice Lin

Joint Legislative Oversight Committee

Dale McKee

Scenic NC on MATOOSTA

Jack Corvet

PARKER POE

Mary Carmelia

KERIC

Andy Romanoff

$$NCL \nabla$$

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**March 6, 2001
Room 415 LOB
11:00 AM**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 198 REPEAL MOREHEAD CITY FIREMEN'S RETIRE. FUND
REPRESENTATIVE SMITH**

**HB 208 MOORESVILLE TREES
REPRESENTATIVE SETZER**

**HB 278 TYRRELL SCHOOL BOARD ELECTIONS
REPRESENTATIVE CULPEPPER**

**HB 290 MIDLAND CHARTER AMENDMENTS
REPRESENTATIVE BARNHART**

ADJOURNMENT

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **ANDY DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 198 A BILL TO BE ENTITLED AN ACT TO REPEAL THE MOREHEAD CITY
FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

☐ 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 **Pensions & 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.

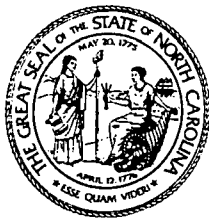
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HB 198: Repeal Morehead City Firemen's Retire. Fund.

BILL ANALYSIS

Committee:	Local Government I	Introduced by:	Representative Smith
Date:	March 6, 2001	Summary by:	R. Erika Churchill
Version:	H198-CSST-2		Committee Counsel

SUMMARY: *The bill would repeal the Morehead City Firemen's Supplemental Retirement Fund.*

CURRENT LAW: In 1973, the General Assembly established a supplemental firemen's retirement fund for those qualified members from Morehead City. As created, the fund was to be administered as a separate fund by the Morehead City Local Firemen's Relief Fund within the local relief fund.

BILL ANALYSIS: The bill would repeal the Morehead City firemen's supplement retirement fund as established in 1973 by local act of the General Assembly. Upon repealing the Supplement Retirement Fund, the money remaining will revert to the Morehead City Local Firemen's Relief Fund and be administered pursuant to G.S. 58-84-35. The money could be used by to create another supplement retirement fund, which would be overseen by the North Carolina State Firemen's Association.

BACKGROUND: Similar legislation repealing a local supplemental retirement fund has previously been enacted by the General Assembly for: Cherryville, Forest City, Hendersonville, Laurinburg, and Raleigh. And, legislation was introduced on March 5, 2001, to repeal the Marion Supplement Firemen's Retirement Fund (HB 477).

EFFECTIVE DATE: The act would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 198

Short Title: Repeal Morehead City Firemen's Retire. Fund. (Local)

Sponsors: Representative Smith.

Referred to: Local Government I.

February 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE MOREHEAD CITY FIREMEN'S SUPPLEMENTAL
3 RETIREMENT FUND.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** Chapter 360 of the 1973 Session Laws is repealed.
6 **SECTION 2.** This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

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

J. Goldman, Director
Administrative Division
Room 9, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

James D. Johnson, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Dennis W. McCarty, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

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

March 5, 2001

MEMORANDUM

TO: Representative Ronnie Smith

FROM: Stanley Moore *SM*
Fiscal Research Division

SUBJECT: Actuarial/Fiscal Note on House Bill 198

Re: Repeal of the Morehead City Firemen's Supplemental Pension Fund

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, attached is a certified copy of an original actuarial/fiscal note on the above subject as prepared by the General Assembly's Consulting Actuary and this Division.

cc: Co-Chairmen, House Committee on Pensions & Retirement
House Principal Clerk

Attachment(s):
Actuarial/Fiscal Note, House Bill 198, March 5, 2001



North Carolina General Assembly
Legislative Services Office

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

J. Goldman, Director
Administrative Division
Room 9, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

James D. Johnson, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Dennis W. McCarty, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

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

March 5, 2001

Representative Jean Preston
Representative Ronnie Smith
North Carolina House of Representative
Raleigh, North Carolina 27601

Re: Actuarial/Fiscal Note (Morehead City Firemen's Supplemental Retirement Fund)

Dear Representatives Preston and Smith:

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, we hereby submit an Actuarial/Fiscal Note on the following: Repeal of the Morehead City Firemen's Supplemental Retirement Fund.

A reliable estimate of the financial and actuarial effects of the foregoing proposal is as follows: The Morehead City Firemen's Supplemental Retirement Fund is presently financed by the transfer of all funds in excess of \$5,000 from the City of Morehead City Firemen's Local Relief Fund. This Retirement Fund presently provides supplemental retirement benefits to those retired firemen who are age 55 with 30 or more years of service. The supplemental benefit is equal to one dollar (\$1.00) for each full year as a fireman of the City.

With this repeal, all funds will be transferred from the Morehead City Firemen's Supplemental Retirement Fund back to the City of Morehead City Firemen's Local Relief Fund to be used as allowed by G. S. 58-84-35.

Actuarial Endorsement:

Charles W. Dunn

Charles W. Dunn
Consulting Actuary
Raleigh, North Carolina

Sincerely,

Stanley Moore

Stanley Moore
Fiscal Analyst
Fiscal Research Division

ACTUARIAL NOTE

True & Exact Copy of Original

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER
Certified By: *Stanley Moore* Date: *3-5-01*
Legislative Fiscal Research

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 198
PROPOSED COMMITTEE SUBSTITUTE H198-PCS3149-ST-1

Short Title: Repeal Morehead City Firemen's Retire. Fund. (Local)

Sponsors:

Referred to:

February 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE MOREHEAD CITY SUPPLEMENTAL FIREMEN'S
3 RETIREMENT FUND.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** Chapter 360 of the 1973 Session Laws is repealed.
6 **SECTION 2.** All funds remaining in the Morehead City Supplemental
7 Firemen's Retirement Fund are transferred to the Board of Trustees of the Local
8 Firemen's Relief Fund of the City of Morehead City to be held and administered as
9 provided in Article 84 of Chapter 58 of the General Statutes.
10 **SECTION 3.** This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **ANDY DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 278 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TYRRELL
COUNTY BOARD OF EDUCATION SHALL TAKE OFFICE IN JULY OF THE YEAR
OF THEIR 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 278

Short Title: Tyrrell School Board Election. (Local)

Sponsors: Representative Culpepper.

Referred to: Local Government I.

February 27, 2001

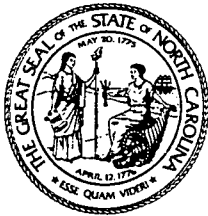
A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE TYRRELL COUNTY BOARD OF
EDUCATION SHALL TAKE OFFICE IN JULY OF THE YEAR OF THEIR
ELECTION.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 115C-37(d), those
members of the Tyrrell County Board of Education elected in 2002 and in subsequent
years shall qualify by taking the oath of office prescribed in Article VI, Section 7, of the
Constitution at the first meeting of the Board of Education held in July following the
election.

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



HB 278: Tyrrell School Board Election

BILL ANALYSIS

Committee: Local Government I
Date: March 6, 2001
Version: First Edition

Introduced by: Representative Culpepper
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would change the date on which the Board of Education members in Tyrrell County officially take office from the December meeting following the election to the July meeting following the election.*

CURRENT LAW: Statute currently prescribes the December meeting of the Board of Education as the time for new members to be sworn in and take office. This is generally applicable to all counties, although amendments have been made. At this time, at least four (4) other county Boards of Education take office in July. They are Carteret, Northampton, Orange, and Pender.

BILL ANALYSIS: The bill would change the month in which the Tyrrell County Board of Education Members take office from the December meeting following the election to the first meeting in July following the election, beginning with those board members elected in the year 2002.

EFFECTIVE DATE: The act would become effective when it becomes law, and would apply to those officials elected in 2002 and thereafter.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **ANDY DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 290 A BILL TO BE ENTITLED AN ACT TO ADD ADDITIONAL MEMBERS TO
THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, AND TO POSTPONE THE
EFFECTIVE DATE OF TAXATION BY 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 290*

Short Title: Midland Charter Amendments.

(Local)

Sponsors: Representative Barnhart.

Referred to: Local Government I.

February 28, 2001

A BILL TO BE ENTITLED

AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL
OF THE TOWN OF MIDLAND, AND TO POSTPONE THE EFFECTIVE DATE
OF TAXATION BY THAT TOWN.

The General Assembly of North Carolina enacts:

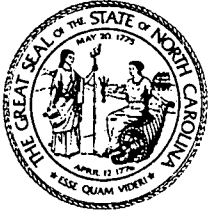
SECTION 1. Section 3.4 of the Charter of the Town of Midland, being S.L. 2000-91, reads as rewritten:

"Section 3.4. **Initial Council.** Until the organizational meeting after the initial regular municipal election of 2001, L.W. 'Bunk' Whitley, Joyce Beatty, A. J. Tucker, Frederick W. Buchta, and Dan Short are hereby appointed as members of the Town Council. Until that time, the Council shall consist of ~~three~~ five members. Until the organizational meeting after the initial regular municipal election of 2001, the Town Council shall choose from among its members one person to serve as Mayor."

SECTION 2. Section 2 of S.L. 2000-91 reads as rewritten:

"Section 2. From and after the effective date of this act, the citizens and property in the Town of Midland shall be subject to municipal taxes levied for the year beginning July 1, 2000. For that purpose the Town shall obtain from Cabarrus County a record of property in the area herein incorporated which was listed for taxes as of January 1, ~~2000~~ 2001. The Town may adopt a budget ordinance for fiscal year 2000-2001 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 2000-2001, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360."

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



HOUSE BILL 290: Midland Charter Amendments

BILL ANALYSIS

Committee: Local Government I
Date: March 6, 2001
Version: First Edition

Introduced by: Rep. Barnhart
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 290 amends the Charter of the Town of Midland in Cabarrus County to add two additional members to the Interim Council and to postpone the effective date of property taxation by the Town.*

BILL ANALYSIS: The Town of Midland was incorporated by act of the General Assembly, subject to a referendum, in the year 2000.

The initial interim Town Council consisted of three members. House Bill 290 adds two additional members to the Interim Council.

In addition, House Bill 290 delays the effective date of taxation by the Town for one year, to January 1, 2001.

House Bill 290 becomes effective when it becomes law.

H290-SMRW-001

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

March 20, 2001

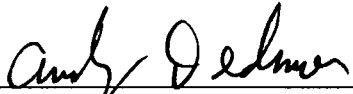
The House Committee on Local Government I met on Tuesday, March 20, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Hensley, Hill, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order. He told members that **HB 543, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TROUTMAN TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES** was pulled from the agenda by request of the Sponsor, Representative Setzer.

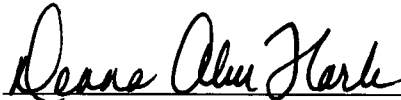
The first order of business was **HB 477, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LOCAL FIREMEN'S RELIEF FUND OF THE CITY OF MARION**. Representative Gillespie, bill sponsor, was recognized to explain the bill. He told members that he also had a committee substitute to offer. Representative Buchanan was then recognized and moved to adopt the committee substitute. The motion carried and the committee substitute was properly before the committee for discussion. After a few questions and discussion, Representative Buchanan moved to give the committee substitute a favorable report; unfavorable to the original bill and to re-refer the committee substitute to the Committee on Pensions and Retirement. The motion carried.

The next order of business was **HB 447, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF NORWOOD AND STAGGERING THOSE TERMS**. Representative Gibson, bill sponsor, was recognized to explain the bill. He began explaining the bill and suggested that an amendment be prepared for clarification. Chairman Dedmon proposed that the bill be displaced and re-calendared for next weeks meeting. Representative Gibson agreed.

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



Representative Andy Dedmon, Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration
Agenda
HB 477 & Summary

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

Name of Committee

3-20-01

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**March 20, 2001
Room 415 LOB
11:00 AM**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 447 NORWOOD ELECTION CHANGES
REPRESENTATIVE GIBSON**

**HB 477 REPEAL MARION FIREMEN'S SUPP. RETIRE. FUND
REPRESENTATIVE GILLESPIE**

**HB 543 TROUTMAN/LOCAL GOVT. EMP. RETIREMENT SYSTEM
REPRESENTATIVE SETZER**

ADJOURNMENT

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **ANDY DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 477 A BILL TO BE ENTITLED AN ACT TO REPEAL THE LOCAL FIREMEN'S RELIEF FUND OF THE CITY OF MARION.

☐ 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 *Pensions & 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.

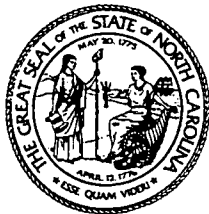
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 477: Repeal City of Marion Firemen's Retire. Fund.

BILL ANALYSIS

Committee: Local Government I
Date: March 20, 2001
Version: H477-CSST-1

Introduced by: Representative Gillespie
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would repeal the City of Marion Firemen's Supplemental Retirement Fund.*

CURRENT LAW: In 1979, the General Assembly established a supplemental firemen's retirement fund for those qualified members from the City of Marion. As created, the fund was to be administered as a separate fund by the City of Marion Local Firemen's Relief Fund within the local relief fund.

BILL ANALYSIS: The bill would repeal the City of Marion firemen's supplement retirement fund as established in 1979 by local act of the General Assembly. Upon repealing the Supplement Retirement Fund, the money remaining will revert to the Marion Local Firemen's Relief Fund and be administered pursuant to G.S. 58-84-35. The money could be used to create another supplemental retirement fund, which would be overseen by the North Carolina State Firemen's Association.

BACKGROUND: Similar legislation repealing a local supplemental retirement fund has previously been enacted by the General Assembly for: Cherryville, Forest City, Hendersonville, Laurinburg, and Raleigh. Additionally, legislation is currently under consideration to repeal the Morehead City Supplement Firemen's Retirement Fund (HB 198).

EFFECTIVE DATE: The act would become effective when it becomes law.

HB477-SM-CSST-1

1

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



North Carolina General Assembly
Legislative Services Office

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

Ray C. Goldman, Director
Administrative Division
Room 9, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

James D. Johnson, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Dennis W. McCarty, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

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

March 12, 2001

Representative Mitch Gillespie
North Carolina House of Representative
Legislative Building, Room 1201
Raleigh, North Carolina 27601

Re: Actuarial/Fiscal Note (Marion Firemen's Supplemental Retirement Fund)

Dear Representative Gillespie:

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, we hereby submit an Actuarial/Fiscal Note on the following: Repeal of the Marion Firemen's Supplemental Retirement Fund.

A reliable estimate of the financial and actuarial effects of the foregoing proposal is as follows: The Marion Firemen's Supplemental Retirement Fund is presently financed by the transfer of all funds in excess of \$50,000 from the City of Marion Firemen's Local Relief Fund. This Retirement Fund presently provides supplemental retirement benefits to those retired firemen, whether volunteer or paid, who are age 55 with 20 or more years of service. The benefit is calculated by dividing the amount of assets by the total shares with a maximum annual benefit of \$600.00.

With this repeal, all funds will be transferred from the Marion Firemen's Supplemental Retirement Fund back to the City of Marion Firemen's Local Relief Fund to be used as allowed by G. S. 58-84-35.

Actuarial Endorsement:

Charles W. Dunn
Consulting Actuary
Raleigh, North Carolina

Sincerely,

Stanley Moore
Fiscal Analyst
Fiscal Research Division



North Carolina General Assembly
Legislative Services Office

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

Anthony C. Goldman, Director
Administrative Division
Room 9, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

James D. Johnson, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Dennis W. McCarty, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

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

March 13, 2001

RECEIVED

MAR 13 2001

MEMORANDUM

RESEARCH DIVISION

TO: Representative Mitch Gillespie

FROM: Stanley Moore *SM*
Fiscal Research Division

SUBJECT: Actuarial/Fiscal Note on House Bill 477

Re: Repeal of the Marion Firemen's Supplemental Pension Fund

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, attached is a certified copy of an original actuarial/fiscal note on the above subject as prepared by the General Assembly's Consulting Actuary and this Division.

cc: Co-Chairmen, House Committee on Pensions & Retirement
House Principal Clerk

Attachment(s):
Actuarial/Fiscal Note, House Bill 477, March 12, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 477
PROPOSED COMMITTEE SUBSTITUTE H477-CSST-5 [v.1]

3/13/2001 12:41:43 PM

Short Title: Repeal Marion Firemen's Supp. Retire. Fund.

(Local)

Sponsors:

Referred to:

March 5, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE LOCAL FIREMEN'S RELIEF FUND OF THE CITY OF
3 MARION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 26 of the 1979 Session Laws is repealed.

6 **SECTION 2.** All funds remaining in the City of Marion Supplemental
7 Firemen's Retirement Fund are transferred to the Board of Trustees of the City of
8 Marion Local Firemen's Relief Fund be held and administered as provided in Article 84
9 of Chapter 58 of the General Statutes.

10 **SECTION 3.** This act is effective when it becomes law.
11

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

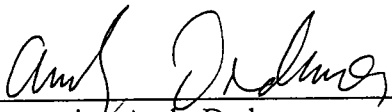
March 27, 2001

The House Committee on Local Government I met on Tuesday, March 27, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hensley, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. Representative Cunningham, Ex-Officio member also was in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

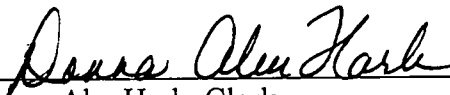
The Chairman called the meeting to order. The first order of business was **HB 597, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND CULTURAL FACILITIES.** Representative McMahan, bills sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan was recognized and moved to adopt the committee substitute and it was properly brought before the committee for discussion. Representative McMahan explained to members that this bill would authorize the City of Charlotte to direct the Mecklenburg County Board of Elections to conduct an advisory referendum on whether the City should make capital investments on seven targeted projects totaling about \$352 million. He further stated that the Mecklenburg delegation fully supported this bill and also that this bill was only asking for a referendum. He also stated that the City of Charlotte wanted a referendum so that citizens of Charlotte would have a say in this whole process. Chairman Dedmon recognized most all members of the committee for questions and discussion. Representative Saunders told the committee that although he was aware of a particular group of citizens who did not want a new coliseum, they did want a right to vote through referendum. Representative Buchanan was recognized and moved for a favorable report as to the committee substitute, unfavorable to the original bill. The motion carried.

The next order of business was **HB 447, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF NORWOOD AND STAGGERING THOSE TERMS.** Representative Gibson, bill sponsor, was recognized to explain the bill. He told members this was the same original bill that was considered last week and then displaced. Representative Ellis moved to give the bill a favorable report. The motion carried.

There being no further business, the committee adjourned at 11:45.



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration
Agenda
HB 597, Committee Substitute & Summary
HB 447 & Summary

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS:.. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Beth Bizzell	Allen Associates
Sela Zimm	Meck Co.
Jimmy Allen	McRemyt Assn
Michael English	Charlotte Chamber
Carol Kable	EGHS
Jacquette	Chas Ohs
Mary Corvelli	KEBIC
APRY GITH	Bill Dring
John McNeill	METS PA
Boyd Gable	City of Charlotte
Johnny Harrison	Enterprise Pub & Cas
Brian Francis	Meck City
BILL CARSTALPHEN	Charlotte Area Transit System

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**March 27, 2001
Room 415 LOB
11:00 AM**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 597 CHARLOTTE ADVISORY REFERENDUM
REPRESENTATIVE McMAHAN**

TIME PERMITTING - RECONSIDERATION OF

**HB 447 NORWOOD ELECTION CHANGES
REPRESENTATIVE GIBSON**

ADJOURNMENT

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 597 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND CULTURAL 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.

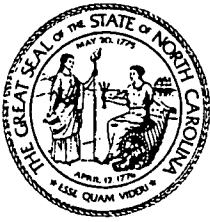
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 597: Charlotte Advisory Referendum

BILL ANALYSIS

Committee: House Local Government I
Date: March 27, 2001
Version: Proposed Committee Substitute

Introduced by: Rep. McMahan
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 597 authorizes the City of Charlotte to conduct an advisory referendum on whether the City should make capital investments in certain listed sports or cultural facilities.*

BILL ANALYSIS: House Bill 597 authorizes the City of Charlotte to direct the Mecklenburg County Board of Elections to conduct an advisory referendum on whether the City should make capital investments on construction, expansion or renovation of listed sports and cultural facilities.

The advisory referendum would have to take place prior to December 31, 2001.

House Bill 597 would become effective upon ratification.

H597-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 597
PROPOSED COMMITTEE SUBSTITUTE H597-PCS3258-RW-8

Short Title: Charlotte Advisory Referendum.

(Local)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN
ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND
CULTURAL FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. The Charlotte City Council may, by resolution, direct the Mecklenburg County Board of Elections to conduct an advisory referendum on whether the City should make capital investments in certain identified sports and cultural facilities. The form of the question to be presented on a ballot for such a referendum shall be:

"[] FOR [] AGAINST

The construction, expansion, and/or renovation of an uptown arena, the Mint Museum of Art, Discovery Place, the Afro-American Cultural Center, a minor league baseball stadium, Theatre Charlotte, and the Carolina Theatre, provided that adequate funding is available from, but not limited to, the existing hotel/motel occupancy tax, and proposed vehicle rental and seat taxes collected within the City of Charlotte, not including property taxes."

The referendum shall be conducted in accordance with Chapter 163 of the General Statutes.

SECTION 2. This act shall expire on December 31, 2001.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 597

Short Title: Charlotte Advisory Referendum. (Local)

Sponsors: Representatives McMahan; Alexander, Cunningham, Earle, Easterling,
Harrington, and C. Wilson.

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

March 14, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN
ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND
CULTURAL FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. The Charlotte City Council may, by resolution, direct the
Mecklenburg County Board of Elections to conduct an advisory referendum on whether
the City should make capital investments in certain identified sports and cultural
facilities. The resolution shall prescribe the form of the ballot question and shall set the
date of the referendum. The referendum shall be conducted in accordance with Chapter
163 of the General Statutes.

SECTION 2. This act shall expire on December 31, 2001.

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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 447 A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF NORWOOD AND STAGGERING THOSE TERMS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

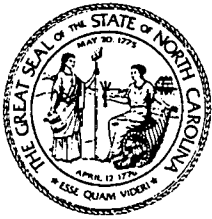
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 447: Norwood Election Changes

BILL ANALYSIS

Committee: House Local Government I
Date: March 20, 2001
Version: First Edition

Introduced by: Representative Gibson
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 447 extends to four years the terms of the Mayor and the Town Commissioners of the Town of Norwood, and staggers the terms of the Commissioners.*

CURRENT LAW: Under current law, the Mayor and the five Commissioners of the Town of Norwood in Stanly County are elected for two-year terms.

BILL ANALYSIS: Beginning with the election of 2001, House Bill 447 would extend the terms of the Mayor and the five Commissioners of the Town of Norwood to four years. The terms of the Commissioners would be staggered.

House Bill 447 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 447

Short Title: Norwood Election Changes.

(Local)

Sponsors: Representative Gibson.

Referred to: Local Government I.

March 1, 2001

A BILL TO BE ENTITLED
AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN
COMMISSIONERS OF THE TOWN OF NORWOOD AND STAGGERING
THOSE TERMS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 12 of the Charter of the Town of Norwood, being Chapter 212 of the 1905 Private Laws, reads as rewritten:

"Sec. 12. ~~That all officers elected at any election in the town of Norwood shall hold office for the term of two years and until their successors are elected and qualified. That in the absence of any officer of the town, or during sickness of any of the officers, the commissioners may appoint a man to fill the office during his absence or during his inability, and no longer. If the absence be caused by resignation the board may appoint an officer to fill the unexpired term.~~ The Commissioners and Mayor shall be elected to four-year terms by the qualified voters of the entire Town, except as provided otherwise in this section. In 2001, and quadrennially thereafter, a Mayor shall be elected to a four-year term. In 2001, for the position of Commissioner, the two persons receiving the highest numbers of votes shall be elected to four-year terms and the three persons receiving the next highest numbers of votes shall be elected to two-year terms. In 2003, and quadrennially thereafter, three persons shall be elected to four-year terms. In 2005, and quadrennially thereafter, two persons shall be elected to four-year terms."

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

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

April 3, 2001

The House Committee on Local Government I met on Tuesday, April 3, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Hensley, Kiser, Saunders and Setzer. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order. He told members that HB 589, INFRASTRUCTURE REIMBURSEMENTS was being pulled from today's agenda.

The first order of business was **HB 586, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY OF CHARLOTTE'S AREAS OF SPHERE OF INFLUENCE.** Representative Alexander, bill co-sponsor, was recognized to explain the bill and offered a committee substitute. Representative Saunders moved for adoption of the committee substitute. The motion carried and it was properly before the committee for discussion. Representative Alexander told members that there is an area of about 75 miles that remains within the city's sphere of influence that could be subject to a repeated process of annexation. Instead of continuing the annexation, the bill would allow the city to exercise its extraterritorial jurisdiction up to the extent of its sphere of influence. After questions and debate of members, Mr. Brian Frances, Mecklenburg County Board of Commissioners, was recognized to address the committee and make a clarification. Representative Saunders then followed up and gave members a good background history about the ETJ in Charlotte and the surrounding cities. Chairman Dedmon then recognized Mr. Boyd Coble, City of Charlotte, to further explain the bill. After much committee discussion and debate, the Chairman displaced the bill.

The next order of business was **HB 664, A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROTEST PROCEDURES IN THE CITY OF ROCKINGHAM.** Representative Goodwin, bill sponsor, was recognized to explain the bill. After some questions from members, Representative Decker was recognized and moved for a favorable report. The motion carried.

The next order of business was **HB 666, A BILL TO BE ENTITLED AN ACT TO ADD ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, AND TO POSTPONE THE EFFECTIVE DATE OF TAXATION BY THAT TOWN.** Representative Crawford, bill sponsor, was recognized to explain the bill. After some committee discussion, Representative

Buchanan moved for a favorable report and for the bill to be re-referred to the Judiciary I committee; the motion carried.

The next order of business was **HB 682, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THE COUNTY.** Representative Davis, bill sponsor, was recognized to explain the bill. Representative Ellis moved to give the bill favorable report; the motion carried.

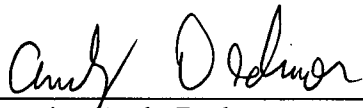
The next order of business was **HB 695, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY ZONING.** Representative McMahan, bill co-sponsor, was recognized to explain the bill. Representative Ellis moved to give the bill a favorable report; the motion carried.

The next order of business was **HB 696, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET RELATING TO MECKLENBURG MUNICIPAL ZONING.** Representative McMahan, bill co-sponsor, was recognized to explain the bill. Representative Ellis moved to give the bill a favorable report; the motion carried.

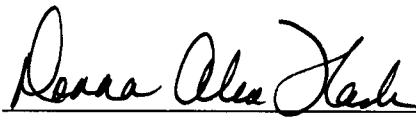
The Chairman then went back to **HB 586** and recognized Representative Alexander. She showed a visual aid to members showing the actual area totaling about 75 miles. After much committee discussion again, Representative Buchanan moved to give the bill a favorable report. Representative Saunders was then recognized and offered a substitute motion to displace the bill until the next meeting. The motion carried.

The last order of business was **HB 587, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO MAKE ROADWAY IMPROVEMENTS IN THE CITY'S EXTRATERRITORIAL JURISDICTION.** Representative Alexander, bill co-sponsor, was recognized to explain the bill and offered a committee substitute. Representative Saunders moved for adoption of the committee substitute and it was properly before the committee for discussion. After some committee discussion, Representative Ellis moved to give the committee substitute a favorable report, unfavorable as to the original bill. The motion carried.

There being no further business, the committee adjourned at 11:55



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration
Agenda
HB 586, Summary & Committee Substitute

HB 664 & Summary
HB 666 & Summary
HB 682 & Summary
HB 695 & Summary
HB 696 & Summary
HB 587, Summary & Committee Substitute

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

4/3/01

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Beth Bizzell	Alley Associates
Peter Smolowitz	Charlotte Observer
Natalie English	Charlotte Chamber
Brian Francis	Meck Cnty
Mary Carnahan	REBIC
Boyd Canble	City of Charlotte
Andy Romanet	NCLM
R. Paul Wilms	NCHRA
John R. R.	NC FRC
Beau Mills	NC Metro Coalition
Sarah S.	WCSR

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**April 3, 2001
ROOM 415 LOB
11:00 a.m.**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 586 CHARLOTTE AREA SPHERE OF INFLUENCE
REPRESENTATIVE ALEXANDER**

**HB 587 CHARLOTTE ROADWAY IMPROVEMENTS
REPRESENTATIVE ALEXANDER**

**HB 589 INFRASTRUCTURE REIMBURSEMENTS
REPRESENTATIVE ALEXANDER**

**HB 664 ROCKINGHAM CITY ZONING PROTESTS
REPRESENTATIVE GOODWIN**

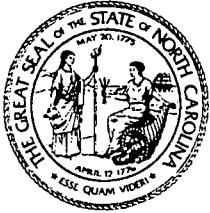
**HB 666 HALIFAX COUNTY AMBULANCE SERVICES
REPRESENTATIVE CRAWFORD**

**HB 682 HARNETT COUNTY SUBDIVISION DEFINITION
REPRESENTATIVE DAVIS**

**HB 695 LIFT MECKLENBURG CO. ZONING SUNSET
REPRESENTATIVE McMAHAN**

**HB 696 LIFT MECKLENBURG MUNI. ZONING SUNSET
REPRESENTATIVE McMAHAN**

ADJOURNMENT



HOUSE BILL 586: Charlotte Area Sphere of Influence

BILL ANALYSIS

Committee:	House Local Government I	Introduced by:	Rep. Alexander
Date:	April 3, 2001	Summary by:	Giles S. Perry
Version:	Proposed Committee Substitute		Committee Counsel

SUMMARY: *House Bill 586 authorizes the City of Charlotte to exercise extraterritorial planning and zoning jurisdiction in areas that it may annex, as specified in agreements with surrounding towns. These areas are commonly referred to as Charlotte's "sphere of influence."*

CURRENT LAW: Under current law, the City of Charlotte may exercise extraterritorial planning and zoning jurisdiction up to one mile beyond its limits in areas that it may annex, as set out in agreements with the Towns of Matthews, Mint Hill, and Pineville.

BILL ANALYSIS: House Bill 586 authorizes the City of Charlotte to exercise extraterritorial planning and zoning jurisdiction in any area it may annex, as set out in agreements with the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville. The bill also specifies that approval of Mecklenburg County is not required prior to exercise of ETJ jurisdiction, and that certain described properties are exempt from the provision of the act.

House Bill 586 would become effective when it becomes law.

H586-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 586
PROPOSED COMMITTEE SUBSTITUTE H586-CSRW-10 [v.2]

3/30/2001 5:02:08 PM

Short Title: Charlotte Area Sphere of Influence.

(Local)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO EXERCISE
EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF
INFLUENCE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by Chapter 966 of the 1983 Session Laws (Regular Session 1984), and Chapter 161 of the 1991 Session Laws, the City of Charlotte may exercise the powers granted by Article 19 of Chapter 160A of the General Statutes within certain extraterritorial areas in Mecklenburg County. This act authorizes the City of Charlotte to exercise extraterritorial jurisdiction only in those areas, commonly referred to as the "Sphere of Influence," that the City of Charlotte may annex, as set forth in the City of Charlotte's annexation agreements, and amendments thereto, with the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville. The area in which the extraterritorial jurisdiction authorized by this act is to be exercised shall be specifically identified in an ordinance as required by G.S. 160A-360, and may be changed from time to time in the same manner, in accordance with the above referenced agreement, modifications thereto, or future agreements or changed circumstances delineating areas in which the towns may annex.

SECTION 2. Any exercise of authority granted by this act shall be accomplished in accordance with G.S. 160A-360, except that no approval for Mecklenburg County is required prior to such exercise.

SECTION 3. The authority granted by this act shall not be exercised with respect to the property acquired by Mecklenburg County from Hazeline Massey, tax parcel number 215-062-02; the property acquired by Mecklenburg County from National Facilities Corporation, tax parcel number 215-081-15; or the property acquired by Mecklenburg County from Lester H. Yandle, Jr., tax parcel numbers 215-062-01 and 215-062-06. As owner and user of the property exempted in this section, Mecklenburg County shall not cause the elevation of the property to be increased more than 25 feet

1 above the highest point existing on the property on the date of ratification of this act,
2 unless the increase is approved in a resolution adopted by the Board of Commissioners
3 of the Town of Matthews.

4 **SECTION 4.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 586

Short Title: Charlotte Area Sphere of Influence.

(Local)

Sponsors: Representatives Alexander; Earle, Easterling, McMahan, Saunders, and C. Wilson.

Referred to: Local Government I.

March 14, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY OF CHARLOTTE'S AREAS OF SPHERE OF INFLUENCE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Chapter 161 of the 1991 Session Laws, the City of Charlotte may exercise the powers granted by Article 19 of Chapter 160A of the General Statutes within certain extraterritorial areas in Mecklenburg County. This act authorizes the City of Charlotte to exercise extraterritorial jurisdiction only in those areas that the City of Charlotte may annex as set forth in the City of Charlotte's annexation agreements, and amendments thereto, with the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville, and such areas are commonly referred to as within the City of Charlotte's sphere of influence. The area in which the extraterritorial jurisdiction authorized by this act is to be exercised shall be specifically identified in an ordinance as required by G.S. 160A-360, and may be changed from time to time in the same manner, in accordance with the above referenced agreement, modifications thereto, or future agreements or changed circumstances delineating areas in which the towns may annex.

SECTION 2. Any exercise of authority granted by this act shall be accomplished in accordance with G.S. 160A-360, except that no approval for Mecklenburg County is required prior to such exercise.

SECTION 3. The authority granted by this act shall not be exercised with respect to the property acquired by Mecklenburg County from Hazeline Massey, tax parcel number 215-062-02; the property acquired by Mecklenburg County from National Facilities Corporation, tax parcel number 215-081-15; or the property acquired by Mecklenburg County from Lester H. Yandle, Jr., tax parcel numbers 215-062-01 and 215-062-06. As owner and user of the property exempted in this section, Mecklenburg

1 County shall not cause the elevation of the property to be increased more than 25 feet
2 above the highest point existing on the property on the date of ratification of this act,
3 unless the increase is approved in a resolution adopted by the Board of Commissioners
4 of the Town of Matthews.

5 **SECTION 4.** This act is effective when it becomes law.

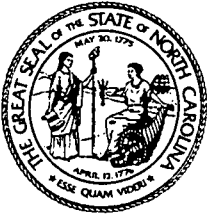
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 664 A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROTEST
PROCEDURES IN THE CITY OF ROCKINGHAM.
- ☒ 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)

2/15/01



HOUSE BILL 664: Rockingham City Zoning Requests

BILL ANALYSIS

Committee: House Local Government I
Date: March 28, 2001
Version: First Edition

Introduced by: Representative Goodwin
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would exclude the mayor from voting on the issue of a protested zoning amendment in the city of Rockingham, and change the voting requirement for approval to $\frac{3}{4}$ of the voting members of the council.*

CURRENT LAW: Currently, zoning regulations and restrictions may be amended, supplemented, changed, modified, or repealed. However, the amendment must be approved by $\frac{3}{4}$ of all the members of the city council if the amendment is protested by written petition signed by the owners of at least 20% of either:

- The area of the lots included in a proposed changed.
- The area of those lots immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 ft.
- The area of those directly opposite thereto extending 100 ft. from the street frontage of the opposite lots.

BILL ANALYSIS: The bill would eliminate the ability of the mayor of the City of Rockingham to vote in the case of a protested zoning amendment. The bill would also make the voting requirement for acceptance of the zoning amendment be $\frac{3}{4}$ of the voting members of the council, rather than $\frac{3}{4}$ of all members of the council.

BACKGROUND: The voting process for the protested zoning amendment has also been modified for the cities of Charlotte and Gastonia. In both of these cities, the voting requirement is limited to those council members not excused from voting.

EFFECTIVE DATE: The bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 664

Short Title: Rockingham City Zoning Protests.

(Local)

Sponsors: Representative Goodwin.

Referred to: Local Government I.

March 19, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO ZONING PROTEST PROCEDURES IN THE CITY OF
ROCKINGHAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-385(a) reads as rewritten:

"(a) Zoning regulations and restrictions and zone boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in a proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, an amendment shall not become effective except by favorable vote of three-fourths of all the voting members of the city ~~council~~ council, excluding the mayor. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted special use district or conditional use district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use or conditional use district."

SECTION 2. This act applies to the City of Rockingham only.

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

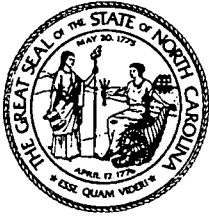
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 666 A BILL TO BE ENTITLED AN ACT MAKING IT A CRIMINAL OFFENSE TO
OBTAIN AMBULANCE SERVICES FRAUDULENTLY IN HALIFAX COUNTY.
- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
~~Appropriations~~ ☐ Finance ☐ ~~Justice~~ **Judiciary I.**
- ☐ 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)

2/15/01



HOUSE BILL 666: Halifax County Ambulance Services.

BILL ANALYSIS

Committee: House Local Government I
Date: March 28, 2001
Version: First Edition

Introduced by: Representative Crawford
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would add Halifax County to the list of those counties in which it is a misdemeanor to request ambulances services without intending to pay for the service and to request unneeded ambulance services, effective December 1, 2001.*

CURRENT LAW: In 43 counties it is a Class 2 misdemeanor to request an ambulance without intending to pay for the service, if financially able to do so. In 20 counties it is a Class 3 misdemeanor to request unneeded ambulance services or to make a false report that an ambulance is needed.

BILL ANALYSIS: The bill would add the County of Halifax to each of these lists.

EFFECTIVE DATE: The act would become effective December 1, 2001, and apply to acts on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 666

Short Title: Halifax County Ambulance Services.

(Local)

Sponsors: Representatives Crawford; and Allen.

Referred to: Local Government I.

March 19, 2001

A BILL TO BE ENTITLED

AN ACT MAKING IT A CRIMINAL OFFENSE TO OBTAIN AMBULANCE SERVICES FRAUDULENTLY IN HALIFAX COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-111.2 reads as rewritten:

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

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

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

SECTION 2. G.S. 14-111.3 reads as rewritten:

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

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

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

4 **SECTION 3.** This act becomes effective December 1, 2001, and applies to
5 offenses committed on or after that date.

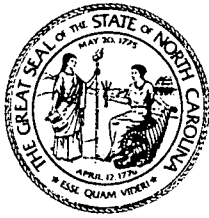
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 682 A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF
SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THE
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)

2/15/01



HOUSE BILL 682: Harnett County Subdivision Definition

BILL ANALYSIS

Committee: House Local Government I
Date: April 3, 2001
Version: First Edition

Introduced by: Rep. Davis
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 682 amends an exception to the definition of "subdivision" as it applies to Harnett County and municipalities in that County.*

CURRENT LAW: Under current law, cities and counties are authorized to regulate subdivisions (G.S. 153A-335 and G.S.160A-376). In 1997, the General Assembly enacted an exception, applicable in Harnett County and municipalities in that County, to this definition (S.L. 1997-246). The exception excluded certain transfers between family members from the definition of "subdivision."

BILL ANALYSIS: House Bill 682 amends the exception to the definition of "subdivision" that applies to Harnett County and municipalities in that County. The Bill narrows the applicability of the exception to transfers of one acre or less between family members for residential purposes

House Bill 82 would become effective when it becomes law.

H682-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 682

Short Title: Harnett Co. Subdivision Definition.

(Local)

Sponsors: Representative Davis.

Referred to: Local Government I.

March 19, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT
COUNTY AND THE MUNICIPALITIES WITHIN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-335, as it applies to Harnett County pursuant to
S.L. 1997-246, reads as rewritten:

"§ 153A-335. "Subdivision" defined.

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

- (1) The combination or recombination of portions of previously
subdivided and recorded lots if the total number of lots is not increased
and the resultant lots are equal to or exceed the standards of the county
as shown in its subdivision regulations;
- (2) The division of land into parcels greater than 10 acres if no street
right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for widening or
opening streets;
- (4) The division of a tract in single ownership the entire area of which is
no greater than two acres into not more than three lots, if no street
right-of-way dedication is involved and if the resultant lots are equal to
or exceed the standards of the county as shown by its subdivision
regulations; and
- (5) ~~The A one-time division of land is by any method of transfer among
members of a lineal family, which from a grantor to an individual~~

grantee who is a member of the grantor's immediate family, solely for the residential use of the grantee, where the entire area of the land divided is not more than an acre as shown on a recorded map prepared by a registered land surveyor currently licensed by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. for the purposes of this subdivision, the term "immediate family" shall include direct lineal descendants (~~children, grandchildren, and great-grandchildren~~ children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother) ~~and brothers, sisters, nieces, and nephews only.~~"

SECTION 2. G.S. 160A-376, as it applies to Harnett County municipalities pursuant to S.L. 1997-246, reads as rewritten:

"§ 160A-376. Definition.

For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;
- (2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for widening or opening streets;
- (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations; and
- (5) ~~The A one-time~~ division of land ~~is by any method of transfer among members of a lineal family, which from a grantor to an individual~~ grantee who is a member of the grantor's immediate family, solely for the residential use of the grantee, where the entire area of the land divided is not more than an acre as shown on a recorded map prepared by a registered land surveyor currently licensed by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. For the purposes of this subdivision, the term "immediate family" shall include direct lineal descendants (~~children, grandchildren, and great-grandchildren~~ children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother) ~~and brothers, sisters, nieces, and nephews only.~~"

- 1 **SECTION 3.** Section 1 of this act applies to Harnett County only. Section 2
2 of this act applies to the municipalities in Harnett County only.
3 **SECTION 4.** This act is effective when it becomes law.

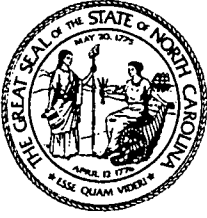
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 695 A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION
RELATING TO MECKLENBURG COUNTY ZONING.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ .
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01



HOUSE BILLS 695 AND 696: Lift Mecklenburg Zoning Sunset.

BILL ANALYSIS

Committee: House Local Government I
Date: March 28, 2001
Version: First Edition

Introduced by: Representative McMahan
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bills would lift the sunset on the ability of the County of Mecklenburg and the municipalities in Mecklenburg to engage in conditional zoning.*

BACKGROUND: During the last session, the General Assembly enacted local legislation to provide guidelines to the County of Mecklenburg and the City of Charlotte and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville to follow when engaging in conditional zoning. S.L. 2000-77, S.L. 2000-84. The conditional zoning process is generally set out in G.S. 160A-382, and the local legislation clarified the process currently used by the consolidated planning organization for the County of Mecklenburg and the several municipalities listed.

Conditional zoning decisions typically involve a two-phase decision, one deemed a legislative decision to rezone the property in question, and one deemed a quasi-judicial decision to provide site-specific conditions for the use of the rezoned property. The previous local legislation granted authority to the Boards of Commissioners involved to make both conditional zoning decisions at once, in a legislative type decision. This was to remain in effect until August 31, 2001.

BILL ANALYSIS: The bills would remove the August 31, 2001, sunset for the County of Mecklenburg and for the several municipalities.

EFFECTIVE DATE: The act would become effective when it became law.

BACKGROUND: Legislation authorizing similar processes for the cities of Greensboro and Winston-Salem has previously been adopted. Also in the case of this bill, due to the consolidating planning organization, the City of Charlotte is requesting identical authority.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 695

Short Title: Lift Mecklenburg Co. Zoning Sunset.

(Local)

Sponsors: Representatives McMahan; Cunningham, Easterling, Gulley, Harrington,
Rayfield, Saunders, and C. Wilson.

Referred to: Local Government I.

March 20, 2001

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO
MECKLENBURG COUNTY ZONING.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2000-77 reads as rewritten:

"Section 2. ~~This act applies only to conditional zoning petitions filed on or before August 31, 2001. Notwithstanding the foregoing, this~~ This act shall not apply to conditional zoning petitions that were approved or denied by the Board of Commissioners prior to April 17, 2000, and shall not affect any rezoning case that is the subject of pending litigation.

Petitions seeking either conditional district rezoning or conditional use district rezoning which were pending and not yet decided as of April 17, 2000, may be treated by the county as petitions for conditional zoning under this act. Such petitions need not be refiled, but all other processes spelled out in this act, including the mandatory neighborhood meeting and report and a new public hearing, must be followed as to such petitions."

SECTION 2. This act applies to Mecklenburg County only.

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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 696 A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET RELATING
TO MECKLENBURG MUNICIPAL ZONING.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ .
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 696

Short Title: Lift Mecklenburg Muni. Zoning Sunset. (Local)

Sponsors: Representatives McMahan; Cunningham, Easterling, Gulley, Harrington,
Rayfield, Saunders, and C. Wilson.

Referred to: Local Government I.

March 20, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE SUNSET RELATING TO MECKLENBURG
3 MUNICIPAL ZONING.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 2 of S.L. 2000-84 reads as rewritten:

6 "Section 2. ~~This act applies only to conditional zoning petitions filed on or before~~
7 ~~August 31, 2001. Notwithstanding the foregoing, this~~ This act shall not apply to
8 conditional zoning petitions that were approved or denied by the City Council prior to
9 April 17, 2000, and shall not affect any rezoning case that is the subject of pending
10 ~~litigation.~~ litigation as of June 16, 2000.

11 Notwithstanding the foregoing, petitions seeking either conditional district rezoning
12 or conditional use district rezoning which were pending and not yet decided as of April
13 17, 2000, may be treated by the city as petitions for conditional zoning under this act.
14 Such petitions need not be refiled, but all other processes spelled out in this act,
15 including the mandatory neighborhood meeting and report and a new public hearing,
16 must be followed as to such petitions."

17 SECTION 2. This act applies to the City of Charlotte and the Towns of
18 Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville only.

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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

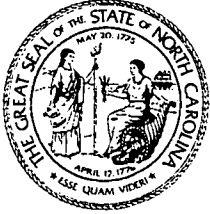
The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 587 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE
TO MAKE ROADWAY IMPROVEMENTS IN THE CITY'S EXTRATERRITORIAL
JURISDICTION.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☒ With a favorable report as to committee substitute bill (~~#~~), ☒ which changes the title,
unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (and recommendation
~~that the committee substitute bill #~~) be re-referred to the Committee on ~~.~~
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01



HOUSE BILL 587: Municipal ETJ Roadway Improvements

BILL ANALYSIS

Committee: House Local Government I
Date: April 3, 2001
Version: Proposed Committee Substitute

Introduced by: Rep. Alexander
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 587 authorizes cities with a population of 500,000 or more according to the most recent decennial census to make road improvements within their extraterritorial planning and zoning jurisdiction.*

CURRENT LAW: Under current law, cities are authorized to make street improvements within their municipal limits (G.S. 160A-296(a)(3)).

BILL ANALYSIS: House Bill 587 would authorize cities with a population of 500,000 or more to make streets improvements in their extraterritorial planning and zoning jurisdiction.

House Bill 587 would become effective when it becomes law.

H587-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 587*
PROPOSED COMMITTEE SUBSTITUTE H587-CSRW-11 [v.2]

4/2/2001 4:03:33 PM

Short Title: Municipal ETJ Roadway Improvements.

(Public)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED
AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS
IN THEIR EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-296 reads as rewritten.

"§ 160A-296. Establishment and control of streets; center and edge lines.

(a) A city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation. General authority and control includes but is not limited to:

- (1) The duty to keep the public streets, sidewalks, alleys, and bridges in proper repair;
- (2) The duty to keep the public streets, sidewalks, alleys, and bridges open for travel and free from unnecessary obstructions;
- (3) The power to open new streets and alleys, and to widen, extend, pave, clean, and otherwise improve existing streets, sidewalks, alleys, and bridges, and to acquire the necessary land therefor by dedication and acceptance, purchase, or eminent domain;
- (4) The power to close any street or alley either permanently or temporarily;
- (5) The power to regulate the use of the public streets, sidewalks, alleys, and bridges;
- (6) The power to regulate, license, and prohibit digging in the streets, sidewalks, or alleys, or placing therein or thereon any pipes, poles, wires, fixtures, or appliances of any kind either on, above, or below the surface;
- (7) The power to provide for lighting the streets, alleys, and bridges of the city; and

1 (8) The power to grant easements in street rights-of-way as permitted by
2 G.S. 160A-273.

3 (a1) A city with a population of 500,000 or over according to the most recent
4 decennial federal census may also exercise the power granted by subdivision (a)(3) of
5 this section within its extraterritorial planning jurisdiction.

6 (b) Repealed by Session Laws 1991, c. 530, s. 6."

7 **SECTION 2.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 587*
PROPOSED COMMITTEE SUBSTITUTE H587*-PCS3302-RW-11

Short Title: Municipal ETJ Roadway Improvements.

(Public)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED
AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS
IN THEIR EXTRATERRITORIAL JURISDICTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-296 reads as rewritten:

"§ 160A-296. Establishment and control of streets; center and edge lines.

(a) A city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation. General authority and control includes but is not limited to:

- (1) The duty to keep the public streets, sidewalks, alleys, and bridges in proper repair;
- (2) The duty to keep the public streets, sidewalks, alleys, and bridges open for travel and free from unnecessary obstructions;
- (3) The power to open new streets and alleys, and to widen, extend, pave, clean, and otherwise improve existing streets, sidewalks, alleys, and bridges, and to acquire the necessary land therefor by dedication and acceptance, purchase, or eminent domain;
- (4) The power to close any street or alley either permanently or temporarily;
- (5) The power to regulate the use of the public streets, sidewalks, alleys, and bridges;
- (6) The power to regulate, license, and prohibit digging in the streets, sidewalks, or alleys, or placing therein or thereon any pipes, poles, wires, fixtures, or appliances of any kind either on, above, or below the surface;
- (7) The power to provide for lighting the streets, alleys, and bridges of the city; and

1 (8) The power to grant easements in street rights-of-way as permitted by
2 G.S. 160A-273.

3 (a1) A city with a population of 500,000 or over according to the most recent
4 decennial federal census may also exercise the power granted by subdivision (a)(3) of
5 this section within its extraterritorial planning jurisdiction.

6 (b) Repealed by Session Laws 1991, c. 530, s. 6."

7 **SECTION 2.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 587*

Short Title: Charlotte Roadway Improvements. (Local)

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

Referred to: Local Government I.

March 14, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF CHARLOTTE TO MAKE ROADWAY
3 IMPROVEMENTS IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 7.107 of the Charter of the City of Charlotte, being
6 S.L. 2000-26, reads as rewritten:

7 "Section 7.107. ~~Exchange of Property.~~ **Intersection and Roadway Improvements.**

8 (a) In connection with street widening, the City may purchase with any available
9 funds, property immediately adjacent to property located on a street corner; provided, in
10 the opinion of the Council, the value of such inside lands does not exceed the value of
11 the corner property needed for street-widening purposes, and may convey and transfer
12 such inside lands to the owner of the corner property in exchange for property needed
13 for street-widening purposes, at private sale.

14 (b) The City may exercise the power granted by G.S. 160A-296(3) within its
15 extraterritorial jurisdiction."

16 **SECTION 2.** This act is effective when it becomes law.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

April 10, 2001

The House Committee on Local Government I met on Tuesday, April 10, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hill, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order and told members that HB 851, MODIFY MECKLENBURG ROOM TAX USE and HB 852, CHARLOTTE LEASES were pulled from today's agenda.

The first order of business was **SB 439, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.** Representative McMahan was recognized to handle the bill for Senator Dannelly. Giles Perry, Staff, was recognized and explained the bill to members. Mr. Boyd Coble, City of Charlotte, also spoke briefly on the bill to say only trained individuals for issuance of parking violations would be allowed to issue citations. Representative Buchanan moved for a favorable report; the motion carried.

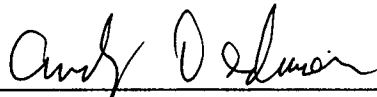
The next order of business was **SB 399, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF THE CITY OF CHARLOTTE.** Representative McMahan was recognized to handle the bill for Senator Dannelly. Erika Churchill, Staff, was recognized and explained the bill to members. Representative Decker asked for a brief description of the corrections and Mr. Gerry Cohen, Bill Drafting, was recognized and went through the 69 "clean up" technical changes. Representative Buchanan moved for a favorable report; the motion carried.

The next order of business was **HB 885, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO DESIGNATE CERTAIN TOWN-OWNED PROPERTY TO BE USED FOR ASSISTED LIVING AND ENVIRONMENTAL EDUCATION FACILITIES.** Representative Culpepper, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan moved for adoption of the committee substitute and it was properly before the committee for discussion. Representative Ellis moved for a favorable report to the committee substitute, unfavorable to the original bill. The motion carried.

The next order of business was **HB 727, A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF FUNDS BY THE DARE COUNTY DEPARTMENT OF SOCIAL SERVICES**. Representative Culpepper, bill sponsor, was recognized to explain the bill. Representative Buchanan moved to give the bill favorable report; the motion carried.

The last order of business was **HB 804, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRAVEN COUNTY AND PAMLICO COUNTY TO ACQUIRE PROPERTY FOR USE BY THEIR BOARDS OF EDUCATION**. Representative Underhill, bill sponsor, was recognized to explain the bill. Representative Gibson was recognized and offered an amendment to include Anson and Montgomery Counties. Representative Gibson then moved for adoption of the amendment and Representative Hill moved to roll the amendment into a committee substitute and to give the committee substitute a favorable report, unfavorable as to the original bill and re-refer to the committee on Finance. The motion carried.

There being no further business, the committee adjourned at 11:40.



Representative Andy Dedmon,
Chair

Donna Abu Harb, Clerk

Attachments:

Visitor Registration
Agenda
SB 439 & Summary
SB 399 & Summary
HB 885, Committee Substitute & Summary
HB 727 & Summary
HB 804, Committee Substitute & Summary

VISITOR REGISTRATION SHEET

LOCAL GOV. I

Name of Committee

4/10/01

Date _____

VISITORS:.. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Steve Hoffman

NCSBA

Boyd Couble

City of Charlotte

Dr. Elaine Gashorath

Saint Augustine's College

Fudy Gichuki

Sant Augustine's College

Takurak Marshall

Saint Augustine College

Tijcha Leonard

Saint Augustine College

Bin Francis

Meek^o Cnty

Mary Carmelia

REBIC

Sharon Trisch

NE Social Science Construction

John Phelps

NCLM

JIM HOBBS

NCHM A

Courtney Bonner

Bishop Daniels

Carol Lawler

EGHS

Paul Foxworth

City of Erie County

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**April 10, 2001
ROOM 415 LOB
11:00 a.m.**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**SB 439 CHARLOTTE-PARKING ORDINANCES
SENATOR DANNELLY**

**SB CHARLOTTE CHARTER CLEANUP
SENATOR DANNELLY**

**HB 885 NAGS HEAD PROPERTY
REPRESENTATIVE CULPEPPER**

**HB 727 DARE CO. DSS USE OF FUNDS
REPRESENTATIVE CULPEPPER**

**HB 804 CRAVEN AND PAMLICO SCHOOL ACQUISITION
REPRESENTATIVE UNDERHILL**

**HB 851 MODIFY MECKLENBURG ROOM TAX USE
REPRESENTATIVE McMAHAN**

**HB 852 CHARLOTTE LEASES
REPRESENTATIVE McMAHAN**

ADJOURNMENT

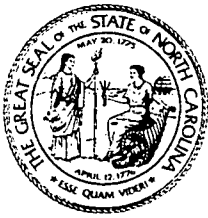
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☒ Committee Substitute for
S.B. 439 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.
- ☒ 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)

2/15/01



SENATE BILL 439: Charlotte Parking Ordinances

BILL ANALYSIS

Committee: House Local Government I
Date: April 10, 2001
Version: Second Edition

Introduced by: Senator Dannelly
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 439 rewrites the provisions of the Charter of the City of Charlotte concerning parking.*

CURRENT LAW: Under the current charter of the City of Charlotte, the City is authorized to regulate parking, provide for towing of parked vehicles, use wheel locks on illegally parked vehicles, and regulate parking near fire hydrants, fire stations, and in fire lanes.

BILL ANALYSIS: Senate Bill 439 rewrites the Charlotte Charter provisions concerning parking to:

- authorize regulation of handicapped parking;
- amend the provisions concerning fire hydrant, driveway, and lane parking;
- add provisions authorizing regulation of parking near driveways and intersections;
- provide that any violation of the Charlotte parking ordinance is not an infraction or misdemeanor;
- authorize enforcement of the parking ordinance by persons specified in the ordinance.

Senate Bill 439 is effective when it becomes law.

S439-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 439
State and Local Government Committee Substitute Adopted 3/22/01

Short Title: Charlotte-Parking Ordinances.

(Local)

Sponsors:

Referred to:

March 13, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT AND
3 ENFORCE ORDINANCES RELATING TO PARKING.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article II of Chapter 6 of the Charter of the City of Charlotte,
6 as enacted in S.L. 2000-26 and amended by S.L. 2000-59, is further amended by
7 rewriting Section 6.11 to read:

8 "Section 6.11. **Parking Regulations and Violations.** (a) The Council may provide
9 by ordinance that each hour a vehicle remains illegally parked in an on-street parking
10 space is a separate offense, and the violator may be given a ticket for each offense.

11 (b) The Council may provide by ordinance that any vehicle that has been towed
12 for a parking violation is to be held until the towing fee and penalties related to all
13 outstanding parking tickets and parking penalties owed to the City are paid in full, or a
14 bond is posted in the amount of the towing fee and all outstanding parking tickets and
15 parking penalties. Payment of the towing fee and all outstanding parking tickets and
16 parking penalties shall not constitute a waiver of a person's right to contest the towing or
17 the outstanding parking tickets and parking penalties.

18 (c) The Council may provide by ordinance for the use of wheel locks on illegally
19 parked vehicles for which there are three or more outstanding, unpaid, and overdue
20 parking tickets for a period of 90 days. The ordinance shall provide for notice or
21 warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal
22 hearing, an immobilization fee not to exceed fifty dollars (\$50.00), and charges for
23 towing and storage. The City shall not be responsible for any damage to an immobilized
24 illegally parked vehicle resulting from unauthorized attempts to free or move that
25 vehicle.

26 (d) Notwithstanding the provisions of Chapter 20 of the General Statutes or any
27 other public or private local laws to the contrary, the Council may adopt ordinances:

28 (1) Prohibiting parking or standing of a vehicle in a space designated with
29 a sign for handicapped persons when the vehicle does not display the

distinguishing registration plate, windshield placard, or disabled veteran registration plate and that prohibit parking or standing of a vehicle so as to obstruct a curb ramp or curb cut, as provided in G.S. 20-37.6(e).

(2) Prohibiting parking or standing of a vehicle in front of or within a specified distance in either direction of a fire hydrant or the driveway entrance to any fire station, or in any area designated as a fire lane.

(3) Prohibiting parking or standing of a vehicle in front of or within a specified distance from a public or private driveway.

(4) Prohibiting parking or standing of a vehicle within a specified distance from an intersection or crosswalk.

(e) Notwithstanding the provisions of G.S. 20-37.6(f) and G.S. 20-176, a violation of any ordinance adopted pursuant to this section shall not be an infraction or a misdemeanor.

(f) Any ordinance adopted pursuant to this section may be enforced by law enforcement officers and any person or persons authorized by ordinance, by the city manager, or by the chief of police, whether or not the vehicle is parked on public or private property."

SECTION 2. Section 6.12 of Article II of the Charter of the City of Charlotte, as enacted in S.L. 2000-26, is repealed.

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

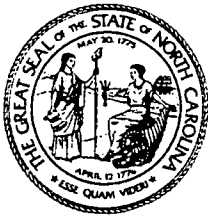
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
S.B. 399 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS
TO THE CHARTER OF THE CITY OF CHARLOTTE.
- ☒ 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)

2/15/01



SENATE BILL 399: Charlotte Charter Cleanup.

BILL ANALYSIS

Committee: House Local Government I
Date: April 11, 2001
Version: First Edition

Introduced by: Senator Dannelly
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill make technical corrections to the "charter cleanup" for the City of Charlotte, done last session.*

CURRENT LAW: During the 2000 session of the 1999 General Assembly, the charter of the City of Charlotte was revised and consolidated. S.L. 2000-26. In that revision and consolidation, some provisions were inadvertently left in place.

BILL ANALYSIS: The bill would repeal several local laws pertaining to Charlotte, dating back to 1953, to continue the revision of consolidation process.

EFFECTIVE DATE: The bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 399*

Short Title: Charlotte Charter Cleanup. (Local)

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

Referred to: State and Local Government.

March 12, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF THE
3 CITY OF CHARLOTTE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 4 of S.L. 2000-26 is amended by adding a new
6 subsection to read:

7 "Section 4.(d) The following provisions, having served the purposes for which they
8 were enacted, are expressly repealed:

9	YEAR	CHAPTER
10	1953	772 (Section 2A only, as to the City of Charlotte only)
11	1961	303
12	1963	806
13	1967	298
14	1969	830
15	1973	228 (but this does not affect Chapter 330 of the 1973
16		Session Laws)
17	1979	449
18	1981	364
19	1983	119
20	1987	225
21	1993	229 (Section 1 only)
22	1995	144."

23 **SECTION 2.** This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 885 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO DESIGNATE CERTAIN TOWN-OWNED PROPERTY TO BE USED FOR ASSISTED LIVING AND ENVIRONMENTAL EDUCATION 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.

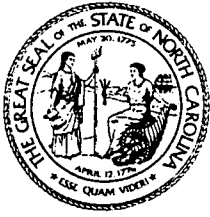
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 885: Nags Head Property

BILL ANALYSIS

Committee: House Local Government I
Date: April 10, 2001
Version: Proposed Committee Substitute

Introduced by: Rep. Culpepper
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 885 authorizes the Town of Nags Head to lease or sell property for assisted living facilities and environmental education facilities.*

CURRENT LAW: Under current general law, municipalities may sell property pursuant to the provisions of G.S. 160A-266 (attached) or lease property pursuant to the provisions of G.S. 160A- 272 (attached).

BILL ANALYSIS: House Bill 885 authorizes the Town of Nags Head to sell or lease property for assisted living facilities and environmental education facilities, under terms determined by the Town. If the conveyance is to a nonprofit corporation, the Town is authorized to make the lease or transfer for nominal consideration.

House Bill 885 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 885

PROPOSED COMMITTEE SUBSTITUTE H885-PCS5163-RW-14

Short Title: Nags Head Property.

(Local)

Sponsors:

Referred to:

March 29, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO DESIGNATE CERTAIN
TOWN-OWNED PROPERTY TO BE USED FOR ASSISTED LIVING AND
ENVIRONMENTAL EDUCATION FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 1160 of the 1973 Session Laws reads as rewritten:

"**Section 1.** The Board of Commissioners of the Town of Nags Head, Dare County, is hereby authorized to designate that such part or portion of town-owned lands may be used for health care purposes as it may determine necessary in accordance with the provisions hereinafter set out.

Sec. 2. Any conveyance of a parcel, parcels or all of the said town-owned lands from the Town of Nags Head in accordance with this act may be made by lease for such term and upon such conditions as the Town may designate, or, by deed of conveyance. The instrument of lease or conveyance shall contain a clause requiring the property to be used solely for health care purposes as specifically authorized by this act. Those purposes include and shall be limited to rural health care clinics, nursing homes, hospitals, out-patient care facilities—and facilities, offices for doctors and dentists—dentists, assisted living facilities, and environmental education facilities.

Sec. 3. Any conveyance by deed shall be for consideration equivalent to the fair market value of the said property as determined by the Board of Commissioners of the Town of Nags Head; conveyances by lease shall be for the fair market lease value as shall be determined by the Board of Commissioners of the Town of Nags Head; conveyances to bonafide nonprofit corporations organized for the purpose of providing health care facilities as defined above, however, may be by lease, deed or other instrument of conveyances for nominal consideration in the discretion of the Board of Commissioners of the Town of Nags Head.

Sec. 4. In the event property eased—leased or conveyed pursuant to the provisions of this act is not used for purposes authorized herein within 18 calendar months of the

1 delivery of the instrument of conveyance or lease, or ceases to be used for such
2 purposes, or herein set out, the property shall revert to the Town of Nags Head."

3 **SECTION 2.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 885

Short Title: Nags Head Property.

(Local)

Sponsors: Representative Culpepper.

Referred to: Local Government I.

March 29, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO DESIGNATE CERTAIN
TOWN-OWNED PROPERTY TO BE USED FOR ASSISTED LIVING AND
ENVIRONMENTAL EDUCATION FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 1160 of the 1973 Session Laws reads as rewritten:

"Section 1. The Board of Commissioners of the Town of Nags Head, Dare County, is hereby authorized to designate that such part or portion of town-owned lands may be used for health care purposes as it may determine necessary in accordance with the provisions hereinafter set out.

Sec. 2. Any conveyance of a parcel, parcels or all of the said town-owned lands from the Town of Nags Head in accordance with this act may be made by lease for such term and upon such conditions as the Town may designate, or, by deed of conveyance. The instrument of lease or conveyance shall contain a clause requiring the property to be used solely for health care purposes as specifically authorized by this act. Those purposes include and shall be limited to rural health care clinics, nursing homes, hospitals, out-patient care ~~facilities~~ and facilities, offices for doctors and ~~dentists~~ dentists, assisted living facilities, and environmental education facilities.

Sec. 3. Any conveyance by deed shall be for consideration equivalent to the fair market value of the said property as determined by the Board of Commissioners of the Town of Nags Head; conveyances by lease shall be for the fair market lease value as shall be determined by the Board of Commissioners of the Town of Nags Head; conveyances to bonafide nonprofit corporations organized for the purpose of providing health care facilities as defined above, however, may be by lease, deed or other instrument of conveyances for nominal consideration in the discretion of the Board of Commissioners of the Town of Nags Head.

Sec. 4. In the event property eased or conveyed pursuant to the provisions of this act is not used for purposes authorized herein within 18 calendar months of the delivery of

1 the instrument of conveyance or lease, or ceases to be used for such purposes, or herein
2 set out, the property shall revert to the Town of Nags Head."

3 **SECTION 2.** This act is effective when it becomes law.

Article 12) 1993, c. 265, s. 1; city of Lenoir: 1985, c. 493; (As to Article 12) city of Lincolnton: 1995, c. 57, s. 1; city of Lumberton: 1983 (Reg. Sess., 1984), c. 996; city of Morganton: 1987, c. 265, s. 2; 1987 (Reg. Sess., 1988), c. 1002; city of Mount Airy: 1985, c. 282; 1998-82; city of New Bern: 1998-29; city of Oxford: 1989 (Reg. Sess., 1990), c. 833, s. 1; city of Raleigh: 1997-39, s. 1; city of Roanoke Rapids: 1997-39, s. 1; (As to Article 12) 1991, c. 197; city of Salisbury: 1987, c. 205, s. 1; city of Shelby: 1999-5, s. 1; city of Statesville: 1987, c. 265, s. 2; 1989, c. 241, s. 1; city of Washington: 1983 (Reg. Sess., 1984), c. 941; (As to Article 12) 1993, c. 133, s. 1; city of Whiteville: 1987 (Reg. Sess., 1988), c. 1018, s. 1; city of Wilson: 1983, c. 748; town of Ayden: 1991, c. 58; town of Black Creek: 1985, c. 286; town of Cerro Gordo: 1995 (Reg. Sess., 1996), c. 708; town of Carrboro: 1987, c. 476, s. 1; town of Chadbourne: 1989 (Reg. Sess., 1990), c. 895, s. 11.1; town of Elkin: 1997-130; 1997-131; (As to Article 12) town of Faison: 1998-40, s. 3; town of Garner: 1989, c. 270, s. 1; town of Greenevers: 1985, c. 34; town of Kernersville: 1987 (Reg. Sess., 1988), c. 920; 1989 (Reg. Sess., 1990), c. 983; (As to Article 12) town of Maxton: 1995 (Reg. Sess., 1996), c. 576, s. 1; town of Pilot Mountain: 1985, c. 291, ss. 6, 8; (as to Article 12) town of Red Springs: 1995, c. 203, s. 1; town of Tabor City: 1987 (Reg. Sess., 1988), c. 919; town of Tryon: 1987, c. 56; town of Wake Forest: 1985, c. 195; (As to Article 12) town of Wallace: 1998-40, s. 1; town of Waynesville: 1997-139, s. 1; village of

Pinehurst: 1989, c. 375, ss. 1, 1.1; (As to Article 12) Burlington City Board of Education: 1993 (Reg. Sess., 1994), c. 639, s. 1; city of Burlington: 1997-445, s. 2; Clinton-Sampson Agri-Civic Center Commission: 1985 (Reg. Sess., 1986), c. 943, s. 2; New Hanover County Board of Education: 1985 (Reg. Sess., 1986), c. 917; Pender County Board of Education: 1996, 2nd Ex. Sess., c. 16, s. 1.

Editor's Note. — Session Laws 1997-39 would have amended Session Laws 1993, c. 650, s. 2, to add the cities of Raleigh and Roanoke Rapids and the Town of Waynesville to that local modification; however, Session Laws 1993, c. 650, was repealed by Session Laws 1997-180, s. 2.

Session Laws 1999-386, s. 4, effective August 4, 1999, provides that, notwithstanding the requirements of G.S. 131E-8, G.S. 131E-13, G.S. 131E-14, G.S. 153A-176, and Article 12 of Chapter 160A of the General Statutes, and any past compliance or failure to comply with those requirements, the prior conveyance by a municipality as defined in G.S. 131E-6(5), or by a hospital authority as defined in G.S. 131E-16(14), of a hospital facility that currently serves as collateral in a transaction involving North Carolina Medical Care Commission bonds issued under Part 10 of Article 3 of Chapter 143B of the General Statutes is hereby validated. Section 5 of the act provides that Section 4 shall not apply to litigation pending on or before the effective date.

CASE NOTES

Applied in *Watts v. Town of Valdese*, 65 N.C. App. 822, 310 S.E.2d 152 (1984).

§ 160A-266. Methods of sale; limitation.

(a) Subject to the limitations prescribed in subsection (b) of this section, and according to the procedures prescribed in this Article, a city may dispose of real or personal property belonging to the city by:

- (1) Private negotiation and sale;
- (2) Advertisement for sealed bids;
- (3) Negotiated offer, advertisement, and upset bid;
- (4) Public auction; or
- (5) Exchange.

(b) Private negotiation and sale may be used only with respect to personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of similar items. Real property, of any value, and personal property valued at thirty thousand dollars (\$30,000) or more for any one item or group of similar items may be exchanged as permitted by G.S. 160A-271, or may be sold by any method permitted in this Article other than private negotiation and sale, except as permitted in G.S. 160A-277 and G.S. 160A-279.

Provided, however, a city may dispose of real property of any value and personal property valued at thirty thousand dollars (\$30,000) or more for any one item or group of similar items by private negotiation and sale where (i) said

, 1.1; (As to Article of Education: 1993, s. 1; city of Clinton-Sampson session: 1985 (Reg. w Hanover County leg. Sess., 1986), c. of Education: 1996,

ion Laws 1997-99, ion Laws 1993, c. es of Raleigh and n of Waynesville to ever, Session Laws l by Session Laws

4, effective August notwithstanding the E-8, G.S. 131E-13, 6, and Article 12 of d Statutes, and any o comply with those eyance by a munic- 131E-6(5), or by a ned in G.S. 131E- lity that currently ansaction involving r Commission 10 Article 3 of d 3 is hereby e act provides that o litigation pending ate.

this section, and y dispose of real

pect to personal for any one item ersonal property e item or group A-271, or may be negotiation and 9. f any value and or more for any ale (i) said

real or personal property is significant for its architectural, archaeological, artistic, cultural or historical associations, or significant for its relationship to other property significant for architectural, archaeological, artistic, cultural or historical associations, or significant for its natural, scenic or open condition; and (ii) said real or personal property is to be sold to a nonprofit corporation or trust whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significance; and (iii) where a preservation agreement or conservation agreement as defined in G.S. 121-35 is placed in the deed conveying said property from the city to the nonprofit corporation or trust. Said nonprofit corporation or trust shall only dispose of or use said real or personal property subject to covenants or other legally binding restrictions which will promote the preservation or conservation of the property, and, where appropriate, secure rights of public access.

(c) A city council may adopt regulations prescribing procedures for disposing of personal property valued at less than five thousand dollars (\$5,000) for any one item or group of items in substitution for the requirements of this Article. The regulations shall be designed to secure for the city fair market value for all property disposed of and to accomplish the disposal efficiently and economically. The regulations may, but need not, require published notice, and may provide for either public or private exchanges and sales. The council may authorize one or more city officials to declare surplus any personal property valued at less than five thousand dollars (\$5,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the city in accord with the regulations. A city official authorized under this section to dispose of property shall keep a record of all property sold under this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange. (1971, c. 698, s. 1; 1973, c. 426, s. 42.1; 1983, c. 130, s. 1; c. 456; 1987, c. 692, s. 2; 1987 (Reg. Sess., 1988), c. 1108, s. 9; 1997-174, s. 6.)

Local Modification. — Durham: 1993 (Reg. Sess., 1994), c. 627, s. 2; Macon: 1989 (Reg. Sess., 1990), c. 998; city of Durham: 1993 (Reg. Sess., 1994), c. 627, s. 1; town of Rutherfordton: 1979, c. 350; town of Saluda: 1985 (Reg. Sess., 1986), c. 984; Durham County School Administrative Unit: 1993 (Reg. Sess., 1994), c. 627, s. 2.

Editor's Note. — Session Laws 1997-174, s. 8, provides: "This act raises the threshold amount in G.S. 143-129 and G.S. 160A-266. If any local act provides a threshold amount for the subjects addressed in these statutes that is less than the amount provided in this act, this act prevails to the extent of that conflict."

CASE NOTES

Editor's Note. — The cases cited below were decided prior to enactment of this Article.

What Real Estate May Be Sold. — Town or city authorities may sell any personal property, or sell or lease any real estate which belongs to such town or city, as the surplus of the original acreage ceded for the town or city site, or such land as may have been subsequently acquired or purchased. But in no case may such power be extended to the sale or lease of any real estate which is to be held in trust for the use of the town, or any real estate which is devoted to the purpose of government. To enable the town to sell such real estate there must be a special act of the General Assembly authorizing such sale

or lease. *Southport v. Stanly*, 125 N.C. 464, 34 S.E. 641 (1899); *Brockenbrough v. Board of Water Comm'rs*, 134 N.C. 1, 46 S.E. 28 (1903).

Conveyance of Land Dedicated for Street. — When a city conveys land bounded by an established street, and the grantee enters upon and improves the land, a subsequent conveyance by the corporation of the land covered by the street, whereby the easement of the appurtenant owner is interfered with, is void. But where there have been no improvements made on a dedicated street and the dedicated land has never been used as a street, a city by an act of legislature conferring authority may sell and convey the land so dedicated to it for

§ 160A-272. Lease or rental of property.

Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years (except as otherwise provided herein) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included. Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 10 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting.

No public notice need be given for resolutions authorizing leases or rentals for terms of one year or less, and the council may delegate to the city manager or some other city administrative officer authority to lease or rent city property for terms of one year or less. Leases for terms of more than 10 years shall be treated as a sale of property and may be executed by following any of the procedures authorized for sale of real property. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 26.)

Local Modification. — Columbus: 1995 (Reg. Sess., 1996), c. 709, s. 1; Duplin: 1987, c. 50; 1987 (Reg. Sess., 1988), c. 1006, s. 6; Lincoln: 1983 (Reg. Sess., 1984), c. 944; 1989, c. 411, s. 1; Pasquotank: 1991, c. 382; Sampson: 1985 (Reg. Sess., 1986), c. 943, s. 2; Tyrrell: 1987, c. 781, s. 1.1; Wake: 1979, c. 275; Wilson: 1983, c. 239; city of Asheboro: 1989 (Reg. Sess., 1990), c. 867; city of Charlotte: 1979, c. 446; 1985, c. 388; city of Concord: 1985, c. 355; city of Gastonia: 1991, c. 557, s. 1; city of Salisbury:

1987, c. 205, s. 1; city of Statesville: 1983 (Reg. Sess., 1984), c. 940; 1987 (Reg. Sess., 1988), c. 883; town of Beaufort: 1979, c. 371; town of Columbia: 1987, c. 781, s. 1.1; town of Hope Mills: 1985, c. 285; town of Kenansville: 1987, c. 50; town of Manteo: 1985 (Reg. Sess., 1986), c. 808; town of Newport: 1998-30; Duplin County Board of Education: 1987, c. 50; Elizabeth City - Pasquotank County Airport Authority: 1991, c. 26; Goldsboro-Wayne Airport Authority: 1987 (Reg. Sess., 1988), c. 1006, s. 5.

CASE NOTES

A municipal corporation has a twofold character and dual powers. The one is variously designated as public, governmental, political or legislative, in which the municipal corporation acts as an agency of the State. The other is variously designated as municipal, private, quasi-private, or proprietary. *Lewis v. City of Washington*, 63 N.C. App. 552, 305 S.E.2d 752, modified on other grounds, 309 N.C. 818, 310 S.E.2d 610 (1983).

This section empowers a city to lease or rent any property owned by the city for such terms and upon such conditions as the council may determine. This power is to be exercised by the governing body of the municipality acting in its proprietary, rather than its governmental capacity. *Lewis v. City of Wash-*

ington, 63 N.C. App. 552, 305 S.E.2d 752, modified on other grounds, 309 N.C. 818, 310 S.E.2d 610 (1983).

The city's proprietary or corporate power to contract for the leasing of its property is limited. It cannot be exercised so as to disadvantageously affect the governing body's governmental powers. The true test is whether the contract itself deprives a governing body, or its successor, of a discretion which public policy demands should be left unimpaired. *Lewis v. City of Washington*, 63 N.C. App. 552, 305 S.E.2d 752, modified on other grounds, 309 N.C. 818, 310 S.E.2d 610 (1983).

Applied in *National Medical Enters., Inc. v. Sandrock*, 72 N.C. App. 245, 324 S.E.2d 268 (1985).

§ 160A-272.1. Lease of utility or enterprise property.

Subject to G.S. 160A-321, a city-owned utility or public service enterprise, or part thereof, may be leased. (1979, 2nd Sess., c. 1247, s. 27.)

§ 160A-273.

A city shall not exercise its right-of-way over a street for the purpose of erecting pipes) shall not be treated as a right-of-way passage.

Constitutional special act and Art. II, § 24, any local, pri

§ 160A-274.

(a) For county, sch any other p institution.

(b) Any wise, with purchase fr government.

(c) Action government ment of Tr of Adminis: Department tation or it or board of and condit dollar (\$1.0 been deter school purp c. 664, s. 9

Local Mo (Reg. Sess., 1991 (Reg. S 1991 (Reg. S 1991 (Reg. S Hanover: 197 (Reg. Sess., 1 (Reg. Sess., County Boar

Cross Ref change or lea 518. For pr Brunswick,

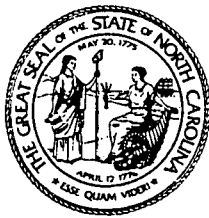
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 727 A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF FUNDS BY
THE DARE COUNTY DEPARTMENT OF SOCIAL 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)

2/15/01



HOUSE BILL 727: Dare Co. DSS Use of Funds.

BILL ANALYSIS

Committee: House Local Government I
Date: April 11, 2001
Version: First Edition

Introduced by: Representative Culpepper
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would amend expand the purposes for which Dare County Department of Social Services can utilize its portion of the distributions from the Dare County Alcoholic Beverage Control Board.*

CURRENT LAW: The General Assembly has previously enacted local legislation to declare how the Dare County Board of Commissioners will allocate its share of the revenue distributed by the Dare County Alcoholic Beverage Control Board. Currently the Dare County Department of Social Services (DSS) is allocated 42.5 % of the gross receipts paid over to the Dare County Board of Commissioners, to be used to supplement the operating cost of an out-of-home group care facility in Dare County.

BILL ANALYSIS: The bill would expand the uses for which the DSS allocation could be utilized, to include other child and family services. Examples of "other child and family services" include: mental health treatment, parenting classes, foster care, and out-of-county residential placement for the child. The bill also makes technical drafting style changes to the session law.

EFFECTIVE DATE: The bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 727

Short Title: Dare Co. DSS Use of Funds.

(Local)

Sponsors: Representative Culpepper.

Referred to: Local Government I.

March 22, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE USE OF FUNDS BY THE DARE COUNTY
DEPARTMENT OF SOCIAL SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 202 of the 1977 Session Laws, as amended by Section 1 of Chapter 679 of the 1995 Session Laws, reads as rewritten:

"Section 1. After making the distributions provided in subsections (b) and (c) of G.S. 18B-805, the Dare County Alcoholic Beverage Control Board shall determine and retain from the remaining gross receipts a sufficient and proper amount necessary to be retained as working capital, within the limits set by rules of the Commission.

The entire remaining gross receipts shall be paid over to the Dare County Board of County Commissioners to be allocated as follows:

- (1) ~~an~~ An amount equal to forty-two and one-half percent (42.5%) shall be allocated to the County of Dare to be administered by the Dare County Department of Social Services, through use of a special revenue fund account, to be used to supplement the operating cost of an in-county out-of-home group care facility for abused, neglected, and dependent ~~children;~~ children and for other child and family services;
- (2) ~~up~~ Up to twenty percent (20%) may be allocated to the Dare County Alcoholic Beverage control Board for capital improvements;
- (3) ~~fifteen~~ Fifteen percent (15%) shall be allocated to and divided among the incorporated towns within Dare County, such sums to go to the general fund of each of the incorporated towns to be used for any governmental purpose deemed necessary by the governing body of each town; and
- (4) ~~the~~ The balance of gross receipts not allocated under the foregoing subdivisions shall be allocated to the general fund of the county to be expended for any lawful purpose."

1
2

SECTION 2. This act applies to Dare County only.

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

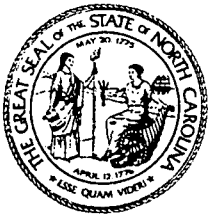
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 804 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRAVEN COUNTY
AND PAMLICO COUNTY TO ACQUIRE PROPERTY FOR USE BY THEIR 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 **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)

2/15/01



HOUSE BILL 804: Craven and Pamlico School Acquisition

BILL ANALYSIS

Committee: House Local Government I
Date: April 10, 2001
Version: 1st Edition

Introduced by: Rep. Underhill
Summary by: Cindy Avrette
Attorney, Research Division

SUMMARY: *Adds Craven and Pamlico Counties to the list of 76 counties authorized to acquire school property on behalf of their boards of education. The bill is effective when it becomes law.*

BILL ANALYSIS: House Bill 804 is a local bill that applies only to Craven and Pamlico Counties and the local boards of education for school administrative units in those counties. The substance of the bill is the same as that enacted in past legislative sessions for 76 other counties.

Section 1 of the bill makes the following changes concerning the acquisition and financing of public school facilities:

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

The effect of these changes is to allow installment purchase financing to be used for public school construction or renovation. Installment purchase financing is a type of local government debt in which the local unit enters into an installment contract secured by a security interest in the building constructed or renovated. Unlike the issuance of general obligation bonds, installment purchase financing is not subject to a vote of the people. Certificates of participation may be issued as part of the installment purchase financing. A certificate of participation is a

HOUSE BILL 804

Page 2

document setting out the share of the local unit's debt that is owed to the holder of the certificate. In practice, the holder receives interest and principal payments in a manner similar to interest and principal payments on a bond issued by the borrowing unit.

Under current law, installment purchase financing is available to counties but is not generally available to local school administrative units. G.S. 160A-20 grants installment purchase financing authority only to a local school administrative unit located in a county whose local board of education can levy a school tax. There are only two such local units: Mooresville and Roanoke Rapids. A related provision, G.S. 143-64.17C, authorizes school administrative units and community colleges to use installment purchase financing to finance energy conservation measures. In addition, G.S. 115D-58.15 authorizes community colleges to use installment purchase financing for equipment.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 804

PROPOSED COMMITTEE SUBSTITUTE H804-PCS8171-RW-15

Short Title: County School Acquisition.

(Local)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ANSON, CRAVEN, MONTGOMERY, AND PAMLICO
COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR BOARDS OF
EDUCATION.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

11 **SECTION 2.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 804

Short Title: Craven and Pamlico School Acquisition.

(Local)

Sponsors: Representatives Underhill and Wainwright.

Referred to: Local Government I.

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CRAVEN COUNTY AND PAMLICO COUNTY TO
ACQUIRE PROPERTY FOR USE BY THEIR BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

11 **SECTION 2.** This act is effective when it becomes law.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

April 17, 2001

The House Committee on Local Government I met on Tuesday, April 17, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hensley, Hill, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order.

The first order of business was **HB 715, A BILL TO BE ENTITLED AN ACT TO DISTRIBUTE THE PROCEEDS OF THE MECKLENBURG PREPARED FOOD TAX AMONG ALL MECKLENBURG COUNTY MUNICIPALITIES.** Representative Gulley, Bill Co-Sponsor, was recognized to explain the bill. Next, Chairman Dedmon recognized Representative Earle, Bill Co-Sponsor, to further explain the bill. She told members that there had been ongoing negotiations between the county and the municipalities. She also stated that the county had been given the authority by the General Assembly about eleven years ago to collect these taxes for the convention center facilities, parking and marketing and also that there was a committee set up to determine where and how the money was to be spent and that the towns had no representation on this committee. She further stated that in the last year, the six towns had generated over \$1.5 million dollars and the tax is now generating \$2 million dollars over what is necessary to pay off of the original debt. The Chairman recognized Mr. Pat McCroy, Mayor of Charlotte, to speak very briefly to the committee. He too made the same points as Representatives Earle and Gulley that the original bill called for use of the money to build the convention center. He also mentioned the factor of the bond rating. Lastly, he stated that if they weren't going to spend the money on the convention center, they should return it to the taxpayer. The next speaker was Mr. Lee Myers, Mayor of Matthews. He told members that all the towns stand united on this issue and again reinforced the same position. Finally, Representative Saunders was recognized and moved to give HB 715 a favorable report and further to speak on the motion. Motion granted, Representative Saunders then also told members that he too would have preferred that this issue be worked out among the towns and City of Charlotte and that this was regrettable because all of the towns love, respect, understand that Charlotte is part of their growth and the growth of North Mecklenburg. Because the City of Charlotte will not negotiate any part or percentage of the moneys, they had to come to this forum. He asked members to help the towns and show some equity and fairness and pass the bill so the towns can receive some of the money back. After some committee discussion, and

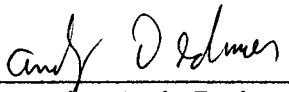
Mr. Boyd Coble, City of Charlotte, answering some questions, the Chair again asked if there were any further questions or discussion. Hearing none, the motion carried.

The next order of business was **HB 504, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MATTHEWS**. Representative Gulley, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan moved for adoption and the committee substitute was properly before the committee for discussion. After some questions from members, Representative Kiser moved to give the committee substitute a favorable report; unfavorable as to the original bill. The motion carried.

The next order of business was **HB 661, A BILL TO BE ENTITLED AN ACT AUTHORIZING GASTON COUNTY TO INCREASE THE SIZE OF ITS BOARD OF SOCIAL SERVICES**. Representative Harrington, bill sponsor, was recognized to explain the bill. Representative Ellis moved for a favorable report. The motion carried.

The last order of business was **HB 810, A BILL TO BE ENTITLED AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC VIOLENCE FATALITIES**. Representative Alexander, bill sponsor, was recognized and offered a committee substitute. Representative Buchanan moved for adoption of the committee substitute and it was properly before the committee for discussion. Chairman Dedmon then stopped discussion as it was 12:00 and displaced the bill until the next meeting, April 18, 2001.

There being no further business, the committee adjourned at 12:00.



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration

Agenda

HB 715 & Summary; four handouts

HB 504, PCS & Summary

HB 661 & Summary

HB 810, PCS & Summary

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**April 17, 2001
Room 415 LOB
11:00 AM**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 715 REDISTRIBUTE MECKLENBURG MEALS TAX
REP. GULLEY**

**HB 504 TOWN AT MATTHEWS LOCAL ACT
REP. GULLEY**

**HB 661 GASTON CO. DSS BD. SIZE
REP. HARRINGTON**

**HB 810 DOMESTIC VIOLENCE FATALITY REVIEW TEAM
REP. ALEXANDER**

ADJOURNMENT

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

4-17-01

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Carole Lawler	EGHS
Bob Race	Town of Cornelius
Bill Russell	Lake Norman Chamber
Todd Lamb	Town of Mint Hill
LEE MYERS	MATTHEWS
Pat McCrory	Charlotte
Boyd Cable	Charlotte
Melvin Tennant	Charlotte CVB
Don Lochman	Charlotte City Council
Leslie Starzma	DV Commission
Walter English	Charlotte Chamber

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

4-17-01

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Dennis Marshall	City of Charlotte
Jerry E. Cox	Town of Huntersville
Charles S. Guiguan	Town of Huntersville
Paul Egan	City of Hixley
Amy Hobbs	NCHMA
Andy Romet	NCLM
Mary Carnilia	REBIC
Tim Miller	NC Home Builders Assn
David Crawford	AIA North Carolina
Brian Francis	Meck County

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

Name of Committee

4-17-01

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

RACON MESSERA

Town of MATTHEWS.

March 1940

Don

Paul Meyer

NCA(C

Jack Cozart

PALB

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 715 A BILL TO BE ENTITLED AN ACT TO DISTRIBUTE THE PROCEEDS OF THE MECKLENBURG PREPARED FOOD TAX AMONG ALL MECKLENBURG COUNTY MUNICIPALITIES.

☒ 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)

2/15/01



HOUSE BILL 715: Redistribute Mecklenburg Meal Tax

BILL ANALYSIS

Committee: House Local Government I
Date: April 17, 2001
Version: First Edition

Introduced by: Representative Gulley
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 715 changes the distribution of the proceeds of the existing Mecklenburg prepared food tax.*

CURRENT LAW: In 1989, the General Assembly authorized the levying of a prepared food and beverage tax in Mecklenburg County. After deduction of administrative expense, the receipts of the tax are transferred to the City of Charlotte for convention center facilities, parking and marketing.

BILL ANALYSIS: House Bill 715 changes the distribution of the receipts of the Mecklenburg prepared food and beverage tax to provide that each municipality in Mecklenburg County other than the City of Charlotte would receive 75% of the tax proceeds collected in that municipality.

The municipalities receiving these funds could use them for:

"acquiring, constructing, financing, maintaining, operating, marketing, and promoting convention centers, civic centers, performing arts centers, coliseums, auditoriums, and museums, for off-street parking for use in conjunction with those facilities, and for tourism and tourism-related programs and activities including art and cultural programs, events, and festivals."

House Bill 715 would become July 1, 2001

H715-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 715

Short Title: Redistribute Mecklenburg Meals Tax.

(Local)

Sponsors: Representatives Gulley; Saunders and Earle (Primary Sponsors).

Referred to: Local Government I.

March 21, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO DISTRIBUTE THE PROCEEDS OF THE MECKLENBURG
3 PREPARED FOOD TAX AMONG ALL MECKLENBURG COUNTY
4 MUNICIPALITIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Sections 9(a)(2) and 9(a)(3) of Chapter 821 of the 1989
7 Session Laws read as rewritten:

8 "Sec. 9. (a) Distribution and Use of Proceeds. The local administrative authority,
9 acting on its own behalf or as agent for each taxing entity, shall distribute the proceeds
10 of the taxes levied in this Part as provided in this subsection. The distribution shall be
11 made by the 20th day of each month following the month in which the tax is collected.

12 ...

13 (2) Distribution to Charlotte for Convention Center Facilities. After
14 deducting the amount provided above, the local administrative
15 authority shall transfer to the City of Charlotte an amount equal to
16 three percent (3%) of the gross occupancy receipts ~~and the entire plus~~
17 ~~that part of the net proceeds of the prepared food and beverage tax to~~
18 ~~the City of Charlotte not otherwise required to be distributed under~~
19 ~~subdivision (3) of this subsection.~~ The net proceeds transferred to the
20 City of Charlotte pursuant to this subdivision shall be applied in
21 accordance with the following priorities. No application of any net
22 proceeds to any class of the priorities set forth below in this
23 subdivision shall be made until, with respect to each preceding class of
24 priorities, either all payments for the current fiscal year have been
25 provided for in full or no such payments are required for the current
26 fiscal year.

27 a. To provide for when due payments for the current fiscal year
28 with respect to any financing for new convention center

1 facilities or for the expansion of existing convention center
2 facilities, which may include off-street parking for use in
3 conjunction with the facilities.

4 b. To pay costs incurred in an aggregate amount not greater than
5 one million five hundred thousand dollars (\$1,500,000) in each
6 fiscal year for marketing and promoting new or expanded
7 convention center facilities.

8 c. To pay other costs of acquiring, constructing, maintaining,
9 operating, marketing, and promoting new or expanded
10 convention center facilities.

11 (3) Distribution to Other Municipalities. After deducting the amounts
12 provided above, the local administrative authority shall determine the
13 amount of the remaining occupancy tax net proceeds and the prepared
14 food and beverage tax net proceeds that were collected from taxable
15 establishments located in each municipality, other than the City of
16 Charlotte. The local administrative authority shall then distribute to
17 each municipality, other than the City of Charlotte, an amount equal to
18 one hundred twenty percent (120%) of the amount of the remaining
19 occupancy tax net proceeds collected in that ~~municipality~~. municipality
20 and seventy-five percent (75%) of the prepared food and beverage tax
21 net proceeds that were collected in that municipality. These funds may
22 be expended only for acquiring, constructing, financing, maintaining,
23 operating, marketing, and promoting convention centers, civic centers,
24 performing arts centers, coliseums, auditoriums, and museums, for
25 off-street parking for use in conjunction with these facilities, and for
26 tourism and tourism-related programs and activities including art and
27 cultural programs, events, and festivals.

28"

29 **SECTION 2.** This act becomes effective July 1, 2001, and applies to taxes
30 collected on or after that date.

Town of Cornelius
Prepared Food & Beverage Tax
Various Mecklenburg Municipalities
For Various Fiscal Years

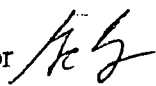
Fiscal Year	Cornelius		Davidson		Huntersville		Matthews		Mint Hill		Pineville		Charlotte		Mecklenburg Co.		Total		
	\$	Change	\$	Change	\$	Change	\$	Change	\$	Change	\$	Change	\$	Change	\$	Change	\$	Change	
7/1/92	6/30/93	80,925.18	-	18,237.17	-	33,789.86	-	137,806.89	-	31,817.24	-	150,376.00	-	2,777,118.05	-	63,281.47	-	3,293,351.86	-
7/1/93	6/30/94	120,027.29	48.3%	29,455.41	61.5%	53,981.91	59.8%	206,313.08	49.7%	46,038.00	44.7%	229,832.37	52.8%	4,029,001.69	45.1%	106,223.70	67.9%	4,820,873.45	46.4%
7/1/94	6/30/95	156,938.34	30.8%	30,609.95	3.9%	59,633.17	10.5%	234,743.12	13.8%	50,126.53	8.9%	240,905.53	4.8%	4,381,770.76	8.8%	100,724.89	-5.2%	5,255,452.29	9.0%
7/1/95	6/30/96	203,152.83	29.4%	37,039.88	21.0%	63,912.82	7.2%	266,665.47	13.6%	53,205.22	6.1%	264,377.72	9.7%	4,856,604.17	10.8%	97,234.29	-3.5%	5,842,192.40	11.2%
7/1/96	6/30/97	221,401.14	9.0%	43,349.08	17.0%	85,555.26	33.9%	323,440.77	21.3%	43,478.17	-18.3%	289,281.85	9.4%	5,301,448.01	9.2%	140,632.63	44.6%	6,448,586.91	10.4%
7/1/97	6/30/98	237,852.16	7.4%	50,140.14	15.7%	153,090.09	78.9%	380,375.90	17.6%	43,105.82	-0.9%	365,549.12	26.4%	5,759,435.52	8.6%	139,359.26	-0.9%	7,128,908.01	10.5%
7/1/98	6/30/99	248,289.84	4.4%	54,422.99	8.5%	235,850.41	54.1%	400,045.26	5.2%	48,575.69	12.7%	393,600.38	7.7%	6,384,586.23	10.9%	148,186.63	6.3%	7,913,557.43	11.0%
7/1/99	7/1/00	274,201.74	10.4%	45,094.38	-17.1%	286,861.10	21.6%	430,338.48	7.6%	53,242.35	9.6%	420,016.07	6.7%	6,938,760.14	8.7%	147,219.39	-0.7%	8,595,733.65	8.6%
Total Tax Since Inception		1,542,788.52		308,349.00		972,674.62		2,379,728.97		369,589.02		2,353,939.04		40,428,724.57		942,862.26		49,298,656.00	

* Please note that the first row is 18 months; Mecklenburg County did not separate first six month period. Per Robin Lewis, Meck Co Business Tax Collections, the tax was levied effective January 1, 1992; thus, no earlier data is available.

CITY OF CHARLOTTE
Finance Department

Memorandum

TO: Pam Syfert, City Manager

FROM: Greg Gaskins, Deputy Finance Director 

SUBJECT: Issues with Proposed Food Tax Redistribution Bill

DATE: March 29, 2001

In 1989, the General Assembly enacted legislation that allowed Mecklenburg County to levy a second 3% occupancy tax and a new prepared food and beverage tax. It was specifically stated in this legislation that the revenues were to be used for financing of new convention center facilities or for the subsequent expansion of those facilities. If enacted, House Bill 715 would siphon food and beverage tax revenues away from the purposes designated in 1989. You have asked me if there are potential repercussions from this action. For the reasons stated below, I believe the answer is yes there are.

Once these new taxes were levied, the City of Charlotte, in reliance thereon, issued debt obligations which site the above referenced statutory language as the sources for repayment of the debt issued. The language in the act was chosen to limit the uses of these funds in anticipation of the issuance of this debt. Essentially, it was known that limiting the uses of funds in this manner would increase the security of the debt obligations and therefore might reduce the long term cost of these obligations. We believe this in fact did happen and has continued in subsequent refinancings.

The problem with the subject legislation is that it takes part of the revenue stream from this formula. There are number of negative issues raised by this. We have been informed by the City's bond counsel that enacting this bill will require the City to file a material change notice pursuant to SEC Rule 15c2-12(b)(5). This is not a good thing in that we are disclosing to the market that there has been a change made to the legislation that supports the debt that is less favorable to the debt holders. We do not know how the market or the rating agencies will react to this, but this would be unprecedented for Charlotte in a negative way. It also could raise doubts in the market as to what other more negative changes might be made in the future. Worse yet, it may raise doubts about what the General Assembly might do in the future when new legislation is enacted and debt is issued in reliance thereon.

Regardless of the level of the above concerns, a more immediate issue is the impact of the reduction of these revenues on the ability of the City to meet its obligations. This impact is simply devastating. The towns would get 1.7 million dollars in the first year and

it would continue to grow. Our estimates show (See attachment) that this level of reduction in revenue would result in an inability to meet the City's obligations by 2013! In other words, there is no way that the City could achieve one of the original purposes of the 1989 legislation, to pay for the expansion of the new convention center.

I will also mention this. Currently, Charlotte is considered one of the top, if not the top, municipal credit in the United States and located in one of the more respected States in terms of financial acumen. Both of those reputations might be threatened by these actions.

I have discussed my concerns with our Financial Advisor, Doug Carter and the Secretary of the North Carolina Local Government Commission, Bob High, and they agree with me that my concerns are legitimate. This leads me to a suggestion. Maybe it would be wise for us to suggest to key members of our delegation that we ask the State Treasurer's office to meet with us to discuss why this legislation may not be in the best interest of Charlotte or the State of North Carolina.

Cc: Richard Martin
Curt Walton

Convention Center Tax Fund Summary of Debt Obligations

As of June 30, 2000

Description	Outstanding Principal	Outstanding Principal and Interest
Building and Land	\$173.8 million	\$320.0 million
Expansion Land and Building Renovations	\$27.8 million	\$52.2 million
Parking and Meeting Space	\$16.5 million	\$30.9 million
<i>Total</i>	<i>\$218.1 million</i>	<i>\$403.1 million</i>

Convention Center Tax Fund Model Assumptions

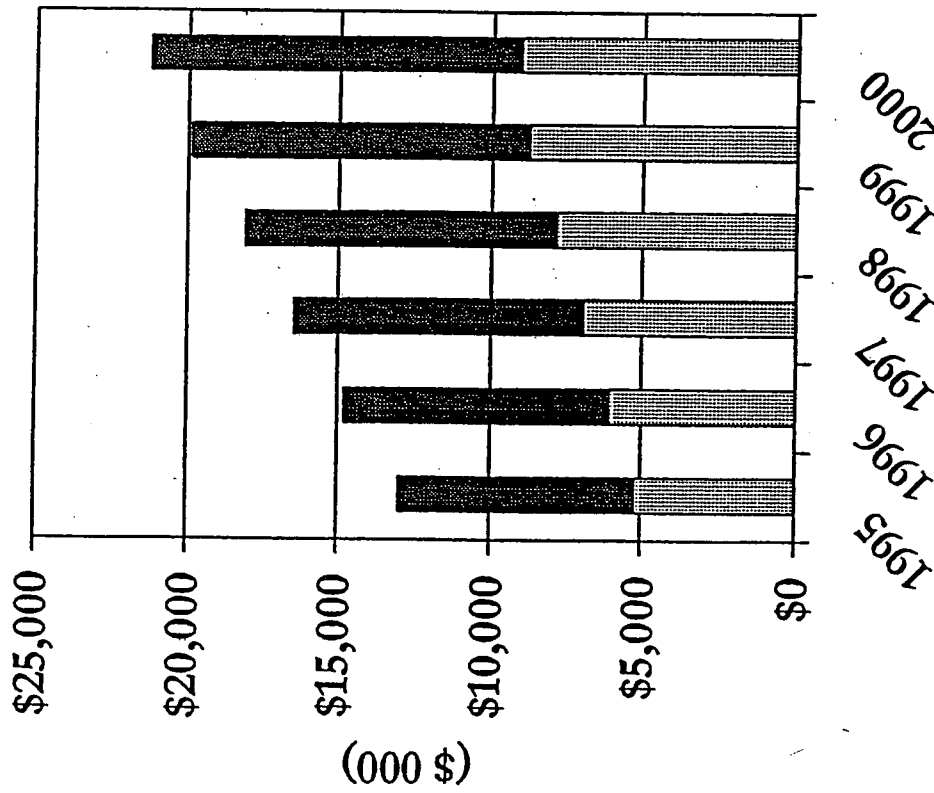
Revenue:

- Growth rate: 4.05% per year
- Interest earnings: 5% per year
- Fund Balance: Maintained at 50% annual debt service (*Mirrors Charlotte General Government Debt Model*)

Expense:

- Debt Service Liability: \$218.1 million principal, \$185.0 million interest
- Contingent Liability: \$2.7 million per year (*\$67.8 million total liability*)
- Estimated Expansion: \$220 million in FY2007
- Convention Center Deficit: \$250,000 per year plus 3% growth (*Greater deficits are likely due to multiple factors*)
- Marketing: 15% Gross Revenues plus incentive plan

Tax Revenue 1995-2000

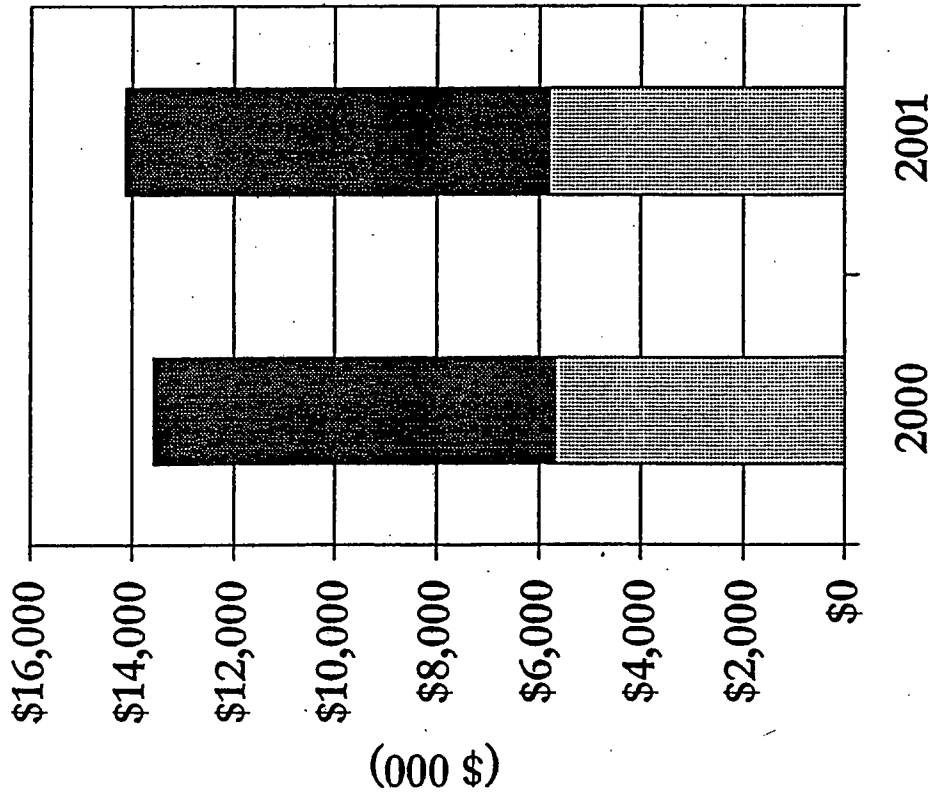


Year Ended June 30

■ Occupancy ■ Food and beverage

- From 1995 to 1999, combined taxes increased at compound annual rate of 11.2%
 - From \$13.0 million to \$19.9 million
- From 1999 to 2000, combined taxes increased by only 6.8%
 - From \$19.9 million to \$21.2 million

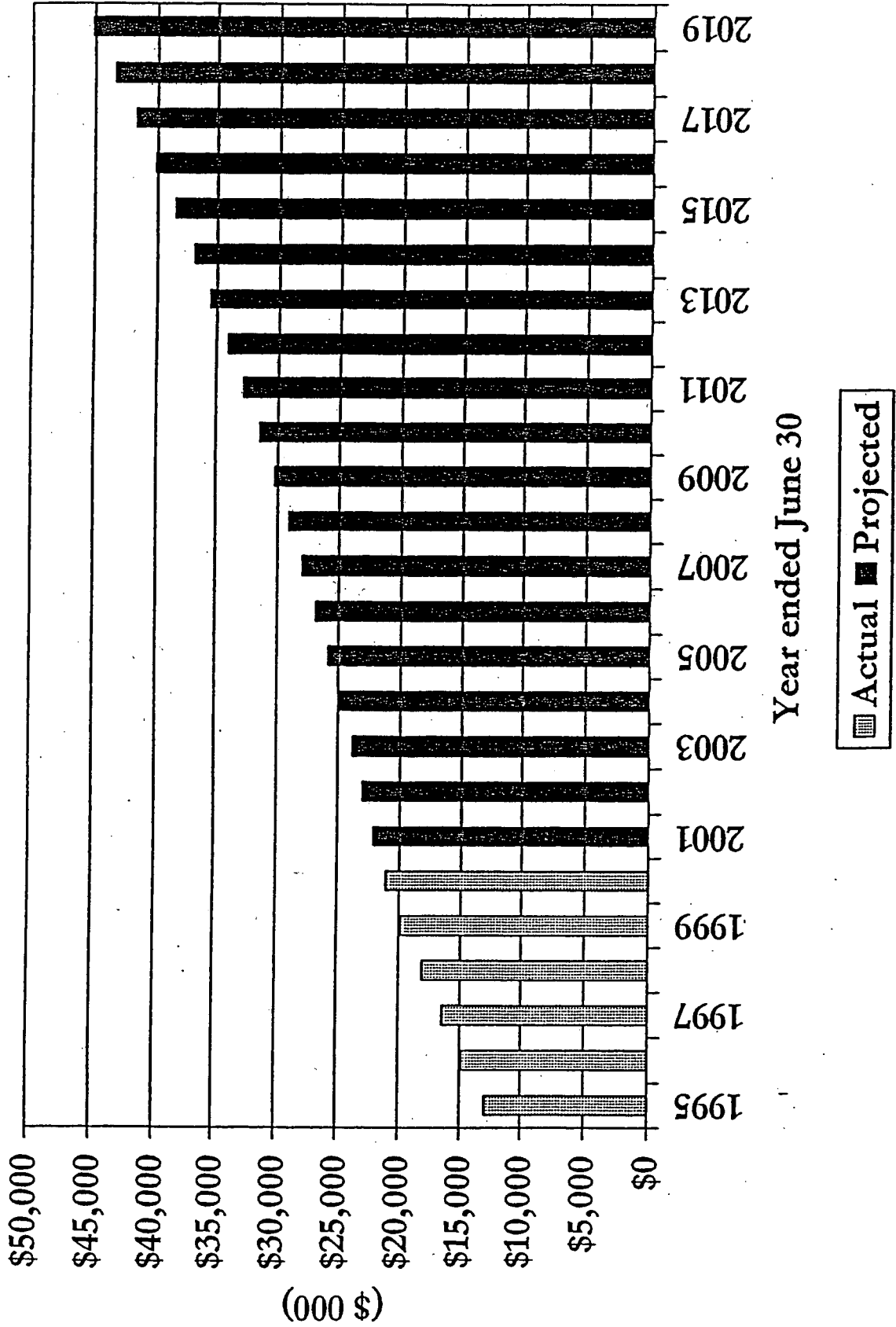
Tax Revenue 2000-2001 YTD



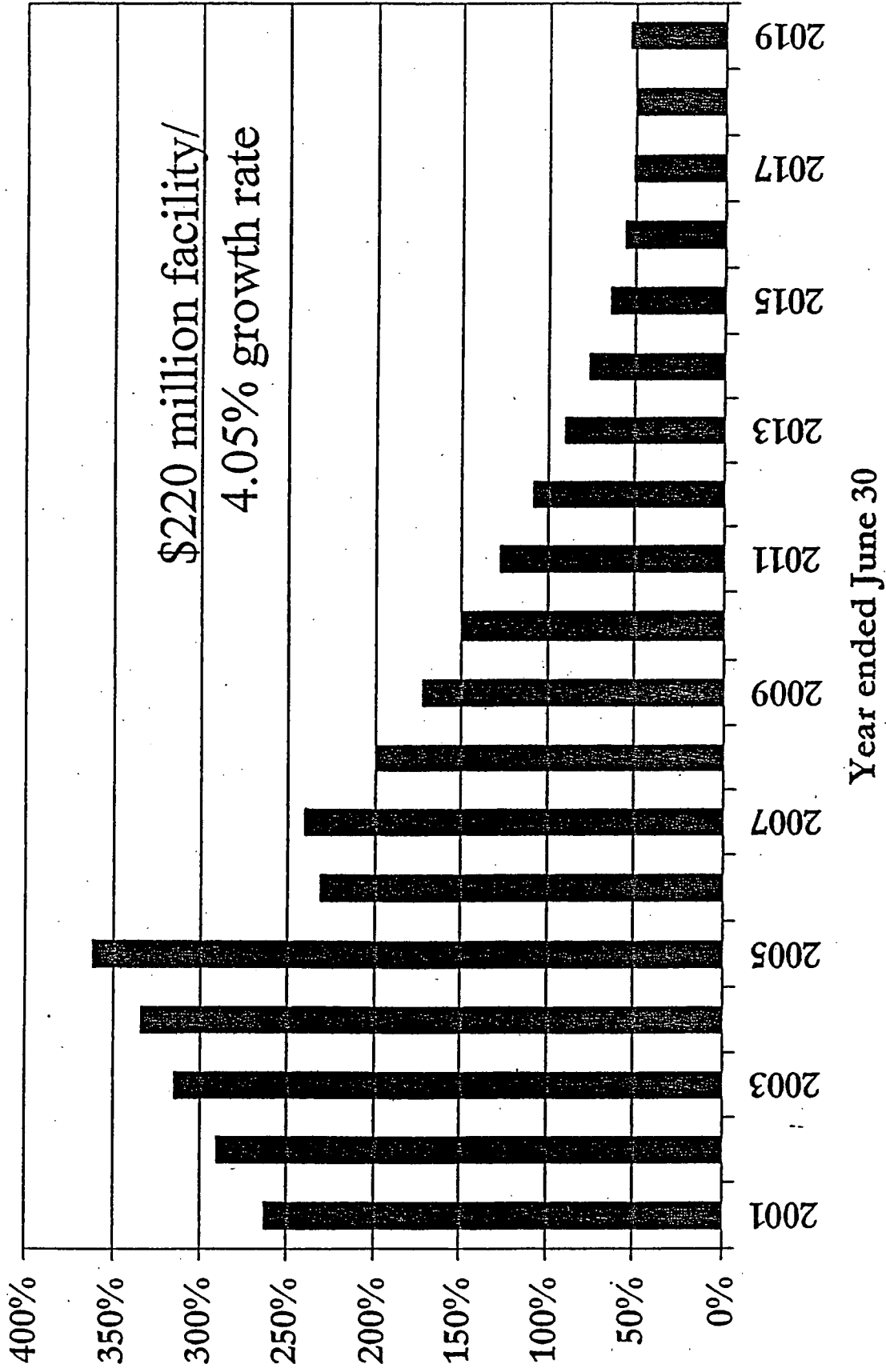
Eight months ended Feb. 28

■ Occupancy
 ■ Food and beverage

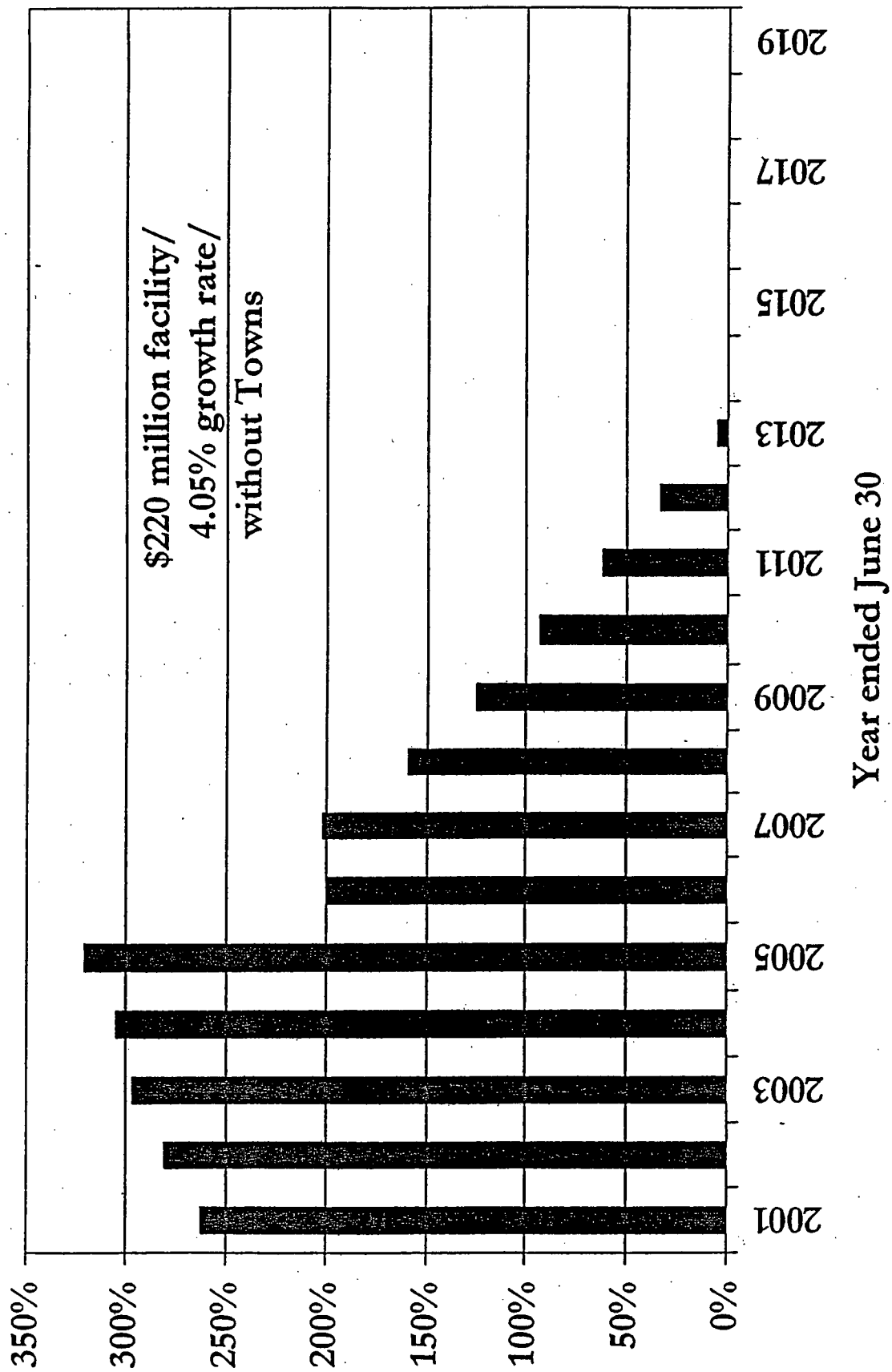
Projected Tax Revenue Using 4.05% Growth Rate



Projected Fund Balance as % of Annual Debt Service



***Projected Fund Balance as % of Annual Debt Service
(Assumes Towns get 75% of collections within jurisdiction)***



FACT SHEET
One Percent Food and Beverage Tax
City of Charlotte

I. History of the Tax:

- A. Tax was passed by the State Legislature in 1990 in combination with the second 3% room occupancy tax.
- B. Proceeds from the Tax must be used and have been used exclusively for the Charlotte Convention Center.
- C. Other cities in Mecklenburg County agreed to support the Tax in exchange for an additional 20% allocation on the 1983 room occupancy tax (bringing their total allocation to 120% of taxes collected).
- D. Mecklenburg County supported the Tax as well.
- E. The State and local Restaurant Associations and the local Hospitality and Tourism Alliance supported the Tax, and demanded legal restrictions assuring that it would be used only for the Charlotte Convention Center.

II. Usage of the Tax to Date

- A. Projects/functions funded by the Tax (legislatively dictated).
 - 1. Principal and interest on bonds issued for initial purchase of land and construction of the new Charlotte Convention Center.
 - 2. Operating losses of the new Charlotte Convention Center at 50% annually.
 - 3. Marketing for the new Charlotte Convention Center at 15% annually.
 - 4. Fund supports a credit enhancement of the Westin Convention Center Hotel and Parking Deck.
 - 5. \$16 million to purchase 500 parking spaces and meeting rooms in the Westin Convention Center Hotel.
- B. Projects for which no funds have been or intend to be funded by the Tax
 - 1. Trolley or light rail studies, design or planned construction (outside Convention Center property)
 - 2. Past, present, future Charlotte Coliseum or Hornets Arena projects.
 - 3. Transit, transportation, road or pedestrian projects (outside Convention Center property)
 - 4. Cultural projects
- C. All expenditures have been audited and verified for compliance with usage restrictions.

III. Current Financial Status

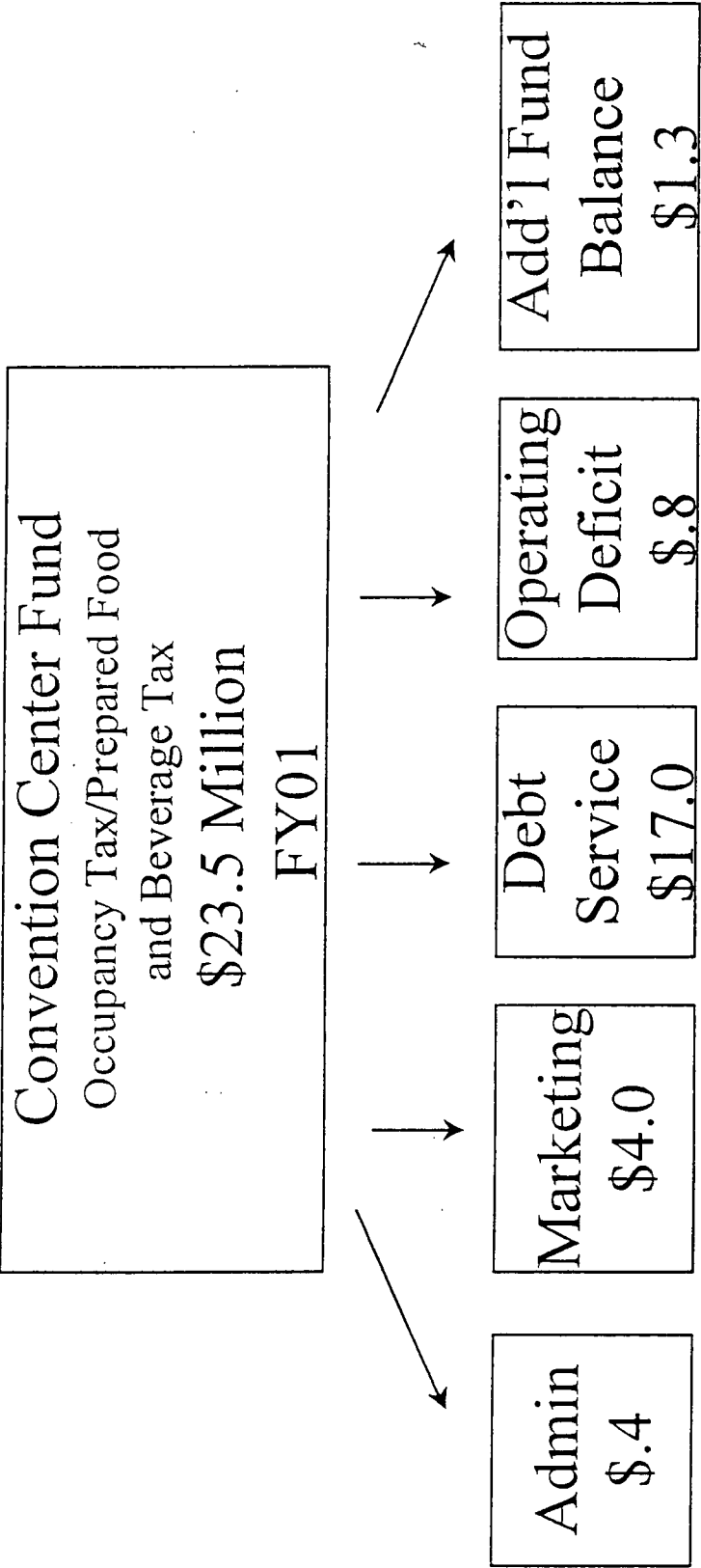
- A. Current fund balance in the Convention Center Fund is \$40 million.
- B. Current outstanding bond obligation totals \$392 million over the next 25 years.
- C. Planned expansion of the Charlotte Convention Center is scheduled for 2008 at a cost of \$200 million.
- D. The credit enhancement of the Westin Convention Center Hotel and Parking Deck represents a contingent liability of \$67.8 million.
- E. Higher annual operating deficits are projected over the next couple of years and after construction of the 2008 expansion.

Food and Beverage Tax Collection Distribution

<i>Municipality</i>	<i>% Collection</i>	<i>FY2001 Revenue *</i>
Charlotte	80.72%	\$10.5
Cornelius	3.19%	0.4
Davidson	0.52%	0.1
Huntersville	3.34%	0.4
Matthews	5.01%	0.7
Meck. Co. (Unincorp.)	1.71%	0.2
Mint Hill	0.62%	0.1
Pineville	4.89%	0.6
Total	100.00%	\$13.0

***In Millions**

Multi-Jurisdictional Revenues distributed in same portion as Revenues with specified jurisdictions. Uses most current FY2002 revenue estimate of \$13.13 m. Unincorporated County Revenues to City of Charlotte



NOTES: (In Millions) Administration Fee: 3% of Prepared Food & Beverage Tax; Marketing Distribution: Base-CCVB(70%) and Authority (30%), Incentive shared 50%/50%; Deficit: City Share 50%.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 504 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MATTHEWS.

☐ 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.

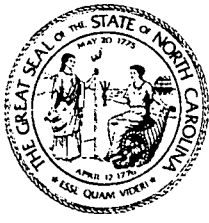
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 504: Matthews Property Lease

BILL ANALYSIS

Committee: House Local Government I
Date: April 17, 2001
Version: Proposed Committee Substitute

Introduced by: Rep. Gulley
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 504 would authorize the Town of Matthews to lease the 1874 Matthews Depot for a term of more than 10 years subject only to the lease procedures of G.S. 160A-272.*

CURRENT LAW: Under current general law (G.S. 160A-272), leases by municipalities for a term of more than 10 years are treated as sales, and are subject to the procedures for sale of property.

BILL ANALYSIS: House Bill 504 would authorize the Town of Matthews to lease the 1874 Depot for a term of *more* than 10 years *without* the lease being treated as a sale. The lease would still be subject to the procedures for leases of *less* than 10 years in G.S. 160A-272.

House Bill 504 would become effective when it becomes law.

H504-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 504

PROPOSED COMMITTEE SUBSTITUTE H504-PCS8185-LM-3

Short Title: Matthews Property Lease.

(Local)

Sponsors:

Referred to:

March 7, 2001

A BILL TO BE ENTITLED

AN ACT ALLOWING THE TOWN OF MATTHEWS TO LEASE THE 1874
MATTHEWS DEPOT FOR A TERM OF MORE THAN TEN YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 160A-272, the Town of Matthews may
lease the property known as the 1874 Matthews Depot for a term of more than 10 years
without the necessity of following any procedures other than those required by G.S.
160A-272 for leases of 10 years or less.

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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 661 A BILL TO BE ENTITLED AN ACT AUTHORIZING GASTON COUNTY TO INCREASE THE SIZE OF ITS BOARD OF SOCIAL 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.

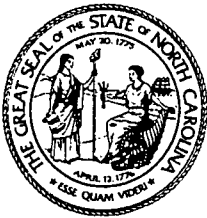
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 661: Gaston Co. DSS Bd. Size.

BILL ANALYSIS

Committee: House Local Government I
Date: April 17, 2001
Version: First Edition

Introduced by: Representative Harrington
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would authorize the Gaston County Board of Commissioners to increase the size of the Gaston County Board of Social Services, effective when it becomes law.*

CURRENT LAW: The General Statutes provide for a Board of Social Services in each county. Three different methods of appointment have been established, all of which require a member to be a county resident:

1. **A three-member board of Social Services.** G.S. 108A-2. The board of county commissioners appoints 1 member, who may be a county commissioner, and the Social Services Commission appoints 1 member. The two appointed members then select the third member. If two appointed members cannot agree on a third member, the senior regular superior court judge of the county makes the selection.
2. **A five-member board of Social Services.** G.S. 108A-2. The board of county commissioners appoints 2 members, one of whom may be a county commissioner, and the Social Services Commission appoints 2 members. The four appointed members then select the fifth member. If a majority of the 4 cannot select a fifth member, the senior regular superior court judge of the county makes the selection.
3. **A consolidated board of Human Services.** G.S. 153A-77. The consolidated board may have no more than 25 members, 8 of whom are human services consumers, 8 of whom are human services professionals, 2 physicians, 1 county commissioner, and other at large. A consolidated human services board must carry out the duties of the local health department, the county department of social services, and the area mental health authority.

All members of three or five person social services boards under G.S. 108A-2 serve three years terms, and may not serve more than two consecutive terms unless the member served as a member of the Board of County Commissioners during the first two consecutive terms. G.S. 108A-4. Members of a consolidated human services boards serve four year terms. G.S. 153-77.

BILL ANALYSIS: The bill would allow Gaston County to abolish its current five-member board, and then create an appointed Board of Social Services with five or more members. The Social Services Commission would still appoint two members to the new board. The Gaston County Board of Commissioners could change any other appointment or matter relating to the composition, membership, or terms of the Gaston County Board of Social Services from time to time.

BACKGROUND: Although they have since established a consolidated board of Human Services, the same modification was enacted for Mecklenburg County in 1981.

EFFECTIVE DATE: The act would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 661

Short Title: Gaston Co. DSS Bd. Size.

(Local)

Sponsors: Representatives Harrington; Barefoot, Dedmon, Hilton, Kiser, Rayfield,
and Weatherly.

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

March 19, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING GASTON COUNTY TO INCREASE THE SIZE OF ITS
BOARD OF SOCIAL SERVICES.

The General Assembly of North Carolina enacts:

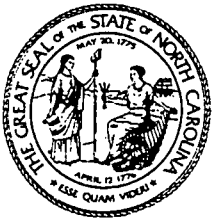
SECTION 1. Notwithstanding the provisions of G.S. 108A-2 and G.S. 108A-3, the Board of Gaston County Commissioners may, but is not required to, abolish the present five-member Gaston County Board of Social Services and replace it with an appointed Gaston County Board of Social Services of five or more members. Any decision to abolish and replace the Board of Social Services shall be reported immediately in writing by the Chair of the Board of Commissioners to the Department of Health and Human Services.

The number of members, the length of terms, any limitation on number of terms, and all other matters relating to the composition and membership of the Board of Social Services shall be determined by the Board of Commissioners before it abolishes the present Board of Social Services and creates the new Board of Social Services, except that two members shall be appointed by the Social Services Commission. All such matters, except as to the appointments by the Social Services Commission, may be changed from time to time thereafter by the Board of Commissioners without limitation.

Any new Board of Social Services created by the Board of Commissioners pursuant to the authority granted by this act shall have all the powers, duties, and responsibilities conferred upon other county boards of social services by the General Statutes.

SECTION 2. This act applies to Gaston County only.

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



HOUSE BILL 810: Domestic Violence Fatality Review Team.

BILL ANALYSIS

Committee: House Local Government I
Date: April 17, 2001
Version: HB810-SMCSST-11v.1

Introduced by: Representative Alexander
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would establish a pilot program to review domestic violence fatalities in Mecklenburg County and a county of less than 75,000 population to be determined by the Governor's Commission on Domestic Violence.*

BILL ANALYSIS: The bill would allow a county to create a multidisciplinary domestic fatality review team (Review Team), comprised of at least 29 people, 28 of whom must meet certain specified description, to be appointed by the local board of county commissioners.

The Review Team is to identify and review domestic violence related deaths, and to facilitate communication among the various organizations to prevent future fatalities. The Review Team would review the files of fatalities resulting from domestic violence situations where the victim is 18 years of age or older, after the district attorney certifies that any criminal investigation or court action involving the case is complete. Based upon these reviews, the Review Team would make recommendations to the appropriate agencies for the prevention of future domestic violence fatalities.

The members of the Review Team would have access to confidential records, but no member of the Review Team could question the parent or any other family member of a victim whose record is being reviewed. The records would retain confidential status and not be subject to discovery or introduction into evidence, if a lawsuit arose.

The Review Team would operate for a period of 5 years, submit an interim report to the Governor's Commission on Domestic Violence by June 15, 2003, and submit a final report by June 15, 2006.

The Review Team would be created in Mecklenburg County, and in a rural county with a population of 75,000 or less, to be appointed by the Governor's Commission on Domestic Violence.

EFFECTIVE DATE: The bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 810*

PROPOSED COMMITTEE SUBSTITUTE H810-CSST-11 [v.1]

4/9/2001 12:00:29 PM

Short Title: Domestic Violence Fatality Review Team.

(Public)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC VIOLENCE FATALITIES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Domestic Violence Fatality Review Team. -- A county may establish a multidisciplinary domestic violence fatality review team to identify and review domestic violence related deaths, including homicides and suicides, and to facilitate communication among the various agencies and organizations involved in domestic violence cases to prevent future fatalities.

SECTION 1.(b) Definitions. -- The following definitions apply in this act:

(1) Domestic violence fatality. -- The death of a person that is the result of an act of domestic violence as defined in G.S. 50B-1.

(2) Review Team. -- The Domestic Violence Fatality Review Team.

SECTION 1.(c) Composition. -- The Review Team shall consist of a lead agency, selected by the local board of county commissioners and responsible for organizing the review process, and any of the following members:

(1) A representative from a battered women's shelter.

(2) A representative from a victim's services group.

(3) An attorney from the local district attorney's office.

(4) Law enforcement personnel from the local police department and the county sheriff's department.

(5) An administrative representative from county management.

(6) A representative from local probation services.

(7) A local district court judge.

(8) A county medical examiner.

(9) A local attorney who represents victims of domestic violence.

(10) A magistrate.

(11) A representative from the local housing authority.

- 1 (12) A medical doctor with experience in treating domestic violence
- 2 victims.
- 3 (13) A county clerk of court.
- 4 (14) A representative from the local department of social services.
- 5 (15) A representative from an area higher education institution.
- 6 (16) A representative from a local administrative school unit.
- 7 (17) A mental health professional.
- 8 (18) A representative from the local department of public health.
- 9 (19) A city council member.
- 10 (20) A representative from an emergency services provider.
- 11 (21) A survivor of domestic violence.
- 12 (22) A county commissioner.
- 13 (23) A representative of a children's advocacy group.
- 14 (24) A local clergyman.
- 15 (25) An administrative representative from the local YWCA.
- 16 (26) A representative from the local animal control services.
- 17 (27) An administrative representative from the local Salvation Army.
- 18 (28) A volunteer from a community agency or organization.
- 19 (29) Representatives from the general public.

20 Once the lead agency identifies the members that shall constitute the Review Team, the
21 lead agency shall contact the individuals, agencies, or organizations to establish member
22 assignments.

23 **SECTION 1.(d) Powers and duties of lead agency. -- To accomplish the**
24 **purposes of this act, the lead agency shall:**

- 25 (1) Ensure the development of written operating procedures to govern the
- 26 Review Team.
- 27 (2) Maintain records of and establish procedures for conducting team
- 28 meetings, including scheduling meetings, notifying team members of
- 29 the meetings, locating meeting places, preparing agendas, and
- 30 recording meeting minutes.
- 31 (3) Designate cases for review.
- 32 (4) Maintain records and data collected by team members related to
- 33 domestic violence fatalities in the county.
- 34 (5) Provide structured training and education for team members on
- 35 domestic violence related topics.
- 36 (6) Compile and submit reports of Review Team activities as required by
- 37 the Governor's Commission on Domestic Violence.

38 **SECTION 1.(e) Responsibilities of Review Team. -- The Review Team**
39 **shall:**

- 40 (1) Assist the lead agency in developing the written operating procedures
- 41 that shall govern the Review Team.

- (2) Identify methods to collect, analyze, and maintain data related to domestic violence fatalities in the county.
- (3) Develop an understanding of the causes and effects of domestic violence and a familiarity with the services currently available in the community that address domestic violence issues.
- (4) Identify areas where local government, law enforcement agencies, medical and mental health providers, and other local advocacy agencies may increase victim safety, increase public awareness, and provide the public with education and training in domestic violence related issues.
- (5) Recommend action to the appropriate agencies for the prevention of future domestic violence fatalities.

SECTION 1.(f) Responsibilities of team members. -- Individual team members are responsible for reviewing the facts and circumstances of fatalities that occur as a result of domestic violence. The team member shall review domestic violence fatalities of victims who were 18 years of age or older and all relevant historical data of the victim during the course of the victim's intimate relationship with the perpetrator of the crime. After reviewing a case, the team member shall share his or her findings with other team members to enable the Review Team to recommend the appropriate action to the local agencies or organizations. However, no member of the Review Team shall review a domestic violence fatality case while the case is under investigation by law enforcement personnel or an action is pending in criminal or civil court. A team member may review a domestic violence fatality case only after a local district attorney has signed off on the case ensuring that any investigation or court action involving the case has been completed.

SECTION 1.(g) Access to records. -- The Review Team, during its existence, shall have access to all medical records, hospital records, and records maintained by the county or any local agency as necessary to carry out the purposes of this act, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. The Review Team shall not, as part of the reviews authorized under this act, contact, question, or interview the parent of the victim or any other family member of the victim whose record is being reviewed.

SECTION 1.(h) Meetings. -- The Review Team may hold periodic public meetings to discuss, in a general manner without revealing confidential information about victims and their families, the findings of their reviews and their recommendations for preventive actions. Minutes of all public meetings, excluding those of executive sessions, shall be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or any other information generated during any closed session shall be sealed from public inspection.

SECTION 1.(i) Confidentiality; Immunity. -- All otherwise confidential information and records acquired by the Review Team, during its existence and in the

1 exercise of its duties, shall: (i) be confidential; (ii) not be subject to discovery or
2 introduction into evidence in any proceedings; and (iii) only be disclosed as necessary
3 to carry out the purposes of the Review Team. No member of the Review Team, nor any
4 person who attends a meeting of the Review Team, may testify in any proceeding about
5 what transpired at the meeting, about information presented at the meeting, or about
6 opinions formed by the person as a result of the meeting. However, this section shall
7 not prohibit a person from testifying in a civil or criminal action about matters within
8 that person's independent knowledge.

9 Each member of the Review Team and any invited participants shall sign a
10 statement indicating an understanding of and adherence to confidentiality requirements,
11 including the possible civil or criminal consequences of any breach of confidentiality.

12 Access to criminal investigative reports and criminal intelligence information
13 of public law enforcement agencies and confidential information in the possession of
14 the Review Team shall be governed by G.S. 132-1.4 and Section 1(g) of this act
15 respectively. Nothing herein shall be deemed to require the disclosure or release of any
16 information in the possession of a district attorney.

17 **SECTION 2.** Counties establishing review teams pursuant to this act shall
18 operate for a period of five years from the date this act becomes effective.

19 **SECTION 3.** Each Review Team established pursuant to this act shall issue
20 an interim report to the Governor's Commission on Domestic Violence summarizing its
21 findings and activities by June 15, 2003, and a final report with recommendations for
22 action by June 15, 2006. The reports shall not identify the specific cases or case reviews
23 that led to the individual Review Team's findings and recommendations.

24 **SECTION 4.** This act shall not be construed to obligate the General
25 Assembly to appropriate funds to implement the provisions of this act.

26 **SECTION 5.** This act applies to Mecklenburg County and one rural county
27 with a population of 75,000 or less, to be selected by the Governor's Commission on
28 Domestic Violence, only.

29 **SECTION 6.** This act is effective when it becomes law.
30

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 810*

Short Title: Domestic Violence Fatality Review Team.

(Local)

Sponsors: Representatives Alexander; Boyd-McIntyre, Cunningham, Earle, Easterling, Gulley, Harrington, Insko, Jarrell, McMahan, Rayfield, Saunders, Wainwright, and C. Wilson.

Referred to: Local Government I.

March 26, 2001

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC
3 VIOLENCE FATALITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Domestic Violence Fatality Review Team. -- A county may
6 establish a multidisciplinary domestic violence fatality review team to identify and
7 review domestic violence related deaths, including homicides and suicides, and to
8 facilitate communication among the various agencies and organizations involved in
9 domestic violence cases to prevent future fatalities.

10 **SECTION 1.(b)** Definitions. -- The following definitions apply in this act:

11 (1) Domestic violence fatality. -- The death of a person that is the result of
12 an act of domestic violence as defined in G.S. 50B-1.

13 (2) Review Team. -- The Domestic Violence Fatality Review Team.

14 **SECTION 1.(c)** Composition. -- The Review Team shall consist of a lead
15 agency, selected by the local board of county commissioners and responsible for
16 organizing the review process, and any of the following members:

17 (1) A representative from a battered women's shelter.

18 (2) A representative from a victim's services group.

19 (3) An attorney from the local district attorney's office.

20 (4) Law enforcement personnel from the local police department and the
21 county sheriff's department.

22 (5) An administrative representative from county management.

23 (6) A representative from local probation services.

24 (7) A local district court judge.

25 (8) A county medical examiner.

26 (9) A local attorney who represents victims of domestic violence.

- 1 (10) A magistrate.
- 2 (11) A representative from the local housing authority.
- 3 (12) A medical doctor with experience in treating domestic violence
- 4 victims.
- 5 (13) A county clerk of court.
- 6 (14) A representative from the local department of social services.
- 7 (15) A representative from an area higher education institution.
- 8 (16) A representative from a local administrative school unit.
- 9 (17) A mental health professional.
- 10 (18) A representative from the local department of public health.
- 11 (19) A city council member.
- 12 (20) A representative from an emergency services provider.
- 13 (21) A survivor of domestic violence.
- 14 (22) A county commissioner.
- 15 (23) A representative of a children's advocacy group.
- 16 (24) A local clergyman.
- 17 (25) An administrative representative from the local YWCA.
- 18 (26) A representative from the local animal control services.
- 19 (27) An administrative representative from the local Salvation Army.
- 20 (28) A volunteer from a community agency or organization.
- 21 (29) Representatives from the general public.

22 Once the lead agency identifies the members that shall constitute the Review Team, the
23 lead agency shall contact the individuals, agencies, or organizations to establish member
24 assignments.

25 **SECTION 1.(d)** Powers and duties of lead agency. -- To accomplish the
26 purposes of this act, the lead agency shall:

- 27 (1) Ensure the development of written operating procedures to govern the
- 28 Review Team.
- 29 (2) Maintain records of and establish procedures for conducting team
- 30 meetings, including scheduling meetings, notifying team members of
- 31 the meetings, locating meeting places, preparing agendas, and
- 32 recording meeting minutes.
- 33 (3) Designate cases for review.
- 34 (4) Maintain records and data collected by team members related to
- 35 domestic violence fatalities in the county.
- 36 (5) Provide structured training and education for team members on
- 37 domestic violence related topics.
- 38 (6) Compile and submit reports of Review Team activities as required by
- 39 the Governor's Commission on Domestic Violence.

40 **SECTION 1.(e)** Responsibilities of Review Team. -- The Review Team
41 shall:

- 42 (1) Assist the lead agency in developing the written operating procedures
- 43 that shall govern the Review Team.

- (2) Identify methods to collect, analyze, and maintain data related to domestic violence fatalities in the county.
- (3) Develop an understanding of the causes and effects of domestic violence and a familiarity with the services currently available in the community that address domestic violence issues.
- (4) Identify areas where local government, law enforcement agencies, medical and mental health providers, and other local advocacy agencies may increase victim safety, increase public awareness, and provide the public with education and training in domestic violence related issues.
- (5) Recommend action to the appropriate agencies for the prevention of future domestic violence fatalities.

SECTION 1.(f) Responsibilities of team members. -- Individual team members are responsible for reviewing the facts and circumstances of fatalities that occur as a result of domestic violence. The team member shall review domestic violence fatalities of victims who were 18 years of age or older and all relevant historical data of the victim during the course of the victim's intimate relationship with the perpetrator of the crime. After reviewing a case, the team member shall share his or her findings with other team members to enable the Review Team to recommend the appropriate action to the local agencies or organizations. However, no member of the Review Team shall review a domestic violence fatality case while the case is under investigation by law enforcement personnel or an action is pending in criminal or civil court. A team member may review a domestic violence fatality case only after a local district attorney has signed off on the case ensuring that any investigation or court action involving the case has been completed.

SECTION 1.(g) Access to records. -- The Review Team, during its existence, shall have access to all medical records, hospital records, and records maintained by the county or any local agency as necessary to carry out the purposes of this act, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. The Review Team shall not, as part of the reviews authorized under this act, contact, question, or interview the parent of the victim or any other family member of the victim whose record is being reviewed.

SECTION 1.(h) Meetings. -- The Review Team may hold periodic public meetings to discuss, in a general manner without revealing confidential information about victims and their families, the findings of their reviews and their recommendations for preventive actions. Minutes of all public meetings, excluding those of executive sessions, shall be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or any other information generated during any closed session shall be sealed from public inspection.

SECTION 1.(i) Confidentiality; Immunity. -- All otherwise confidential information and records acquired by the Review Team, during its existence and in the exercise of its duties, shall: (i) be confidential; (ii) not be subject to discovery or introduction into evidence in any proceedings; and (iii) only be disclosed as necessary

1 to carry out the purposes of the Review Team. No member of the Review Team, nor any
2 person who attends a meeting of the Review Team, may testify in any proceeding about
3 what transpired at the meeting, about information presented at the meeting, or about
4 opinions formed by the person as a result of the meeting. However, this section shall
5 not prohibit a person from testifying in a civil or criminal action about matters within
6 that person's independent knowledge.

7 Each member of the Review Team and any invited participants shall sign a
8 statement indicating an understanding of and adherence to confidentiality requirements,
9 including the possible civil or criminal consequences of any breach of confidentiality.

10 **SECTION 2.** Counties establishing review teams pursuant to this act shall
11 operate for a period of five years from the date this act becomes effective.

12 **SECTION 3.** Each Review Team established pursuant to this act shall issue
13 an interim report to the Governor's Commission on Domestic Violence summarizing its
14 findings and activities by June 15, 2003, and a final report with recommendations for
15 action by June 15, 2006. The reports shall not identify the specific cases or case reviews
16 that led to the individual Review Team's findings and recommendations.

17 **SECTION 4.** This act shall not be construed to obligate the General
18 Assembly to appropriate funds to implement the provisions of this act.

19 **SECTION 5.** This act applies to Mecklenburg County and one rural county
20 with a population of 75,000 or less, to be selected by the Governor's Commission on
21 Domestic Violence, only.

22 **SECTION 6.** This act is effective when it becomes law.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

April 18, 2001

The House Committee on Local Government I met on Wednesday, April 18, 2001, in Room 425 of the Legislative Office Building at 10:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hensley, Hill, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order.

The first order of business was **HB 172, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CARTERET**. Representative Smith, bill sponsor, was recognized and offered a committee substitute. Representative Saunders moved for adoption of the committee substitute; the motion passed and it was properly before the committee for discussion. Representative Saunders then moved for a favorable report to the committee substitute, unfavorable as to the original bill. The motion carried.

The next order of business was **HB 616, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF ATLANTIC BEACH**. Representative Smith, bill sponsor, was again recognized to explain the bill and offered a committee substitute. Representative Saunders moved for adoption of the committee substitute; the motion carried and committee substitute was properly before the committee for discussion. Representative Saunders then moved for a favorable report as to the committee substitute, unfavorable as to the original bill and re-refer to the committee on Finance. The motion carried.

The next order of business was **HB 935, A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES**. Representative Daughtry, bill sponsor, was recognized to explain the bill. After some committee discussion, Representative Ellis moved for a favorable report. The motion carried.

The next order of business was **HB 658, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ROCKY MOUNT**. Representative Arnold, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Saunders moved for adoption; the motion carried and the committee substitute was properly before the committee for discussion. After some questions from members, Representative Decker moved to give the committee substitute a favorable report, unfavorable to the original bill. The motion carried.

The next order of business was **HB 819, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKINGHAM**. Representative Goodwin, bill sponsor, was recognized to explain the bill and offered an amendment. Representative Saunders moved for adoption of the amendment; the motion carried. Representative Saunders then moved to roll the amendment into a committee substitute and to give the committee substitute a favorable report, unfavorable as to the original bill. The motion carried.

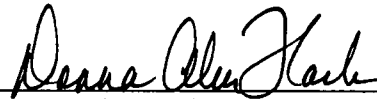
The next order of business was HB 894. Representative Hensley, bill sponsor, requested the bill be pulled from the day's calendar.

The last order of business was **HB 810, A BILL TO BE ENTITLED AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC VIOLENCE FATALITIES**. Representative Alexander, bill sponsor, was recognized and offered a committee substitute. Representative Saunders moved for adoption; the motion carried and the committee substitute was properly before the committee for discussion. Representative Alexander spoke to members briefly and then asked Ms. Brenda Edwards, Division of Public Health, Local Child Fatality Prevention, to answer some of the members questions relating to privacy and procedure. Representative Hensley was recognized and had several concerns with the bill. Finally, the chairman stopped the discussion and appointed a sub-committee to look at the bill. He appointed Representative Saunders to Chair, and Representatives Adams and Hensley.

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



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration

Agenda

HB 172, Committee Sub & Summary

HB 616, Committee Sub & Summary

HB 935 & Summary

HB 658, Committee Sub & Summary

HB 819, Committee Sub & Summary

HB 894

HB 810, Committee Sub & Summary

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**April 18, 2001
Room 425 LOB
10:00 AM**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 172 CARTERET COUNTY LOCAL ACT-1
REP. SMITH**

**HB 616 ATLANTIC BEACH LOCAL ACT
REP. SMITH**

**HB 935 FACILITATE SCHOOL CONSTRUCTION
REP. DAUGHTRY**

**HB 658 ROCKY MOUNT LOCAL ACT
REP. ARNOLD**

**HB 819 ROCKINGHAM CHARTER AMENDMENTS
REP. GOODWIN**

**HB 894 GARNER TREE ORDINANCE -2
REP. HENSLEY**

**HB 810 DOMESTIC VIOLENCE FATALITY REVIEW TEAM
REP. ALEXANDER**

ADJOURNMENT

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

Name of Committee

4/18/01
DateVISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jim Casby	Johnston Co. Schools
Ray DeBruhl	The Public Facilities Group
Tim ...	NC Home Builders Assn
Estherine ...	Electric Cities of NC Inc
Henry Jones	Attorney - Raleigh
Carole Lawler	EGHS
BREND Bass	TOWN OF GARNER
John Phelps	NCLM
Brenda Edwards	Div. of Public Health - Local Child Fatality Prevention
Brian Francis	Mecklenburg County
B. ...	NCMBA

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

Name of Committee

4/18/01
Date

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 172 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CARTERET.

☐ 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.

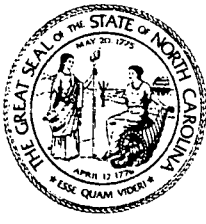
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 172: Cedar Point No-Wake Zone

BILL ANALYSIS

Committee: House Bill 172
Date: April 18, 2001
Version: Proposed Committee Substitute

Introduced by: Rep. Smith
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 172 would establish a no-wake zone on the intercoastal waterway within the corporate limits and ETJ of the Town of Cedar Point in Carteret County.*

BILL ANALYSIS: House Bill 172 would establish a no-wake zone for vessels operating on the intercoastal waterway within the corporate limits and extraterritorial planning and zoning jurisdiction of the Town of Cedar Point in Carteret County. The Town would be authorized to place markers designating the no-wake zone. The no-wake zone would be enforceable by Wildlife Resources Commission Officers. Violation of the no-wake zone would constitute a Class 3 misdemeanor (1-10 day community penalty and a maximum \$200 fine for a first offense)

House Bill 172 would become effective when it becomes law, and enforceable after no-wake markers are placed.

H172-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 172
PROPOSED COMMITTEE SUBSTITUTE H172-PCS3393-RW-18

Short Title: Cedar Point No-Wake Zone.

(Local)

Sponsors:

Referred to:

February 20, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CEDAR
3 POINT AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL
4 JURISDICTION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. It is unlawful to operate a vessel at greater than no-wake speed
7 on the waters of the Intracoastal Waterway within the corporate limits of the Town of
8 Cedar Point and the Town's extraterritorial jurisdiction under G.S. 160A-360.

9 SECTION 2. With regard to marking the no-wake speed zone established in
10 Section 1 of this act, the Town of Cedar Point or its designee may place and maintain
11 markers in accordance with the Uniform Waterway Marking System and any
12 supplementary standards for that system adopted by the Wildlife Resources
13 Commission. All markers of the no-wake speed zone shall be buoys or floating signs
14 placed in the water and shall be sufficient in number and size so as to give adequate
15 warning of the no-wake speed zone to vessels approaching from various 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 this act is a Class 3 misdemeanor.

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

H172

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE DRH3035-BL-31 (02/08)

Short Title: Carteret County Local Act-1.

(Local)

Sponsors: Representative Smith.

Referred to:

- 1 A BILL TO BE ENTITLED
- 2 AN ACT RELATING TO THE COUNTY OF CARTERET.
- 3 The General Assembly of North Carolina enacts:
- 4 SECTION 1. This act relates to Carteret County only.
- 5 SECTION 2. This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

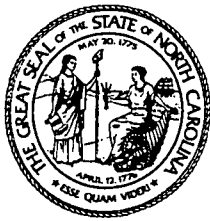
By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 616 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF ATLANTIC BEACH.

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

2/15/01



HOUSE BILL 616: Atlantic Beach Annexation.

BILL ANALYSIS

Committee: House Local Government I
Date: April 18, 2001
Version: HB658-CSST-16v1

Introduced by: Representative Smith
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would permit the Town of Atlantic Beach to annex certain properties without the properties having to meet the statutory requirements for annexation, effective when it becomes law.*

CURRENT LAW: To be annexed by a municipality with a population under 5,000 people, property conform to all of the following standards:

1. The area proposed to be annexed must be adjacent or contiguous to the municipality's boundaries.
2. At least 1/8 of the aggregate external boundaries of the area must coincide with the municipal boundary.
3. No part of the area may be included within the boundary of another incorporated municipality.

G.S. 160A-36(b).

In addition to the requirements concerning the character of the area stated above, the area must also be "developed for urban purposes" by meeting one of several standards concerning population, density, and development. G.S. 160A-36(c).

BILL ANALYSIS: The bill would authorize the Town of Atlantic Beach to annex areas, without those areas having to meet the statutory requirements described above, that as of January 1, 2001, were either:

1. Totally surrounded by the existing municipal limits of Atlantic Beach **or**
2. Totally surrounded by the existing municipal limits of Atlantic Beach and abutted on the remaining boundaries by a waterway of the State (Bogue Sound).

In order to execute the annexation, the Town must do all of the following:

- Hold a public hearing on the annexation after providing the public with at least 10 days notice of the hearing.
- Find that the annexation is necessary for the orderly growth and development of the Town.
- Adopt the annexation ordinance before December 31, 2002.

BACKGROUND: House Bill 633, introduced this session, grants the same authority to the City of Archdale. Currently, the bill is in Senate Finance after having passed the House.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 616

PROPOSED COMMITTEE SUBSTITUTE H616-PCS7195-ST-16

Short Title: Atlantic Beach Annexation.

(Local)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF ATLANTIC BEACH TO ANNEX
CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE
CORPORATE LIMITS AND OTHER CERTAIN AREAS WITHIN THE
CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 160A-36, the Town of Atlantic Beach may adopt ordinances annexing property that, on January 1, 2001, was either completely enclosed by the corporate limits of the Town or completely enclosed by the corporate limits of the Town and the waterways of the State, if the Town does the following:

- (1) Fixes a date for a public hearing on the annexation and publishes notice of the public hearing at least 10 days before the date of the hearing.
- (2) Makes a finding based upon circumstances and evidence satisfactory to the Town Council that the annexation is necessary for the orderly growth and development of the Town.

SECTION 2. The procedure for recording any annexation under this act is as provided in G.S. 160A-39.

SECTION 3. Any annexation ordinance adopted by the Town Council under this act shall be adopted before December 31, 2002.

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

#616

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE DRH8094-BL-278 (03/13)

Short Title: Atlantic Beach Local Act.

(Local)

Sponsors: Representative Smith.

Referred to:

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF ATLANTIC BEACH.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** This act relates to the Town of Atlantic Beach only.
5 **SECTION 2.** This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 935 A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

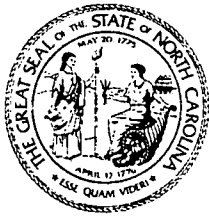
☐ With an indefinite postponement report, with a Minority Report attached.

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

2/15/01

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.



HOUSE BILL 935: Facilitate School Construction/Johnston County

BILL ANALYSIS

Committee: House Local Government I
Date: April 18, 2001
Version: First edition

Introduced by: Representative Daughtry
Summary by: Kristen Crosson
Committee Staff

SUMMARY: *House Bill 935 changes S.L. 1997-37 by extending the application to Four Oaks Middle School and correcting the spelling of Johnston County.*

CURRENT LAW: Under Article 8 of Chapter 143 of the General Statutes, local school administrative units must use a competitive bidding process in building a school.

BILL ANALYSIS: House Bill 935 authorizes the Johnston Board of Education (Board) overseeing Four Oaks Middle School to select and negotiate with separate prime contractors if the Board determines that using the selection and negotiations process instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule.

The Board must report to the General Assembly the net price per square foot for each project at the completion of each project.

BACKGROUND: House Bill 740, now S.L. 199-37, initially authorized this selections and negotiations process to be used for a elementary school at McGee's Crossroads, an elementary school in Benson, and an elementary/middle school in West Johnston County.

This type of legislation has been passed for the Transylvania County Board of Education (S.L. 1999-53) and the Board of Commissioners of Cabarrus County and the Cabarrus County Board of Education (S.L. 2000-85).

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 935

Short Title: Facilitate School Construction/Johnston County. (Local)

Sponsors: Representative Daughtry.

Referred to: Local Government I.

March 29, 2001

A BILL TO BE ENTITLED
AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH
THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 1997-37 reads as rewritten:

"Section 2. This act shall apply to construction of an elementary school at McGee's Crossroads, an elementary school in Benson, and an elementary/middle school in West ~~Johnson~~ Johnston County, and Four Oaks Middle School. The ~~Johnson~~ Johnston County Board of Education shall report to the General Assembly the net price per square foot for each project at the completion of each project."

SECTION 2. Section 3 of S.L. 1997-37 reads as rewritten:

"Section 3. This act is effective when it becomes law and expires on June 30, ~~2000~~ 2002."

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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 658 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ROCKY MOUNT.

☐ 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.

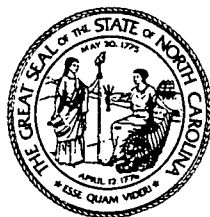
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 658: Rocky Mount Police Officer Residency.

BILL ANALYSIS

Committee: House Local Government i
Date: April 18, 2001
Version: HB658-CSLB-8v1

Introduced by: Representative Arnold
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would remove from the Charter of Rocky Mount the requirement that police officers reside in Nash or Edgecombe Counties, effective when it becomes law.*

BILL ANALYSIS: The bill would strike from the city charter of Rocky Mount a requirement that police officers employed by the City be residents of Nash or Edgecombe County. Currently, police officers employed by the City of Rocky Mount are not required to live in the City of Rocky Mount, but are required to be a resident of Nash or Edgecombe County.

EFFECTIVE DATE: The bill would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

D

**HOUSE BILL 658
PROPOSED COMMITTEE SUBSTITUTE H658-PCS6186-LB-8**

Short Title: Rocky Mount Police Officer Residency.

(Local)

Sponsors:

Referred to:

March 19, 2001

A BILL TO BE ENTITLED

AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE
OFFICERS OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 140(a) of the Charter of the City of Rocky Mount, being Chapter 938 of the 1963 Session Laws, as amended by Chapter 427 of the 1969 Session Laws, reads as rewritten:

"(a) The City Manager shall appoint the Chief of Police. The Chief of Police, acting under the City Manager, shall appoint the other police officers of the City and shall have supervision and control of the police force and shall enforce discipline therein. ~~Police officers shall be residents of Nash or Edgecombe Counties, but need not be residents of the City.~~"

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 658

-Short Title: Rocky Mount Local Act.

(Local)

Sponsors: Representative Arnold.

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

March 19, 2001

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF ROCKY MOUNT.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** This act relates to the City of Rocky Mount only.
5 **SECTION 2.** This act is effective when it becomes law.

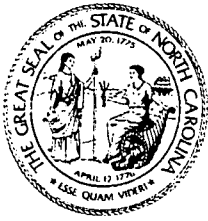
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 819 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE
CITY OF ROCKINGHAM.
- ☐ 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)

2/15/01



HOUSE BILL 819: Rockingham Charter Amendments

BILL ANALYSIS

Committee: House Local Government I
Date: April 18, 2001
Version: First Edition

Introduced by: Rep. Goodwin
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 819 would make several changes to the Charter of the City of Rockingham.*

BILL ANALYSIS: House Bill 819 would make the following changes to the City of Rockingham Charter:

Section 1 would change the terms of future council members to stagger the terms, and provide for 4 members with 4-year terms and one with a two-year term.

Section 2 would change the time of council meetings.

Section 3 would repeal a specific charter provision concerning compensation for the mayor and council, placing the City under the general law.

Section 4 would amend the duties of the city attorney.

Section 5 would change the title of the city treasurer to city finance officer, and the procedure for appointment of the finance officer.

Section 6 would repeal a provision concerning consolidation of certain city offices.

Section 7 would repeal a specific provision concerning settlement of claims, placing the City under the general law.

House Bill 819 would become effective when it becomes law.

H819-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 819
PROPOSED COMMITTEE SUBSTITUTE H819-PCS5205-RW-19

Short Title: Rockingham Charter Amendments.

(Local)

Sponsors:

Referred to:

March 27, 2001

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKINGHAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.1(f) of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended by Chapter 698 of the 1995 Session Laws, reads as rewritten:

"(f) The city council shall consist of five (5) members. ~~In the regular municipal election in 1995 and quadrennially thereafter, three candidates shall be elected for four-year terms. In the regular municipal election in 1997 and quadrennially thereafter, two candidates shall be elected for four-year terms.~~ In 2003, two candidates shall be elected for four-year terms and one candidate shall be elected for a two-year term. In 2005, and each regular municipal election held biennially thereafter, two candidates shall be elected for four-year terms and one candidate shall be elected for a two-year term. In each election, the two candidates receiving the highest numbers of votes shall be elected for four-year terms and the one candidate receiving the third highest number of votes shall be elected for a two-year term. Members shall serve until their successors are elected and ~~qualify~~ qualified. Elections ~~are~~ shall be conducted by the nonpartisan plurality method and the results determined in accordance with G.S. 163-292."

SECTION 2. Section 4.2 of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

"Sec. 4.2. Organization of city council; oaths of office. The city council shall at 8:00 o'clock ~~7:30~~ P.M. at the regular meeting in December following the date of their election meet and organize for the transaction of official municipal business. Before entering upon their offices the councilmen shall severally take the required oath before the city clerk to perform faithfully the duties of their respective offices. Any elected councilman not present at the organization meeting may take the oath of office within ~~thirty(30)~~ 30 days, and the failure on the part of any elected councilman to take said oath within ~~thirty(30)~~ 30 days forfeits his right to the office and the council shall have the authority to fill the vacancy."

1 **SECTION 3.** Section 4.10 of the Charter of the City of Rockingham, being
2 Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

3 "Sec. 4.10. Compensation for the mayor and council. ~~The mayor shall receive for his~~
4 ~~services such salary as the council shall determine from time to time. The members of~~
5 ~~the council may establish a salary for its members. The salary of the mayor and the~~
6 ~~salaries of the council may be reduced but no increase therein shall be made to take~~
7 ~~effect during the term in which the increase is voted and such increase shall apply only~~
8 ~~to the terms of the members taking office after the next subsequent election.~~ The council
9 may fix its salary and the salary of the mayor as provided by general law."

10 **SECTION 4.** Section 6.2 of the Charter of the City of Rockingham, being
11 Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

12 "Sec. 6.2. City attorney. ~~The city attorney shall be appointed by the city council, and~~
13 ~~shall have the following duties:~~

14 (1) ~~To serve as legal advisor to the city council, the city manager, the~~
15 ~~clerk, the treasurer, the tax collector, and all city departments, officers,~~
16 ~~and agencies.~~

17 (2) ~~To represent as counsel the city, its officers, agents, or employees, in~~
18 ~~any legal action arising out of or connected with the proper functions~~
19 ~~of the city, unless disqualified so to act.~~

20 (3) ~~To draft such ordinances, resolutions, and documents as requested by~~
21 ~~the council or city manager.~~

22 city council shall appoint a city attorney licensed to practice law in North Carolina. It
23 shall be the duty of the city attorney to represent the city, advise city officials, and
24 perform other duties as required by law or as the council may prescribe."

25 **SECTION 5.** Section 6.4 of the Charter of the City of Rockingham, being
26 Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

27 "Sec. 6.4. City ~~treasurer~~ finance officer. ~~The city treasurer~~ finance officer shall be
28 appointed by the city ~~council~~ manager and shall receive and keep all moneys belonging
29 to the city and disburse the same according to law, and keep the manager advised of the
30 status of all funds. Whenever this charter or any ordinance, resolution, or other
31 document refers to the city treasurer, the reference shall be deemed to refer to the city
32 finance officer."

33 **SECTION 6.** Section 6.6 of the Charter of the City of Rockingham, being
34 Chapter 1265 of the 1973 Session Laws, as amended, is repealed.

35 **SECTION 7.** Section 17.2 of the Charter of the City of Rockingham, being
36 Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

37 "Sec. 17.2. Settlement of claims by city ~~clerk or treasurer~~ manager. The city
38 manager, as authorized by the governing body of the city, may settle claims against the
39 city for:

40 (1) ~~Personal injury or damages to property when the amount involved~~
41 ~~does not exceed the sum of \$1000.00 and does not exceed the actual~~

1 loss sustained, including loss of time, medical expenses, and any other
2 expense actually incurred.

3 (2) ~~The taking of small portions of private property which are needed for~~
4 ~~the rounding of corners at street intersections, when the amount~~
5 ~~involved in any such settlement does not exceed \$1000.00 and does~~
6 ~~not exceed the actual loss sustained. Any settlement of a claim by the~~
7 ~~city manager pursuant to this section shall constitute a complete~~
8 ~~release of the city from any and all damages sustained by the person~~
9 ~~involved in such settlement in any manner arising out of the accident~~
10 ~~occasion, or taking complained of. All such releases shall be reviewed~~
11 ~~and approved as to form by the city attorney. as provided by general~~
12 ~~law.~~"

13 **SECTION 8.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 819

Short Title: Rockingham Charter Amendments.

(Local)

Sponsors: Representative Goodwin.

Referred to: Judiciary I.

March 27, 2001

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKINGHAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.1(f) of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended by Chapter 698 of the 1995 Session Laws, reads as rewritten:

"(f) The city council shall consist of five (5) members. ~~In the regular municipal election in 1995 and quadrennially thereafter, three candidates shall be elected for four-year terms. In the regular municipal election in 1997 and quadrennially thereafter, two candidates shall be elected for four-year terms.~~ In 2003, two candidates shall be elected for four-year terms and one candidate shall be elected for a two-year term. In 2005, and each regular municipal election held biennially thereafter, two candidates shall be elected for four-year terms and one candidate shall be elected for a two-year term. In each election, the two candidates receiving the highest numbers of votes shall be elected for four-year terms and the one candidate receiving the third highest number of votes shall be elected for a two-year term. Members shall serve until their successors are elected and ~~qualify-qualified.~~ Elections ~~are~~ shall be conducted by the nonpartisan plurality method and the results determined in accordance with G.S. 163-292."

SECTION 2. Section 4.2 of the Charter of the City of Rockingham, being Chapter 1265 of the 1973 Session Laws, as amended, reads as rewritten:

"Sec. 4.2. Organization of city council; oaths of office. The city council shall at 8:00 ~~o'clock-7:30~~ P.M. at the regular meeting in December following the date of their election meet and organize for the transaction of official municipal business. Before entering upon their offices the councilmen shall severally take the required oath before the city clerk to perform faithfully the duties of their respective offices. Any elected councilman not present at the organization meeting may take the oath of office within ~~thirty(30)~~ 30 days, and the failure on the part of any elected councilman to take said

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 894*

Short Title: Garner Tree Ordinance.

(Local)

Sponsors: Representative Hensley (By Request).

Referred to: Local Government I.

March 29, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF GARNER TO ADOPT ORDINANCES
REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF
TREES AND SHRUBS WITHIN THE TOWN AND THE TOWN'S
EXTRATERRITORIAL PLANNING JURISDICTION.

The General Assembly of North Carolina enacts:

SECTION 1. In order to preserve and enhance one of the most valuable natural resources of the community and to protect the safety and welfare of its citizens, a municipality may adopt ordinances to regulate the planting, removal, and preservation of trees and shrubs on public and private property within the municipality and its extraterritorial planning jurisdiction.

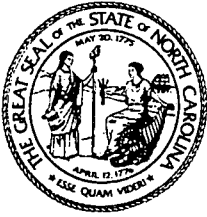
SECTION 2. Prior to adopting an ordinance authorized by Section 1 of this act, a public hearing shall be held before the municipality's governing board. Notice of the hearing shall be given in accordance with G.S. 160A-364.

SECTION 3. Sections 1 and 2 of this act shall apply only to the Town of Garner and to the areas within its extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

SECTION 4. Section 3 of S.L. 2000-108 reads as rewritten:

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

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



HOUSE BILL 810: Domestic Violence Fatality Review Team.

BILL ANALYSIS

Committee: House Local Government I
Date: April 17, 2001
Version: HB810-SMCSST-11v.1

Introduced by: Representative Alexander
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would establish a pilot program to review domestic violence fatalities in Mecklenburg County and a county of less than 75,000 population to be determined by the Governor's Commission on Domestic Violence.*

BILL ANALYSIS: The bill would allow a county to create a multidisciplinary domestic fatality review team (Review Team), comprised of at least 29 people, 28 of whom must meet certain specified description, to be appointed by the local board of county commissioners.

The Review Team is to identify and review domestic violence related deaths, and to facilitate communication among the various organizations to prevent future fatalities. The Review Team would review the files of fatalities resulting from domestic violence situations where the victim is 18 years of age or older, after the district attorney certifies that any criminal investigation or court action involving the case is complete. Based upon these reviews, the Review Team would make recommendations to the appropriate agencies for the prevention of future domestic violence fatalities.

The members of the Review Team would have access to confidential records, but no member of the Review Team could question the parent or any other family member of a victim whose record is being reviewed. The records would retain confidential status and not be subject to discovery or introduction into evidence, if a lawsuit arose.

The Review Team would operate for a period of 5 years, submit an interim report to the Governor's Commission on Domestic Violence by June 15, 2003, and submit a final report by June 15, 2006.

The Review Team would be created in Mecklenburg County, and in a rural county with a population of 75,000 or less, to be appointed by the Governor's Commission on Domestic Violence.

EFFECTIVE DATE: The bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 810*

Short Title: Domestic Violence Fatality Review Team. (Local)

Sponsors: Representatives Alexander; Boyd-McIntyre, Cunningham, Earle, Easterling, Gulley, Harrington, Insko, Jarrell, McMahan, Rayfield, Saunders, Wainwright, and C. Wilson.

Referred to: Local Government I.

March 26, 2001

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC
3 VIOLENCE FATALITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Domestic Violence Fatality Review Team. – A county may
6 establish a multidisciplinary domestic violence fatality review team to identify and
7 review domestic violence related deaths, including homicides and suicides, and to
8 facilitate communication among the various agencies and organizations involved in
9 domestic violence cases to prevent future fatalities.

10 **SECTION 1.(b)** Definitions. -- The following definitions apply in this act:

11 (1) Domestic violence fatality. – The death of a person that is the result of
12 an act of domestic violence as defined in G.S. 50B-1.

13 (2) Review Team. – The Domestic Violence Fatality Review Team.

14 **SECTION 1.(c)** Composition. -- The Review Team shall consist of a lead
15 agency, selected by the local board of county commissioners and responsible for
16 organizing the review process, and any of the following members:

17 (1) A representative from a battered women's shelter.

18 (2) A representative from a victim's services group.

19 (3) An attorney from the local district attorney's office.

20 (4) Law enforcement personnel from the local police department and the
21 county sheriff's department.

22 (5) An administrative representative from county management.

23 (6) A representative from local probation services.

24 (7) A local district court judge.

25 (8) A county medical examiner.

26 (9) A local attorney who represents victims of domestic violence.

- 1 (10) A magistrate.
- 2 (11) A representative from the local housing authority.
- 3 (12) A medical doctor with experience in treating domestic violence
- 4 victims.
- 5 (13) A county clerk of court.
- 6 (14) A representative from the local department of social services.
- 7 (15) A representative from an area higher education institution.
- 8 (16) A representative from a local administrative school unit.
- 9 (17) A mental health professional.
- 10 (18) A representative from the local department of public health.
- 11 (19) A city council member.
- 12 (20) A representative from an emergency services provider.
- 13 (21) A survivor of domestic violence.
- 14 (22) A county commissioner.
- 15 (23) A representative of a children's advocacy group.
- 16 (24) A local clergyman.
- 17 (25) An administrative representative from the local YWCA.
- 18 (26) A representative from the local animal control services.
- 19 (27) An administrative representative from the local Salvation Army.
- 20 (28) A volunteer from a community agency or organization.
- 21 (29) Representatives from the general public.

22 Once the lead agency identifies the members that shall constitute the Review Team, the
23 lead agency shall contact the individuals, agencies, or organizations to establish member
24 assignments.

25 **SECTION 1.(d)** Powers and duties of lead agency. -- To accomplish the
26 purposes of this act, the lead agency shall:

- 27 (1) Ensure the development of written operating procedures to govern the
- 28 Review Team.
- 29 (2) Maintain records of and establish procedures for conducting team
- 30 meetings, including scheduling meetings, notifying team members of
- 31 the meetings, locating meeting places, preparing agendas, and
- 32 recording meeting minutes.
- 33 (3) Designate cases for review.
- 34 (4) Maintain records and data collected by team members related to
- 35 domestic violence fatalities in the county.
- 36 (5) Provide structured training and education for team members on
- 37 domestic violence related topics.
- 38 (6) Compile and submit reports of Review Team activities as required by
- 39 the Governor's Commission on Domestic Violence.

40 **SECTION 1.(e)** Responsibilities of Review Team. -- The Review Team
41 shall:

- 42 (1) Assist the lead agency in developing the written operating procedures
- 43 that shall govern the Review Team.

- (2) Identify methods to collect, analyze, and maintain data related to domestic violence fatalities in the county.
- (3) Develop an understanding of the causes and effects of domestic violence and a familiarity with the services currently available in the community that address domestic violence issues.
- (4) Identify areas where local government, law enforcement agencies, medical and mental health providers, and other local advocacy agencies may increase victim safety, increase public awareness, and provide the public with education and training in domestic violence related issues.
- (5) Recommend action to the appropriate agencies for the prevention of future domestic violence fatalities.

SECTION 1.(f) Responsibilities of team members. -- Individual team members are responsible for reviewing the facts and circumstances of fatalities that occur as a result of domestic violence. The team member shall review domestic violence fatalities of victims who were 18 years of age or older and all relevant historical data of the victim during the course of the victim's intimate relationship with the perpetrator of the crime. After reviewing a case, the team member shall share his or her findings with other team members to enable the Review Team to recommend the appropriate action to the local agencies or organizations. However, no member of the Review Team shall review a domestic violence fatality case while the case is under investigation by law enforcement personnel or an action is pending in criminal or civil court. A team member may review a domestic violence fatality case only after a local district attorney has signed off on the case ensuring that any investigation or court action involving the case has been completed.

SECTION 1.(g) Access to records. -- The Review Team, during its existence, shall have access to all medical records, hospital records, and records maintained by the county or any local agency as necessary to carry out the purposes of this act, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records. The Review Team shall not, as part of the reviews authorized under this act, contact, question, or interview the parent of the victim or any other family member of the victim whose record is being reviewed.

SECTION 1.(h) Meetings. -- The Review Team may hold periodic public meetings to discuss, in a general manner without revealing confidential information about victims and their families, the findings of their reviews and their recommendations for preventive actions. Minutes of all public meetings, excluding those of executive sessions, shall be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or any other information generated during any closed session shall be sealed from public inspection.

SECTION 1.(i) Confidentiality; Immunity. -- All otherwise confidential information and records acquired by the Review Team, during its existence and in the

1 exercise of its duties, shall: (i) be confidential; (ii) not be subject to discovery or
2 introduction into evidence in any proceedings; and (iii) only be disclosed as necessary
3 to carry out the purposes of the Review Team. No member of the Review Team, nor any
4 person who attends a meeting of the Review Team, may testify in any proceeding about
5 what transpired at the meeting, about information presented at the meeting, or about
6 opinions formed by the person as a result of the meeting. However, this section shall
7 not prohibit a person from testifying in a civil or criminal action about matters within
8 that person's independent knowledge.

9 Each member of the Review Team and any invited participants shall sign a
10 statement indicating an understanding of and adherence to confidentiality requirements,
11 including the possible civil or criminal consequences of any breach of confidentiality.

12 Access to criminal investigative reports and criminal intelligence information
13 of public law enforcement agencies and confidential information in the possession of
14 the Review Team shall be governed by G.S. 132-1.4 and Section 1(g) of this act
15 respectively. Nothing herein shall be deemed to require the disclosure or release of any
16 information in the possession of a district attorney.

17 **SECTION 2.** Counties establishing review teams pursuant to this act shall
18 operate for a period of five years from the date this act becomes effective.

19 **SECTION 3.** Each Review Team established pursuant to this act shall issue
20 an interim report to the Governor's Commission on Domestic Violence summarizing its
21 findings and activities by June 15, 2003, and a final report with recommendations for
22 action by June 15, 2006. The reports shall not identify the specific cases or case reviews
23 that led to the individual Review Team's findings and recommendations.

24 **SECTION 4.** This act shall not be construed to obligate the General
25 Assembly to appropriate funds to implement the provisions of this act.

26 **SECTION 5.** This act applies to Mecklenburg County and one rural county
27 with a population of 75,000 or less, to be selected by the Governor's Commission on
28 Domestic Violence, only.

29 **SECTION 6.** This act is effective when it becomes law.
30

MINUTES

LOCAL GOVERNMENT I SUBCOMMITTEE FOR HB 810

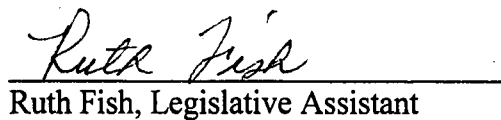
April 23, 2001

The Local Government I Subcommittee for HB 810 met at 5:00 P.M. on April 23, 2001, in Room 2217 of the Legislative Building. Members present were Representative Drew Saunders, Chair and Representative Hensley. Erika Churchill, Staff Counsel, was also in attendance.

Brian Francis of Mecklenburg County was present, as requested by bill sponsor, Rep. Alexander, to explain **HB 810 AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC VIOLENCE FACILITIES**. It was agreed to consider a proposed committee substitute bill. (See attachment #1.) A discussion followed the explanation, and Rep. Hensley made a motion to amend the committee substitute bill to authorize the Legislative Research Commission to create a study committee to study a domestic violence fatality review team and to report the bill back to the full Local Government I Committee. A vote was taken on the motion, and the motion was approved. The subcommittee requested that Ms. Churchill prepare a new proposed committee substitute, which would include the amendment. (See Attachment #2.)

The meeting adjourned at 5:45 P.M.


Representative Drew Saunders, Chair


Ruth Fish, Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 810*
PROPOSED COMMITTEE SUBSTITUTE H810-CSST-11 [v.5]

4/23/2001 10:15:50 AM

Short Title: Domestic Violence Fatality Review Team.

(Public)

Sponsors:

Referred to:

March 26, 2001

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC
3 VIOLENCE FATALITIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) Domestic Violence Fatality Review Team. -- A county may
6 establish a multidisciplinary domestic violence fatality review team to identify and
7 review domestic violence related deaths, including homicides and suicides, and to
8 facilitate communication among the various agencies and organizations involved in
9 domestic violence cases to prevent future fatalities.

10 SECTION 1.(b) Definitions. -- The following definitions apply in this act:

11 (1) Domestic violence fatality. -- The death of a person that is the result of
12 an act of domestic violence as defined in G.S. 50B-1.

13 (2) Review Team. -- The Domestic Violence Fatality Review Team.

14 SECTION 1.(c) Composition. -- The Review Team shall consist of a lead
15 agency, selected by the local board of county commissioners, and no more than 10
16 members, representing:

17 (1) A representative from a victim's services group.

18 (2) An attorney from the local district attorney's office.

19 (3) Local law enforcement personnel.

20 (4) A local elected official.

21 (5) A local attorney who represents victims of domestic violence.

22 (6) A local attorney who represents alleged perpetrators of domestic
23 violence.

24 (7) A magistrate.

25 (8) A representative from an emergency services provider.

26 (9) A survivor of domestic violence.

27 (10) A representative of a local human services agency.

28 SECTION 1.(d) Powers and duties of lead agency. -- To accomplish the
29 purposes of this act, the lead agency shall:

- (1) Contact the individuals, agencies, or organizations to establish member assignments.
- (2) Ensure the development of written operating procedures to govern the Review Team.
- (3) Maintain records of and establish procedures for conducting team meetings, including scheduling meetings, notifying team members of the meetings, locating meeting places, preparing agendas, and recording meeting minutes.
- (4) Designate cases for review.
- (5) Collect, distribute, and maintain records and data used by team members related to domestic violence fatalities in the county.
- (6) Distribute case records to team members, after redacting all identifying information from the records and data.
- (7) Provide structured training and education for team members on domestic violence related topics.
- (8) Compile and submit reports of Review Team activities as required by the Governor's Commission on Domestic Violence.

SECTION 1.(e) Responsibilities of Review Team. -- The Review Team

shall:

- (1) Assist the lead agency in developing the written operating procedures that shall govern the Review Team.
- (2) Identify methods to collect, analyze, and maintain data related to domestic violence fatalities in the county.
- (3) Develop an understanding of the causes and effects of domestic violence and a familiarity with the services currently available in the community that address domestic violence issues.
- (4) Identify areas where local government, law enforcement agencies, medical and mental health providers, and other local advocacy agencies may increase victim safety, increase public awareness, and provide the public with education and training in domestic violence related issues.
- (5) Recommend action to the appropriate agencies for the prevention of future domestic violence fatalities.

SECTION 1.(f) Responsibilities of team members. -- Individual team members are responsible for reviewing the facts and circumstances of fatalities that occur as a result of domestic violence. The team member shall review domestic violence fatalities of victims who were 18 years of age or older and all relevant historical data of the victim during the course of the victim's intimate relationship with the perpetrator of the crime. After reviewing a case, the team member shall share his or her findings with other team members to enable the Review Team to recommend the appropriate action to the local agencies or organizations. However, no member of the Review Team shall review a domestic violence fatality case while the case is under investigation by law

1 enforcement personnel or an action is pending in criminal or civil court. A team
2 member may review a domestic violence fatality case only after a local district attorney
3 has signed off on the case ensuring that any investigation or court action involving the
4 case has been completed.

5 **SECTION 1.(g)** Access to records. -- The Review Team, during its
6 existence, shall have access to all medical records, hospital records, and records
7 maintained by the county or any local agency as necessary to carry out the purposes of
8 this act, including police investigations data, medical examiner investigative data, health
9 records, mental health records, and social services records. All of these records shall be
10 released to the lead agency, who shall redact all identifying information from the
11 records before distributing copies to the team members. The lead agency shall maintain
12 one complete set of un-redacted records in each case file. The Review Team shall not,
13 as part of the reviews authorized under this act, contact, question, or interview the
14 parent of the victim or any other family member of the victim whose record is being
15 reviewed.

16 **SECTION 1.(h)** Meetings. -- The Review Team may hold periodic public
17 meetings to discuss, in a general manner without revealing confidential information
18 about victims and their families, the findings of their reviews and their
19 recommendations for preventive actions. Minutes of all public meetings, excluding
20 those of executive sessions, shall be kept in compliance with Article 33C of Chapter
21 143 of the General Statutes. Any minutes or any other information generated during any
22 closed session shall be sealed from public inspection.

23 **SECTION 1.(i)** Confidentiality; Immunity. -- All otherwise confidential
24 information and records acquired by the Review Team, during its existence and in the
25 exercise of its duties, shall: (i) be confidential; (ii) not be subject to discovery or
26 introduction into evidence in any proceedings; and (iii) only be disclosed as necessary
27 to carry out the purposes of the Review Team. This section shall not prohibit a person
28 from testifying in a civil or criminal action about matters within that person's
29 independent knowledge.

30 Each member of the Review Team and any invited participants shall sign a
31 statement indicating an understanding of and adherence to confidentiality requirements,
32 including the possible civil or criminal consequences of any breach of confidentiality.

33 Access to criminal investigative reports and criminal intelligence information
34 of public law enforcement agencies and confidential information in the possession of
35 the Review Team shall be governed by G.S. 132-1.4 and Section 1(g) of this act
36 respectively. Nothing herein shall be deemed to require the disclosure or release of any
37 information in the possession of a district attorney.

38 **SECTION 2.** Counties establishing review teams pursuant to this act shall
39 operate for a period of five years from the date this act becomes effective.

40 **SECTION 3.** Each Review Team established pursuant to this act shall issue
41 an interim report to the Governor's Commission on Domestic Violence summarizing its
42 findings and activities by June 15, 2003, and a final report with recommendations for

1 action by June 15, 2006. The reports shall not identify the specific cases or case reviews
2 that led to the individual Review Team's findings and recommendations.

3 **SECTION 4.** This act shall not be construed to obligate the General
4 Assembly to appropriate funds to implement the provisions of this act.

5 **SECTION 5.** This act applies to Mecklenburg County and one rural county
6 with a population of 75,000 or less, to be selected by the Governor's Commission on
7 Domestic Violence, only.

8 **SECTION 6.** This act is effective when it becomes law.
9

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 810*

PROPOSED COMMITTEE SUBSTITUTE H810-CSST-11 [v.8]

4/23/2001 8:55:53 PM

Short Title: Study Domestic Violence Fatality Review Team.

(Public)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
CREATE A STUDY COMMITTEE TO STUDY A DOMESTIC VIOLENCE
FATALITY REVIEW TEAM.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission may create a Study Committee to study the feasibility of a multidisciplinary domestic violence fatality review team that identifies and reviews domestic violence related deaths, including homicides and suicides, and facilitates communication among the various agencies and organizations involved in domestic violence cases to prevent future fatalities. The Committee may be composed of ten members, as follows: the President Pro Tempore of the Senate may appoint five members and the Speaker of the House of Representatives may appoint five members.

SECTION 2. This study may include:

- (a) Examination of the composition of a Domestic Violence Fatality Review Team, including the designation of a lead agency to act as staff to the Review Team.
- (b) Examination of the powers and duties of lead agency.
- (c) Examination of the responsibilities of Review Team.
- (d) Examination of the responsibilities of team members.
- (e) Examination of access to confidential and public records, and the maintenance of the records collected.
- (f) Examination of meetings and the applicability of the Open Meetings Law.
- (g) Examination of confidentiality and immunity.
- (h) Determination of length of operation of review teams.
- (i) Issuance of an interim report and a final report.

SECTION 3. The Committee may make a final report of its findings and recommendations to the 2002 Short Session of the 2001 General Assembly.

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

2001

**HOUSE
LOCAL GOVERNMENT I**

MINUTES

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

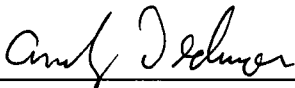
MINUTES

April 24, 2001

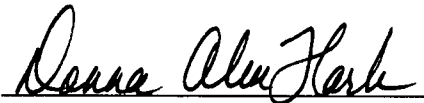
The House Committee on Local Government I met around the chamber desk of Chairman Dedmon, immediately following the adjournment of the House session on Tuesday, April 24, 2001. The chair called the meeting to order and the following members were present: Representatives Buchanan, Hill, Gibson, Kiser, Saunders and Setzer. Erika Churchill, Staff was also present.

Representative Dedmon announced that the purpose of the meeting was to consider **HB 817, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RICHMOND AND THE MUNICIPALITIES LOCATED IN THAT COUNTY.** Representative Goodwin, bill sponsor, brought the bill and proposed committee substitute before the committee. Representative Buchanan moved for the adoption of the committee substitute and the bill was properly brought before the committee for discussion. Representative Saunders moved for a favorable report on the committee substitute, unfavorable as to the original bill. The motion carried.

There being no further business, the meeting adjourned at 9:40 p.m.



Representative Andy Dedmon
Committee Chairman



Donna Abu Harb
Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 817 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF
RICHMOND AND THE MUNICIPALITIES LOCATED IN 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 817
PROPOSED COMMITTEE SUBSTITUTE H817-PCS3438-LR-4

Short Title: Richmond County Subdivisions.

(Local)

Sponsors:

Referred to:

March 27, 2001

A BILL TO BE ENTITLED
AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND
COUNTY.

THE GENERAL ASSEMBLY OF NORTH CAROLINA ENACTS:

SECTION 1. G.S. 153A-335, as it applies to Richmond County pursuant to
S.L. 2000-11, reads as rewritten:

"§ 153A-335. "Subdivision" defined.

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

- (1) The combination or recombination of portions of previously
subdivided and recorded lots if the total number of lots is not increased
and the resultant lots are equal to or exceed the standards of the county
as shown in its subdivision regulations;
- (2) The division of land into parcels greater than five acres if no street
right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for widening or
opening streets; and
- (4) The division of a tract in single ownership the entire area of which is
no greater than two acres into not more than three lots, if no street
right-of-way dedication is involved and if the resultant lots are equal to
or exceed the standards of the county as shown by its subdivision
regulations.

(b) Notwithstanding subsection (a) of this section, the definition of "subdivision"
may be classified into subcategories defined as follows:

1 (1) Family subdivision. – Where a parent or grandparent divides a parcel
2 from an existing tract to provide a home site to a child or grandchild.
3 Family subdivisions may be exempted from regulation by ordinances
4 enacted pursuant to this Part.

5 (2) Minor subdivision. – A subdivision consisting of up to 10 lots. Minor
6 subdivisions may be exempted from regulation by ordinances enacted
7 pursuant to this Part.

8 (3) Major subdivision. – Any subdivision that is not a family subdivision
9 or a minor subdivision. Major subdivisions shall be subject to
10 regulation by ordinances enacted pursuant to this Part."

11 **SECTION 2.** This act applies to Richmond County only.

12 **SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 817
PROPOSED COMMITTEE SUBSTITUTE H817-PCS3438-LR-4

Short Title: Richmond County Subdivisions.

(Local)

Sponsors:

Referred to:

March 27, 2001

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND
3 COUNTY.

4 THE GENERAL ASSEMBLY OF NORTH CAROLINA ENACTS:

5 SECTION 1. G.S. 153A-335, as it applies to Richmond County pursuant to
6 S.L. 2000-11, reads as rewritten:

7 "§ 153A-335. "Subdivision" defined.

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

- 14 (1) The combination or recombination of portions of previously
15 subdivided and recorded lots if the total number of lots is not increased
16 and the resultant lots are equal to or exceed the standards of the county
17 as shown in its subdivision regulations;
- 18 (2) The division of land into parcels greater than five acres if no street
19 right-of-way dedication is involved;
- 20 (3) The public acquisition by purchase of strips of land for widening or
21 opening streets; and
- 22 (4) The division of a tract in single ownership the entire area of which is
23 no greater than two acres into not more than three lots, if no street
24 right-of-way dedication is involved and if the resultant lots are equal to
25 or exceed the standards of the county as shown by its subdivision
26 regulations.

27 (b) Notwithstanding subsection (a) of this section, the definition of "subdivision"
28 may be classified into subcategories defined as follows:

1 (1) Family subdivision. – Where a parent or grandparent divides a parcel
2 from an existing tract to provide a home site to a child or grandchild.
3 Family subdivisions may be exempted from regulation by ordinances
4 enacted pursuant to this Part.

5 (2) Minor subdivision. – A subdivision consisting of up to 10 lots. Minor
6 subdivisions may be exempted from regulation by ordinances enacted
7 pursuant to this Part.

8 (3) Major subdivision. – Any subdivision that is not a family subdivision
9 or a minor subdivision. Major subdivisions shall be subject to
10 regulation by ordinances enacted pursuant to this Part."

11 **SECTION 2.** This act applies to Richmond County only.

12 **SECTION 3.** This act is effective when it becomes law.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

April 24, 2001

The House Committee on Local Government I met on Tuesday, April 24, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hensley, Hill, Kiser, Saunders, Setzer and Teague. Erika Churchill, Staff Counsel, also attended. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order. The first order of business was **HB 449, A BILL TO BE ENTITLED AN ACT RELATING TO HOUSE DISTRICT 33**. Representative Gibson, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan was recognized and moved to adopt the committee substitute and it was properly brought before the committee for discussion. Representative Buchanan then moved for a favorable report as to the committee substitute, unfavorable to the original bill. The motion carried.

The next order of business was **HB 279, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DARE**. Representative Culpepper, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan moved for adoption and the committee substitute was properly before the committee for discussion. Representative Culpepper told members that this bill was to facilitate beach nourishment and shoreline preservation. He also answered some clarifying questions from members. Representative Buchanan moved to give the committee substitute a favorable report; unfavorable to the original bill. The motion carried.

The next order of business was **HB 726, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF NAGS HEAD**. Representative Culpepper, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan moved for adoption and the committee substitute was properly before the committee for discussion. Representative Culpepper explained that the bill would allow the county to adopt ordinances to regulate waterways within its territorial jurisdiction. Representative Buchanan moved to give the committee substitute a favorable report; unfavorable as to the original bill. The motion carried.

The next order of business was **HB 868, A BILL TO BE ENTITLED AN ACT RELATING TO THE 98TH HOUSE DISTRICT**. Representative Wright, bill sponsor, was recognized and offered a committee substitute. Representative Buchanan moved for the adoption of the committee substitute and it was properly before the

committee for discussion. Representative Hill moved for a favorable report on the committee substitute; unfavorable as to the original bill. The motion carried.

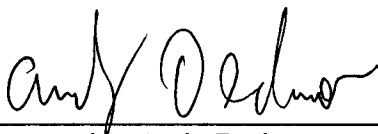
The next order of business was **HB 744, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MOORE.** Representative Morgan, bill sponsor, was recognized and offered a committee substitute. Representative Buchanan moved for the adoption of the committee substitute and it was properly before the committee for discussion. Representative Hill moved to give the committee substitute a favorable report; unfavorable to the original bill. The motion carried.

The next order of business was **HB 917, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDING WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION.** Representative Luebke, bill sponsor, was recognized to explain the bill. After several questions from members, Representative Hill moved to give the bill a favorable report. The motion carried.

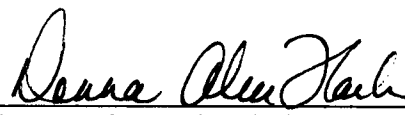
The next order of business was **HB 810, A BILL TO BE ENTITLED AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC VIOLENCE FATALITIES.** Representative Alexander, bill sponsor, was recognized and told members that the subcommittee had worked on the bill and rolled it into a committee substitute. Representative Buchanan moved for the adoption of the committee substitute and it was properly brought before the committee for discussion. Representative Hensley told members that he felt the subcommittee had worked out some of the issues that were of the biggest concern to members, including limiting who would have access to a deceased records. He further told members that he hoped that this bill would be considered for an Interim Study Committee. After some committee discussion, Representative Hensley moved to give the committee substitute a favorable report and re-refer it to the Committee on Rules; unfavorable as to the original bill. The motion carried.

The last order of business was **HB 1291, A BILL TO BE ENTITLED AN ACT TO REQUIRE A MUNICIPALITY TO HAVE A POPULATION OF MORE THAN FIVE HUNDRED PERSONS TO EXERCISE EXTRATERRITORIAL JURISDICTION.** Representative Carpenter, bill sponsor, was recognized to explain the bill. She also gave members two handouts showing 2000 census data and a resolution from the Jackson County Board of Commissioners. After many questions and discussion from members, it was decided to displace the bill.

There being no further business, the committee adjourned at 11: 50.



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration

Agenda

HB 279 & Summary

HB 726 & Summary

HB 449 & Summary

HB 868 & Summary

HB 917& Summary

HB 1291, Summary & 2 Handouts

HB 810 & Summary

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**April 24, 2001
ROOM 410 LOB
11:00 a.m.**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 279 DARE COUNTY LOCAL ACT
REPRESENTATIVE CULPEPPER**

**HB 726 TOWN OF NAGS HEAD LOCAL ACT
REPRESENTATIVE CULPEPPER**

**HB 802 DARE UTILITY UNDERGROUNDING AMENDMENTS
REPRESENTATIVE CULPEPPER**

**HB 449 HOUSE DISTRICT 3301
REPRESENTATIVE GIBSON**

**HB 868 98TH HOUSE DISTRICT LOCAL ACT
REPRESENTATIVE WRIGHT**

**HB 917 DURHAM HISTORIC PROPERTIES
REPRESENTATIVE LUEBKE**

**HB 1291 LIMIT EXERCISE OF ETJ POWER
REPRESENTATIVE CARPENTER**

**HB 744 MOORE COUNTY LOCAL ACT - 2
REPRESENTATIVE MORGAN**

**HB 810 DOMESTIC VIOLENCE FATALITY REVIEW TEAM
REPRESENTATIVE ALEXANDER**

ADJOURNMENT

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

Name of Committee

4/24/01
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jim Casby	Johnston Co. Schools
Ray DeBruhl	The Public Facilities Group
Tim ...	NC Home Builders Assn
Estherine ...	Electric Cities of NC Inc
Henry Jones	Attorney - Raleigh
Carole Lawler	EGHS
Brenda Bass	TOWN OF GARNER
John Phelps	NCLM
Brenda Edwards	Div. of Public Health - Local Child Fatality Prevention
Brian Francis	Mecklenburg County
R. ...	NCHBA

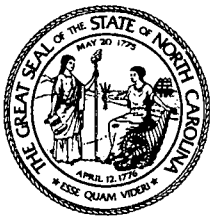
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 449 A BILL TO BE ENTITLED AN ACT RELATING TO HOUSE DISTRICT 33.
- ☐ 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)

2/15/01



HOUSE BILL 449: Troy Annexation.

BILL ANALYSIS

Committee: Local Government I
Date: April 24, 2001
Version: HB449-SMCSLBx-35

Introduced by: Representative Gibson
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *This bill would annex properties into the corporate limits of Troy, effective June 30, 2001.*

BILL ANALYSIS:

The bill would extend the existing corporate limits of the Town of Troy to include two additional tracts of land.

BACKGROUND: Annexation is one method that a town may employ to extend its corporate limits, and the process must be done in accordance with statute. Article 4A of Chapter 160A. Annexation may be either voluntary or involuntary. However if the property does not meet the statutory requirements for annexation, the municipality does not have the authority to annex the area.

At any time, the General Assembly can extend the corporate limits of a municipality to encompass areas that the municipality would not statutorily have the authority to annex.

EFFECTIVE DATE: The bill would become effective June 30, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 449

PROPOSED COMMITTEE SUBSTITUTE H449-PCS5214-LBx-35

Short Title: Troy Annexation.

(Local)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF TROY.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Troy are extended to include the following described parcels:

A certain tract parcel of land in Troy Township, Montgomery County, North Carolina, and bounded and described as follows:

Beginning at a concrete hub 5 feet southwest of a triple white oak, S 3 degrees W 931.0 feet to a concrete hub in field 191 feet northeast of Norfolk Southern Railway; thence N 87 degrees 30 minutes E 551.0 feet to a concrete hub; thence S 2 degrees 20 minutes W 528.0 feet to a concrete hub, twin hickory pointers; thence N 86 degrees W 295.0 feet to a concrete hub, pine pointers; thence S 4 degrees 45 minutes W 726.0 feet to a concrete hub 8 feet northeast of Spencer Branch; thence down said branch the following courses; S 55 degrees 15 minutes E 495.0 feet; thence N 44 degrees 15 minutes E 1065.0 feet; thence S 59 degrees 45 minutes E 280 feet; thence N 56 degrees 15 minutes E 340.0; thence S 55 degrees 45 minutes E 315.0 feet; thence S 87 degrees 15 minutes E 110.0 feet; thence S 44 degrees 15 minutes E 500.0 feet; thence S 74 degrees 45 minutes E 299.3 feet; thence N 3 degrees 45 minutes W 15 feet to a concrete hub, maple and hickory pointers; thence N 3 degrees 45 minutes W 1310.0 feet to a concrete hub, 186 feet northwest Norfolk Southern Railway; thence N 54 degrees 26 minutes W 375.0 feet to a concrete hub, hickory pointer; thence N 41 degrees 29 minutes W 2195.0 feet to a concrete hub; thence S 37 degrees 29 minutes W 1061.0 feet to a stake; thence S 70 degrees 30 minutes W 331.1 feet to place of beginning, containing 121.55 acres.

All of that certain tract or parcel of land located in Montgomery County, bounded and described as follows:

Property lying and being in Troy Township, Montgomery County, and being a part of the land conveyed to Jesse Blake and wife, Alice Blake, and Carl Blake and

1 wife, Onie Blake, of Montgomery County, North Carolina, by Mrs. Lizzie T.
2 Smitherman, widow, and the heirs at law of N.W. Smitherman, deceased, as recorded in
3 the office of the Register of Deeds of Montgomery County in Book 92, Page 354, said
4 part of land being more fully described as follows:

5 Beginning at the accepted corner between the lands of Jessie Blake, et al., and
6 the tract of land conveyed to the North Carolina State Highway and Public Works
7 Commission by Dr. W.T. Harris of Montgomery County, North Carolina, as recorded in
8 the office of the Register of Deeds of Montgomery County in Book 89 at Page 389, said
9 corner being located 186 feet north of the Norfolk Southern Railway tracks and marked
10 by iron pipe and rocks, also concrete monument; thence due West 412.5 feet to a
11 concrete monument; thence North 42 degrees 30 minutes, West 2196.5 feet to a
12 concrete monument; thence North 00 degrees 31 minutes East, 693.00 feet to a corner in
13 the George Green line, said corner being marked by rocks and concrete monument;
14 thence South 38 degrees 04 minutes East, 3001.2 feet to the beginning and containing
15 22.74 acres.

16 **SECTION 2.** This act becomes effective June 30, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 449

Short Title: House District 33-1. (Local)

Sponsors: Representative Gibson.

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

March 1, 2001

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO HOUSE DISTRICT 33.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. This act relates to House District 33.
5 SECTION 2. This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 279 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DARE.

☐ 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 279

PROPOSED COMMITTEE SUBSTITUTE H279-PCS6266-LBx-39

Short Title: Dare Beach Nourishment Eminent Domain.

(Local)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE COUNTY OF DARE TO EXERCISE THE POWER OF
EMINENT DOMAIN TO FACILITATE BEACH NOURISHMENT AND
SHORELINE PRESERVATION ACTIVITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 40A-3(b) is amended by adding a new subdivision to
read:

"(10) Engaging in or participating with other governmental entities in a
beach nourishment or shoreline preservation program, including access
to property for the purpose of staging equipment and installing pipes
and other construction activities."

SECTION 2. This act applies to Dare County only.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 279

Short Title: Dare County Local Act. (Local)

Sponsors: Representative Culpepper.

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

February 27, 2001

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE COUNTY OF DARE.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act relates to Dare County only.

5 **SECTION 2.** This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 726 A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF NAGS HEAD.

- ☐ 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 726

PROPOSED COMMITTEE SUBSTITUTE H726-PCS4155-LB-40

Short Title: Dare County Ocean Regulations.

(Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO REGULATION OF OCEAN ACTIVITIES BY DARE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. A county may adopt ordinances to regulate and control swimming, personal watercraft operation, surfing, and littering in the Atlantic Ocean and other waterways within its territorial jurisdiction. The governing board of a municipality within the county may by resolution permit a county ordinance adopted pursuant to this act to be applicable within the municipality consistent with the provisions of G.S. 153A-122.

SECTION 2. This act applies only to Dare County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 726

Short Title: Town of Nags Head Local Act. (Local)

Sponsors: Representative Culpepper.

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

March 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE TOWN OF NAGS HEAD.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. This act relates to the Town of Nags Head only.
5 SECTION 2. This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 868 A BILL TO BE ENTITLED AN ACT RELATING TO THE 98TH HOUSE DISTRICT.

☐ 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 868
PROPOSED COMMITTEE SUBSTITUTE H868-PCS5220-LMx-18

Short Title: Navassa Annexation.

(Local)

Sponsors:

Referred to:

March 29, 2001

A BILL TO BE ENTITLED

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE
LIMITS OF THE TOWN OF NAVASSA.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate
limits of the Town of Navassa:

Beginning at a point where the existing Town limits intersect at Mill Creek and Joe's
Slough; thence from the Beginning in a northwest direction approximately 7000 feet ±
with the run of Mill Creek to SR 1432 – Old Mill Road; thence in a northwardly
direction with the run of Rowel Branch a scaled distance of 7800 feet ± to the
intersection of SR 1426 – Mt. Misery Road; thence with the centerline of SR 1426 – Mt.
Misery Road in a northwardly direction to the property line intersection of E. I. Dupont
Denemours & Co. (Map Book 8, Page 74); thence with Dupont eastern property line in
a northeast direction a scale distance of 11,800 feet ± to the Brunswick County line in
the centerline of the Cape Fear River; thence with the Brunswick County line (Cape
Fear River) a southeasterly direction a scaled distance of 57,300 feet ± to the
intersection of Cape Fear River and Davis Creek (existing Navassa town limits); thence
with Davis Creek (existing Navassa town limits) in a westerly direction a scale distance
of 9300 feet ± to Joe's Slough; thence with Joe's Slough in a southerly direction a scaled
distance of 7000 feet ± to the Beginning and containing 8300 acres plus or minus as
plan meters and scales by G. Douglas Jeffreys, L1432, from a Brunswick County, State
of North Carolina Quadrangle Map produced by USGS.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 868

Short Title: 98th House District Local Act.

(Local)

Sponsors: Representative Wright.

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

March 29, 2001

- 1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 98TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. This act relates only to the 98th House District.
5 SECTION 2. This act is effective when it becomes law.

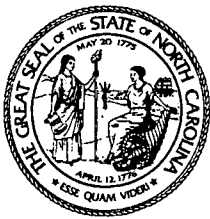
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 744 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MOORE.
- ☐ 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)

2/15/01



HOUSE BILL 744: Seven Lakes West MV Reg.

BILL ANALYSIS

Committee: House Local Government I
Date: April 24, 2001
Version: H744-CSR-V-5v2

Introduced by: Representative Morgan
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The proposed committee substitute would provide that the laws relating to motor vehicles would apply to the streets owned by West Side Landowners Association, Inc. in Moore County.*

CURRENT LAW: The laws of North Carolina pertaining to motor vehicles apply generally to public streets and cannot be enforced on private property. A few motor vehicle offenses, such as DWI and reckless driving, apply to "public vehicular areas," which is defined in G.S. 20-4.01(32) to be any area generally open to and used by the public for vehicular traffic.

Roads within a gated community, to which the developer or landowner association retained title, would not fall within either of these. Therefore the motor vehicle laws of North Carolina would not apply to the streets within a gated community.

BILL ANALYSIS: The proposed committee substitute would apply the motor vehicle laws of Chapter 20 to the streets, roadways, and alleys on the properties owned by or under the control of the West Side Landowners Association, Inc. or its members. Any law enforcement officer acting within his or her territorial jurisdiction could enforce the motor vehicle laws.

The proposed committee substitute would adopt the speed limits in place at the time the act becomes law as those legally enforceable. The Moore County Board of Commissioners would approve any changes to the speed limit. Additionally, the Moore County Board of Commissioners may adopt an ordinance pursuant to G.S. 120-141 to raise or lower the speed limit.

BACKGROUND: This type of legislation has also been enacted for the communities of Bermuda Run and Lake Royale.

EFFECTIVE DATE: The bill would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

D

**HOUSE BILL 744
PROPOSED COMMITTEE SUBSTITUTE H744-PCS9160-RV-5**

Short Title: Seven Lakes West MV Reg.

(Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES
APPLY ON STREETS OWNED BY WEST SIDE LANDOWNERS
ASSOCIATION, INC., IN MOORE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) With the exception of any provisions prohibiting or regulating the operation of private golf carts, 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 West Side Landowners Association, Inc., or the members of the West Side Landowners Association, Inc. For purposes of this act, streets, roadways, and alleys in the Seven Lakes West Community shall have the same meaning as highways and public vehicular areas pursuant to G.S. 20-4.01.

SECTION 1. (b) This section is enforceable by any law enforcement officer acting within his territorial jurisdiction.

SECTION 2. This act shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the West Side Landowners Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Seven Lakes West 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 Board of Commissioners of Moore County. Pursuant to G.S. 20-141, the Moore County Board of Commissioners may authorize by ordinance higher or lower speeds.

SECTION 3. This act relates to Moore County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 744

Short Title: Moore County Local Act-2.

(Local)

Sponsors: Representative Morgan.

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

March 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE COUNTY OF MOORE.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. This act relates to Moore County only.
5 SECTION 2. This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 917 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM
TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC
DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION.

- ☒ 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 917

Short Title: Durham Historic Properties. (Local)

Sponsors: Representatives Luebke; and Weiss.

Referred to: Local Government I.

March 29, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF
LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO
MAINTAIN THEIR PROPERTY IN GOOD CONDITION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-400.14(b) reads as rewritten:

"(b) The governing board of any municipality may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic ~~district.~~ district or to require the maintenance of such structures in good condition. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship."

SECTION 2. This act applies to the City of Durham only.

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



HOUSE BILL 810:

Study Domestic Violence Fatality Review Team.

BILL ANALYSIS

Committee: House Local Government I
Date: April 24, 2001
Version: HB810-SMCSST-11v7

Introduced by: Representative Alexander
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would authorize the Legislative Research Commission to establish a study committee to study the possible implementation of domestic violence fatality review teams.*

BILL ANALYSIS: The proposed committee substitute would allow the Legislative Research Commission to establish a study committee to study domestic violence fatality review teams.

The study committee may study the feasibility of the following:

- A Review Team to identify and review domestic violence related deaths, and facilitate communication among the various organizations to prevent future fatalities.
- The composition of a Review Team, including the designation of a lead agency.
- A lead agency to be designated by the local board of county commissioners to act as staff to the Review Team.
- Operation period of the Review Team.
- The submission of an interim report and a final report by the Review Team.

EFFECTIVE DATE: The bill would become effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 810 A BILL TO BE ENTITLED AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC VIOLENCE FATALITIES.

☐ 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 *Rules*.

☐ 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)

2/15/01

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

D

**HOUSE BILL 810*
PROPOSED COMMITTEE SUBSTITUTE H810-CSST-11 [v.8]**

4/23/2001 8:55:53 PM

Short Title: Study Domestic Violence Fatality Review Team.

(Public)

Sponsors:

Referred to:

March 26, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 CREATE A STUDY COMMITTEE TO STUDY A DOMESTIC VIOLENCE
4 FATALITY REVIEW TEAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The Legislative Research Commission may create a Study
7 Committee to study the feasibility of a multidisciplinary domestic violence fatality
8 review team that identifies and reviews domestic violence related deaths, including
9 homicides and suicides, and facilitates communication among the various agencies and
10 organizations involved in domestic violence cases to prevent future fatalities. The
11 Committee may be composed of ten members, as follows: the President Pro Tempore of
12 the Senate may appoint five members and the Speaker of the House of Representatives
13 may appoint five members.

14 **SECTION 2.** This study may include:

- 15 (a) Examination of the composition of a Domestic Violence Fatality Review Team,
16 including the designation of a lead agency to act as staff to the Review Team.
17 (b) Examination of the powers and duties of lead agency.
18 (c) Examination of the responsibilities of Review Team.
19 (d) Examination of the responsibilities of team members.
20 (e) Examination of access to confidential and public records, and the maintenance of
21 the records collected.
22 (f) Examination of meetings and the applicability of the Open Meetings Law.
23 (g) Examination of confidentiality and immunity.
24 (h) Determination of length of operation of review teams.
25 (i) Issuance of an interim report and a final report.

26 **SECTION 3.** The Committee may make a final report of its findings and
27 recommendations to the 2002 Short Session of the 2001 General Assembly.

28 **SECTION 4.** This act is effective when it becomes law.
29

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

D

**HOUSE BILL 810*
PROPOSED COMMITTEE SUBSTITUTE H810*-PCS7216-ST-11**

Short Title: Study Domestic Violence Fatality Review Team.

(Public)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
CREATE A STUDY COMMITTEE TO STUDY A DOMESTIC VIOLENCE
FATALITY REVIEW TEAM.

The General Assembly of North Carolina enacts:

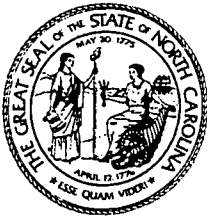
SECTION 1. The Legislative Research Commission may create a Study Committee to study the feasibility of a multidisciplinary domestic violence fatality review team that identifies and reviews domestic violence-related deaths, including homicides and suicides, and facilitates communication among the various agencies and organizations involved in domestic violence cases to prevent future fatalities. The Committee may be composed of 10 members, as follows: the President Pro Tempore of the Senate may appoint five members and the Speaker of the House of Representatives may appoint five members.

SECTION 2. This study may include:

- (a) Examination of the composition of a Domestic Violence Fatality Review Team, including the designation of a lead agency to act as staff to the Review Team.
- (b) Examination of the powers and duties of lead agency.
- (c) Examination of the responsibilities of Review Team.
- (d) Examination of the responsibilities of team members.
- (e) Examination of access to confidential and public records, and the maintenance of the records collected.
- (f) Examination of meetings and the applicability of the Open Meetings Law.
- (g) Examination of confidentiality and immunity.
- (h) Determination of length of operation of review teams.
- (i) Issuance of an interim report and a final report.

SECTION 3. The Committee may make a final report of its findings and recommendations to the 2002 Regular Session of the 2001 General Assembly.

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



HOUSE BILL 1291: Limit Exercise of ETJ Power.

BILL ANALYSIS

Committee: Local Government I
Date: April 24, 2001
Version: First Edition

Introduced by: Representative Carpenter
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *This bill would require a municipality to have a population of more than 500 prior to exercising extraterritorial jurisdiction powers.*

BILL ANALYSIS: The bill would amend G.S. 160A-360, Territorial Jurisdiction, to require that a municipality reach a population of 501 to have the authority to exercise extraterritorial jurisdiction powers. In determining the population of the municipality, the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration may be used. Attached is a list of municipalities with a population under 500 according to the 2000 federal decennial Census.

BACKGROUND: Currently, any municipality may exercise extraterritorial jurisdiction (ETJ) power. The population of the municipality determines the area over which the municipality may exercise this authority:

- All municipalities, any population: 1 mile beyond the existing corporate limits.
- For those municipalities with population between 10,000 and 25,000: 2 miles beyond the existing corporate limits.
- For those municipalities with a population of 25,000 or more: 3 miles beyond the existing corporate limits.

ETJ powers consist of the ability to regulate development of the area controlled, through planning and zoning ordinances.

EFFECTIVE DATE: The bill would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1291

Short Title: Limit Exercise of ETJ Power.

(Public)

Sponsors: Representatives Carpenter and M. Crawford.

Referred to: Local Government I.

April 12, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A MUNICIPALITY TO HAVE A POPULATION OF MORE
3 THAN FIVE HUNDRED PERSONS TO EXERCISE EXTRATERRITORIAL
4 JURISDICTION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-360(a) reads as rewritten:

7 "(a) All of the powers granted by this Article may be exercised by any city within
8 its corporate limits. In addition, any city with a population of more than 500 may
9 exercise these powers within a defined area extending not more than one mile beyond
10 its limits. With the approval of the board or boards of county commissioners with
11 jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may
12 exercise these powers over an area extending not more than two miles beyond its limits
13 and a city of 25,000 or more population may exercise these powers over an area
14 extending not more than three miles beyond its limits. The boundaries of the city's
15 extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No
16 city may exercise extraterritorially any power conferred by this Article that it is not
17 exercising within its corporate limits. In determining the population of a city for the
18 purposes of this Article, the city council and the board of county commissioners may
19 use the most recent annual estimate of population as certified by the Secretary of the
20 North Carolina Department of Administration."

21 **SECTION 2.** This act is effective when it becomes law.

North Carolina Towns under 500 Population 2000 Census Data

Names	Total Pop.
Love Valley	30
Spencer Mountain	51
Beargrass	53
Lake Santeetlah	67
Raynham	67
Speed	70
Tar Heel	70
Hassell	72
Norman	72
Grandfather	73
Leggett	77
Como	78
Orrum	79
Seven Springs	86
McFarlan	89
Indian Beach	95
Centerville	99
Harrellsville	102
Lasker	103
Danbury	108
Falkland	112
Godwin	112
Macon	115
Lumber Bridge	118
McDonald	119
Linden	127
Sims	128
Seven Devils	129
Milton	132
Proctorville	133
Bolivia	148
Kittrell	148
Cameron	151
Lansing	151
Watha	151
Middleburg	162
Marietta	164
Pantego	170
Bald Head Island	173
Chimney Rock	175
Everetts	179
Askewville	180
Harrells	187
Autryville	196
Boardman	202
Dillsboro	205

Trenton	206
Colerain	221
Walstonburg	224
Sugar Mountain	226
Stem	229
Earl	234
Atkinson	236
Crossnore	242
Cerro Gordo	244
Eureka	244
Kelford	245
Teachey	245
Sandy Creek	246
Seagrove	246
Dublin	250
Mesic	257
Powellsville	259
Turkey	262
Roxobel	263
Severn	263
Pollocksville	269
Bath	275
Creswell	278
Gatesville	281
Rennert	283
Belville	285
Stonewall	285
Vandemere	289
Parmele	290
Momeyer	291
East Laurinburg	295
Hayesville	297
Casar	308
Alamance	310
Beech Mountain	310
Minnesott Beach	311
Mooresboro	314
Cedar Rock	315
Goldston	319
New London	326
Bostic	328
Bridgeton	328
Falcon	328
Waco	328
Ruth	329
Forest Hills	330
Oak City	339
Castalia	340
Sandyfield	340
Halifax	344
Cofield	347
Staley	347

Bethania	354
Bakersville	357
Bunn	357
Brunswick	360
Conetoe	365
Rhodhiss	366
Caswell Beach	370
Stovall	376
Saratoga	379
St. Helena	395
Hobgood	404
Calypso	410
Lattimore	419
Ocean Isle Beach	426
Parkton	428
Cove City	433
Brookford	434
Arapahoe	436
Grimesland	440
Washington Park	440
Dover	443
Micro	454
Macclesfield	458
Elk Park	459
Lilesville	459
Ronda	460
Simpson	464
Hookerton	467
Salemburg	469
Topsail Beach	471
Foxfire	474
Ellenboro	479
Navassa	479
Wade	480
Varnamtown	481
Webster	486
Peletier	487
Rosman	490
Bolton	494

**Resolution Requesting Legislation Amending
G.S. 160A-360 Territorial Jurisdiction**

WHEREAS, the Jackson County Board of Commissioners acknowledge that G.S. 160A-360 Territorial Jurisdiction may have a beneficial purpose in assisting larger municipalities that are providing municipal services to extra-territorial areas manage and control costs associated with extending services to unincorporated areas; and

WHEREAS, the Jackson County Board of Commissioners also recognize that application of the statute, as currently constructed, may result in inequities being visited upon residents within the extra-territorial jurisdiction when the statute is exercised by smaller municipalities that provide no services; and

WHEREAS, those inequities include failure to obtain consent of those to be included in the extra-territorial jurisdiction, failure to extend the vote to those to be governed and the circumstance wherein a small municipality or incorporated subdivision may take in territory that exceeds its size both in area and population solely for the benefit of the municipality and to the detriment of the residents of the unincorporated area; and

WHEREAS, the exercise or proposal to exercise this statute by incorporated municipalities in Jackson County has led to overwhelming public opposition and adversely affected public well being due to the inequities inherent in the statute.

NOW, THEREFORE, BE IT RESOLVED that the Jackson County Board of Commissioners respectfully requests that our representatives to the General Assembly, Senator Dan Robinson, Representative Liston Ramsey and Representative Phil Haire, introduce legislation to amend G.S. 160A-360 in such manner that the inequities resulting from the exercise of this statute by small municipalities that neither offer nor provide services to the extra-territorial jurisdiction are eliminated.

FURTHER, BE IT RESOLVED that the Jackson County Board of Commissioners respectfully request that the municipalities in Jackson County that may be affected by this legislation voluntarily withhold exercise of the statute until such time as the legislature may address the concerns raised by this Board and the citizens of Jackson County.

ADOPTED , this the 18th day of May, 2000

North Carolina Towns under 500 Population 2000 Census Data

Name	Total Pop.
Love Valley	30
Spencer Mountain	51
Beargrass	53
Lake Santeetlah	67
Raynham	67
Speed	70
Tar Heel	70
Hassell	72
Norman	72
Grandfather	73
Leggett	77
Como	78
Orrum	79
Seven Springs	86
McFarlan	89
Indian Beach	95
Centerville	99
Harrellsville	102
Lasker	103
Danbury	108
Falkland	112
Godwin	112
Macon	115
Lumber Bridge	118
McDonald	119
Linden	127
Sims	128
Seven Devils	129
Milton	132
Proctorville	133
Bolivia	148
Kittrell	148
Cameron	151
Lansing	151
Watha	151
Middleburg	162
Marietta	164
Pantego	170
Bald Head Island	173
Chimney Rock	175
Everetts	179
Askewville	180
Harrells	187
Autryville	196
Boardman	202
Dillsboro	205

Trenton	206
Colerain	221
Walstonburg	224
Sugar Mountain	226
Stem	229
Earl	234
Atkinson	236
Crossnore	242
Cerro Gordo	244
Eureka	244
Kelford	245
Teachey	245
Sandy Creek	246
Seagrove	246
Dublin	250
Mesic	257
Powellsville	259
Turkey	262
Roxobel	263
Severn	263
Pollocksville	269
Bath	275
Creswell	278
Gatesville	281
Rennert	283
Belville	285
Stonewall	285
Vandemere	289
Parmele	290
Momeyer	291
East Laurinburg	295
Hayesville	297
Casar	308
Alamance	310
Beech Mountain	310
Minnesott Beach	311
Mooresboro	314
Cedar Rock	315
Goldston	319
New London	326
Bostic	328
Bridgeton	328
Falcon	328
Waco	328
Ruth	329
Forest Hills	330
Oak City	339
Castalia	340
Sandyfield	340
Halifax	344
Cofield	347
Staley	347

Bethania	354
Bakersville	357
Bunn	357
Brunswick	360
Conetoe	365
Rhodhiss	366
Caswell Beach	370
Stovall	376
Saratoga	379
St. Helena	395
Hobgood	404
Calypso	410
Lattimore	419
Ocean Isle Beach	426
Parkton	428
Cove City	433
Brookford	434
Arapahoe	436
Grimesland	440
Washington Park	440
Dover	443
Micro	454
Macclesfield	458
Elk Park	459
Lilesville	459
Ronda	460
Simpson	464
Hookerton	467
Salemburg	469
Topsail Beach	471
Foxfire	474
Ellenboro	479
Navassa	479
Wade	480
Varnamtown	481
Webster	486
Peletier	487
Rosman	490
Bolton	494

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

May 8, 2001

The House Committee on Local Government I met on Tuesday, May 8, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives, Buchanan, Decker, Ellis, Gibson, and Saunders. Giles Perry and Erika Churchill, Staff Counsel, also attended. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order. The first order of business was **SB 667, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS HAVE CONDITIONAL AUTHORITY TO SERVE CRIMINAL PROCESS IN THE COUNTY GOVERNMENT COMPLEX ONLY IN CARTERET COUNTY.** Senator Thomas, bill sponsor, was recognized to explain the bill. He told members that this bill was requested by the Sheriff's Department and also supported by the Legislative Delegation. Representative Ellis moved for a favorable report; the motion carried.

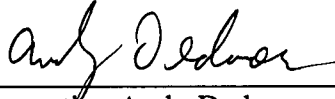
The next order of business was **SB 645, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE MOUNTAIN VIEW MEDICAL CENTER.** Senator Garwood, bill sponsor, was recognized to explain the bill. Representative Buchanan moved for a favorable report; the motion carried.

The next order of business was **SB 668, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS.** Representative Gibson was recognized to explain the bill and offered an amendment. Representative Buchanan moved for adoption of the amendment and it was properly before the committee for discussion. Representative Buchanan then moved to roll the amendment into a committee substitute and give the committee substitute a favorable report; unfavorable as to the original bill. The motion carried.

The next order of business was **SB 666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON.**

Representative Gibson was recognized and explained the bill. After some committee discussion, the Chair decided to displace the bill until the next meeting.

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



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration

Agenda

SB 667 & Summary

SB 645 & Summary

SB 668 & Summary

SB 666 & Summary

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**May 8, 2001
ROOM 415**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**SB 667 SERVE CRIM. PROCESS/CARTERET CO. GOV'T COMPLEX
SENATOR THOMAS**

**SB 668 BURGAW CHARTER REVISED
SENATOR ALBERTSON**

**SB 666 MONROE PROPERTY ACQUISITION
SENATOR PLYLER**

**SB 645 WILKES COUNTY/SCHOOL PROPERTY TRANSFER
SENATOR GARWOOD**

ADJOURNMENT

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

5-8-01

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**[illegible]

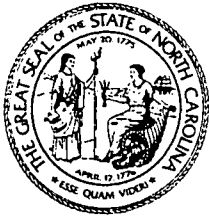
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT 1.**

- ☒ Committee Substitute for
S.B. 667 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS HAVE CONDITIONAL AUTHORITY TO SERVE CRIMINAL PROCESS IN THE COUNTY GOVERNMENT COMPLEX ONLY 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)

2/15/01



BILL ANALYSIS

SENATE BILL 667: Serve Criminal Process/Carteret County Government Complex

Committee: House Local Government I
Date: May 8, 2001
Version: Second Edition

Introduced by: Senator Thomas
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 667 would authorize municipal law enforcement officers from municipalities located in Carteret County may serve criminal process in the Carteret County Government Complex*

CURRENT LAW: Under current general law, a municipal law enforcement officer may only serve criminal process within the corporate limits of the municipality the officer is employed by.

BILL ANALYSIS: Senate Bill 667 would authorize municipal law enforcement officers who are employed by a municipality in Carteret County to serve process in the Carteret County Government Complex in Beaufort.

Senate Bill 667 would become effective October 1, 2001.

S667-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 667
Judiciary II Committee Substitute Adopted 4/11/01

Short Title: Serve Crim. Process/Carteret Co. Gov't. Complex.

(Local)

Sponsors:

Referred to:

March 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS
3 HAVE CONDITIONAL AUTHORITY TO SERVE CRIMINAL PROCESS IN
4 THE COUNTY GOVERNMENT COMPLEX ONLY IN CARTERET COUNTY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 15A-301(c) reads as rewritten:
7 "(c) Service. –

8 (1) A law-enforcement officer or other employee designated as provided
9 in subsection (b) receiving criminal process for service or execution
10 must note thereon the date of its receipt. Upon execution or service, a
11 copy of the process must be delivered to the person arrested or served.

12 (2) A corporation may be served with criminal summons as provided in
13 G.S. 15A-773.

14 (3) Notwithstanding any other provision of law, a municipal law
15 enforcement officer may serve criminal process in the Carteret County
16 Government Complex if the officer otherwise has territorial
17 jurisdiction to serve criminal process in a municipality located in that
18 county. This subdivision shall apply only for service of criminal
19 process and shall not affect in any way a law enforcement officer's
20 powers to arrest as set out under Article 20 of this Chapter. A
21 municipal law enforcement officer serving criminal process as
22 provided in this subdivision shall be protected under subsection (f) of
23 this section. For purposes of this subdivision, the term 'Carteret County
24 Government Complex' means the following county facilities and the
25 property located within 50 feet of those facilities:

26 a. County courthouse.

27 b. Magistrate's office.

28 c. Jail."

29 SECTION 2. This act applies only in Carteret County.

1 **SECTION 3.** This act becomes effective October 1, 2001.

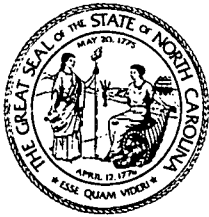
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
S.B. 645 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE MOUNTAIN VIEW MEDICAL CENTER.
- ☒ 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)

2/15/01



SENATE BILL 645: Wilkes County/School Property Transfer.

BILL ANALYSIS

Committee: House Local Government 1
Date: May 8, 2001
Version: First Edition

Introduced by: Senators Garwood & Moore
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would allow the Wilkes County Board of Education to convey, by private sale, certain described property to the Mountain View Medical Center.*

CURRENT LAW: County Boards of Education are authorized to dispose of property in accordance with Article 12 of Chapter 160A, which governs disposal of real and personal property by counties and cities. G.S. 115C-518. Before the county board of education can dispose of real property, the county board of commissioners must be afforded the opportunity to acquire the property. If the county board of commissioners does not acquire the property, then the board of education may proceed to dispose of the property in accordance with statutory guidelines. The governing disposal statutes provide for a private sale in limited circumstances – property sold by private sale must be of "special interest," such as historical properties, and sold to a non-profit corporation. G.S. 160A-266.

BILL ANALYSIS: The bill would allow the Wilkes County Board of Education to utilize the private sale method of disposal for the approximately 27,000 square feet of land adjacent to the Mountain View Medical Center Lease. The transfer may be with or without monetary consideration, and on the terms and conditions the Wilkes County Board of Education determines.

EFFECTIVE DATE: The bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 645

Short Title: Wilkes County/School Property Transfer.

(Local)

Sponsors: Senators Garwood; and Moore.

Referred to: State and Local Government.

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO
CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE
MOUNTAIN VIEW MEDICAL CENTER.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Wilkes County Board of Education may convey by private negotiation and sale to the Mountain View Center, with or without monetary consideration, and upon such terms as the Wilkes County Board of Education deems appropriate, any or all of its right, title, and interest in the following described property:

Beginning on a Concrete Monument found, Lois Ann Wood's southwest corner and being the southeast corner of herein described tract. Thence with a new line, the southern line of the Mountain View Medical Center Lease. South 88-13-21 West 144.63 feet to a ½ inch pipe found at the edge of a paved road, Thence North 34-57-14 East 63.95 feet to a ½ inch pipe found at the edge of a paved road, thence North 08-15-51 East 39.91 feet to a ½ inch pipe found at the edge of a paved road. Thence North 13-41-42 West 70.01 feet to a ½ inch pipe found at the edge of a paved road. Thence North 01-19-59 West 61.36 feet to an iron set in the original northern line for Mountain View School. Thence continuing North 01-19-59 West 7.14 feet to an iron set at the edge of the southern Right-of-Way for S.R. 1957, said iron being located South 63-19-06 East 343.45 feet from a P.K. Nail set at the centerline intersection of S.R. 1002 and S.R. 1957. Thence with said Right of Way: South 70-41-21 East 167.68 feet to an iron set, thence leaving said Right-of-Way South 12-40-36 West 12.68 feet to an iron set, the northern corner between Lois Ann Wood and the Mountain View School property, thence with Wood's line: South 12-40-36 West 160.00 feet to beginning. Containing 27,048 Sq. Ft., more or less, by Coordinate Computation.

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

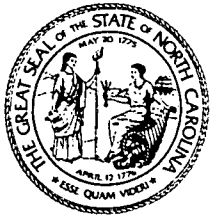
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
S.B. 668 A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE
CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS.
- ☐ 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)

2/15/01



SENATE BILL 668: Burgaw Charter Revised

BILL ANALYSIS

Committee: House Local Government I
Date: May 8, 2001
Version: First Edition

Introduced by: Senator Albertson
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 668 consolidates and rewrites the Charter of the Town of Burgaw in Pender County, and repeals prior local acts containing charter provisions.*

CURRENT LAW: Under current law, various local acts dating from 1887 comprise the Charter of the Town of Burgaw.

BILL ANALYSIS: Senate Bill 668 would repeal the prior Burgaw Charter acts, and consolidate the rewritten Charter into Senate Bill 668.

Senate Bill 668 would become effective when it becomes law.

S668-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 668
PROPOSED HOUSE COMMITTEE SUBSTITUTE S668-PCS1665-RW-25

Short Title: Burgaw Charter Revised.

(Local)

Sponsors:

Referred to:

March 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
3 BURGAW AND TO REPEAL PRIOR LOCAL ACTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. The Charter of the Town of Burgaw is revised and
6 consolidated to read as follows:

7 "THE CHARTER OF THE TOWN OF BURGAW.

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

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

13 "Sec. 1.2. **Powers.** The Town of Burgaw shall have and may exercise all of the
14 powers, duties, rights, privileges, and immunities, which are now, or hereafter may be
15 conferred, either expressly or by implication, upon the Town of Burgaw, specifically, or
16 upon municipal corporations, generally, by this Charter, by the North Carolina
17 Constitution, or by general or local law.

18 "Sec. 1.3. **Corporate Limits.** The corporate limits of the Town of Burgaw shall be
19 those existing at the time of ratification of this Charter, as the same are set forth on the
20 official map of the Town, and as the same may be altered from time to time in
21 accordance with law. An official map or description showing the current Town
22 boundaries shall be maintained permanently in the office of the Town Clerk, and shall
23 be available for public inspection. Immediately upon alteration of the corporate limits
24 made pursuant to law, the appropriate changes to the official map or description of the
25 Town shall be made.

26 "ARTICLE II. GOVERNING BODY.

27 "Sec. 2.1. **Governing Body.** The Mayor and Board of Commissioners, elected and
28 constituted as herein set forth, shall be the governing body of the Town. On behalf of
29 the Town, and in conformity with applicable laws, the Mayor and Board of

Commissioners, hereinafter at times referred to as the 'Board,' may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board shall be composed of five members, each of whom shall be elected for a term of four years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

"Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected in the manner provided by Article III of this Charter to serve for a term of four years, or until his successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board. He shall have the right to vote only when there are an equal number of votes in the affirmative and the negative on any motion before the Board. The Mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes of North Carolina, by this Charter, and by the ordinances of the Town.

"Sec. 2.4. **Mayor Pro Tempore.** In accordance with general law, the Board shall appoint one of its members to act as Mayor Pro Tempore to perform the duties of the mayor in the Mayor's absence or disability. The Mayor Pro Tempore shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Sec. 2.5. **Meetings of the Board.** In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special meetings may be held as provided by general law.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. **Regular Municipal Elections; Conduct and Method of Election.** Regular municipal elections shall be held in the Town every two years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results determined by a plurality as provided in G.S. 163-292.

"Sec. 3.2. **Election of Commissioners.** The qualified voters of the entire Town shall elect the members of the Board. The candidates for the Board shall be elected at large. Those candidates who receive the highest number of votes in the Town at large shall be declared duly elected to the office for which the candidate has filed. At the municipal election to be held in November 2001, two members shall be elected for a four-year term and at the municipal election to be held in November 2003, three members shall be elected for a four-year term. Commissioners Charles M. Rooks and Howard N. Walker, Jr., shall continue to serve as members of the Board until the expiration of their terms in December 2001. Commissioners Charles M. Harrell, Charles E. Sparkman, and R. Eugene Brown shall continue to serve as members of the Board until the expiration of their terms in December 2003.

"Sec. 3.3. **Election of the Mayor.** At the regular municipal election in 2001, and quadrennially thereafter, a Mayor shall be elected to serve a term of four years. The

1 qualified voters of the entire Town shall elect the Mayor. John W. James, Jr. shall serve
2 as Mayor until the expiration of his term in December 2001.

3 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

4 "Sec. 4.1. **Form of Government.** The Town shall operate under the
5 Council-Manager form of government as provided in Part 2 of Article 7 of Chapter
6 160A of the General Statutes.

7 "Sec. 4.2. **Town Manager.** The Board shall appoint a Town Manager who shall be
8 the administrative head of the Town government and shall be responsible for the
9 administration of all departments of the Town government. The Town Manager shall be
10 appointed with regard to merit only, and shall hold office at the pleasure of the Board
11 and shall receive such compensation as the Board shall fix by ordinance.

12 The Town Manager shall also perform the following duties:

- 13 (1) Take measures to ensure that within the Town the laws of the State and
14 the ordinances, resolutions, and regulations of the Board are faithfully
15 executed.
- 16 (2) Attend all meetings of the Board and recommend for adoption any
17 measures he deems expedient.
- 18 (3) Make reports to the Board from time to time upon affairs of the Town,
19 and keep the Board fully advised of the Town's financial condition and
20 its future financial needs.
- 21 (4) Appoint, suspend, and remove all heads of departments and other
22 employees of the Town, except the Town Attorney and the Town
23 Clerk, who shall be appointed by the Board.
- 24 (5) Perform any other duties that may be required and authorized by the
25 Board.
- 26 (6) Prepare and submit the annual budget and capital program to the
27 Board.

28 "ARTICLE V. SPECIAL PROVISIONS.

29 "Sec. 5.1. **Intent.** The purpose of this act is to revise the Charter of the Town of
30 Burgaw and to consolidate herein certain acts concerning the property, affairs, and
31 government of the Town. It is intended to continue without interruption those provisions
32 of prior acts that are consolidated into this act so that all rights and liabilities that have
33 accrued are preserved and may be enforced.

34 "Sec. 5.2. **Construction.** This act shall not be deemed to repeal, modify, or in any
35 manner affect any of the following acts, portions of acts, or amendments thereto,
36 whether or not the acts, portions of acts, or amendments are expressly set forth herein:

- 37 (1) Any acts concerning the property, affairs, or government of public
38 schools in the Town of Burgaw.
- 39 (2) Any acts validating, confirming, approving, or legalizing official
40 proceedings, actions, contracts, or obligations of any kind.

"Sec. 5.3. **Repeal of Specific Acts.** The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

- Chapter 23 of the Private Laws of 1879.
- Chapter 174 of the Private Laws of 1887.
- Chapter 497 of the Private Laws of 1907.
- Chapter 317 of the Private Laws of 1909.
- Chapter 69 of the Private Laws of 1913, Extra Session.
- Chapter 265 of the Private Laws of 1913.
- Chapter 672 of the Public Laws of 1913.
- Chapter 23 of the Private Laws of 1937.
- Chapter 629 of the 1951 Session Laws.
- Chapter 157 of the 1953 Session Laws.
- Chapter 98 of the 1961 Session Laws.
- Chapter 823 of the 1991 Session Laws.

"Sec. 5.4. **Exclusions.** No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests, whether public or private:

- (1) Now vested or accrued, in whole or in part, the validating of which might be sustained or preserved by reference to any provisions of law repealed by this act.
- (2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

"Sec. 5.5. **Revival.** No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by either:

- (1) The repeal herein of any act repealing such law.
- (2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

"Sec. 5.6. **Prior Ordinances Saved.** All existing ordinances and resolutions of the Town of Burgaw and all existing rules or regulations of departments or agencies of the Town of Burgaw, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

"Sec. 5.7. **Effect on Legal Proceedings.** No action or proceeding of any nature, whether civil or criminal, judicial or administrative, or otherwise, pending on the effective date of this act by or against the Town of Burgaw or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

"Sec. 5.8. **Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

"Sec. 5.9. **Reference to Amended Provisions.** Whenever a reference is made in this act to a particular provision of the General Statutes, and the provision is later amended,

1 repealed, recodified, or superseded, the reference shall be deemed amended to refer to
2 the amended General Statutes, or to the General Statutes which most clearly correspond
3 to the statutory provision that is amended, repealed, recodified, or superseded.

4 "Sec. 5.10. **General Repealer.** All laws and clauses of laws in conflict with the
5 provisions of this act are hereby repealed."

6 **SECTION 2.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S

1

SENATE BILL 668

Short Title: Burgaw Charter Revised.

(Local)

Sponsors: Senator Albertson.

Referred to: Finance.

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
BURGAW AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Burgaw is revised and
consolidated to read as follows:

"THE CHARTER OF THE TOWN OF BURGAW.

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

"Sec. 1.1. **Incorporation.** The Town of Burgaw, North Carolina, in the County of
Pender, and the inhabitants thereof, shall continue to be a municipal body politic and
corporate, under the name and style of the 'Town of Burgaw,' hereinafter at times
referred to as the 'Town.'

"Sec. 1.2. **Powers.** The Town of Burgaw shall have and may exercise all of the
powers, duties, rights, privileges, and immunities, which are now, or hereafter may be
conferred, either expressly or by implication, upon the Town of Burgaw, specifically, or
upon municipal corporations, generally, by this Charter, by the North Carolina
Constitution, or by general or local law.

"Sec. 1.3. **Corporate Limits.** The corporate limits of the Town of Burgaw shall be
those existing at the time of ratification of this Charter, as the same are set forth on the
official map of the Town, and as the same may be altered from time to time in
accordance with law. An official map or description showing the current Town
boundaries shall be maintained permanently in the office of the Town Clerk, and shall
be available for public inspection. Immediately upon alteration of the corporate limits
made pursuant to law, the appropriate changes to the official map or description of the
Town shall be made.

"ARTICLE II. GOVERNING BODY.

"Sec. 2.1. **Governing Body.** The Mayor and Board of Commissioners, elected and
constituted as herein set forth, shall be the governing body of the Town. On behalf of

1 the Town, and in conformity with applicable laws, the Mayor and Board of
2 Commissioners, hereinafter at times referred to as the 'Board,' may provide for the
3 exercise of all municipal powers, and shall be charged with the general government of
4 the Town.

5 "Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board
6 shall be composed of five members, each of whom shall be elected for a term of four
7 years in the manner provided by Article III of this Charter, provided they shall serve
8 until their successors are elected and qualified.

9 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected in the
10 manner provided by Article III of this Charter to serve for a term of four years, or until
11 his successor is elected and qualified. The Mayor shall be the official head of the Town
12 government and shall preside at all meetings of the Board. He shall have the right to
13 vote only when there are an equal number of votes in the affirmative and the negative
14 on any motion before the Board. The Mayor shall exercise such powers and perform
15 such duties as presently are or hereafter may be conferred upon him by the General
16 Statutes of North Carolina, by this Charter, and by the ordinances of the Town.

17 "Sec. 2.4. **Mayor Pro Tempore.** In accordance with general law, the Board shall
18 appoint one of its members to act as Mayor Pro Tempore to perform the duties of the
19 mayor in the Mayor's absence or disability. The Mayor Pro Tempore shall have no fixed
20 term of office, but shall serve in such capacity at the pleasure of the remaining members
21 of the Board.

22 "Sec. 2.5. **Meetings of the Board.** In accordance with general law, the Board shall
23 establish a suitable time and place for its regular meetings. Special meetings may be
24 held as provided by general law.

25 "ARTICLE III. ELECTIONS.

26 "Sec. 3.1. **Regular Municipal Elections; Conduct and Method of Election.**
27 Regular municipal elections shall be held in the Town every two years in odd-numbered
28 years and shall be conducted in accordance with the uniform municipal election laws of
29 North Carolina. Elections shall be conducted on a nonpartisan basis and the results
30 determined by a plurality as provided in G.S. 163-292.

31 "Sec. 3.2. **Election of Commissioners.** The qualified voters of the entire Town shall
32 elect the members of the Board. The candidates for the Board shall be elected at large.
33 Those candidates who receive the highest number of votes in the Town at large shall be
34 declared duly elected to the office for which the candidate has filed. At the municipal
35 election to be held in November 2001, two members shall be elected for a four-year
36 term and at the municipal election to be held in November 2003, three members shall be
37 elected for a four-year term. Commissioners Charles M. Rooks and Howard N. Walker,
38 Jr., shall continue to serve as members of the Board until the expiration of their terms in
39 December 2001. Commissioners Charles M. Harrell, Charles E. Sparkman, and R.
40 Eugene Brown shall continue to serve as members of the Board until the expiration of
41 their terms in December 2003.

42 "Sec. 3.3. **Election of the Mayor.** At the regular municipal election in 2001, and
43 quadrennially thereafter, a Mayor shall be elected to serve a term of four years. The

1 qualified voters of the entire Town shall elect the Mayor. John W. James, Jr. shall serve
2 as Mayor until the expiration of his term in December 2001.

3 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

4 "Sec. 4.1. **Form of Government.** The Town shall operate under the
5 Council-Manager form of government as provided in Part 2 of Article 7 of Chapter
6 160A of the General Statutes.

7 "Sec. 4.2. **Town Manager.** The Board shall appoint a Town Manager who shall be
8 the administrative head of the Town government and shall be responsible for the
9 administration of all departments of the Town government. The Town Manager shall be
10 appointed with regard to merit only, and shall hold office at the pleasure of the Board
11 and shall receive such compensation as the Board shall fix by ordinance.

12 The Town Manager shall also perform the following duties:

- 13 (1) Take measures to ensure that within the Town the laws of the State and
14 the ordinances, resolutions, and regulations of the Board are faithfully
15 executed.
- 16 (2) Attend all meetings of the Board and recommend for adoption any
17 measures he deems expedient.
- 18 (3) Make reports to the Board from time to time upon affairs of the Town,
19 and keep the Board fully advised of the Town's financial condition and
20 its future financial needs.
- 21 (4) Appoint, suspend, and remove all heads of departments and other
22 employees of the Town, except the Town Attorney and the Town
23 Clerk, who shall be appointed by the Board.
- 24 (5) Perform any other duties that may be required and authorized by the
25 Board.
- 26 (6) Prepare and submit the annual budget and capital program to the
27 Board.

28 "ARTICLE V. SPECIAL PROVISIONS.

29 "Sec. 5.1. **Intent.** The purpose of this act is to revise the Charter of the Town of
30 Burgaw and to consolidate herein certain acts concerning the property, affairs, and
31 government of the Town. It is intended to continue without interruption those provisions
32 of prior acts that are consolidated into this act so that all rights and liabilities that have
33 accrued are preserved and may be enforced.

34 "Sec. 5.2. **Construction.** This act shall not be deemed to repeal, modify, or in any
35 manner affect any of the following acts, portions of acts, or amendments thereto,
36 whether or not the acts, portions of acts, or amendments are expressly set forth herein:

- 37 (1) Any acts concerning the property, affairs, or government of public
38 schools in the Town of Burgaw.
- 39 (2) Any acts validating, confirming, approving, or legalizing official
40 proceedings, actions, contracts, or obligations of any kind.

41 "Sec. 5.3. **Repeal of specific acts.** The following acts or portions of acts, having
42 served the purposes for which they were enacted, or having been consolidated into this
43 act are hereby repealed:

44 Chapter 23 of the Private Laws of 1879.

Chapter 174 of the Public Laws of 1887.
Chapter 497 of the Private Laws of 1907.
Chapter 317 of the Private Laws of 1909.
Chapter 69 of the Private Laws of 1913, Extra Session.
Chapter 265 of the Private Laws of 1913.
Chapter 672 of the Public Laws of 1913.
Chapter 23 of the Private Laws of 1937.
Chapter 629 of the 1951 Session Laws.
Chapter 157 of the 1953 Session Laws.
Chapter 98 of the 1961 Session Laws.
Chapter 823 of the 1991 Session Laws.

"Sec. 5.4. **Exclusions.** No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests, whether public or private:

- (1) Now vested or accrued, in whole or in part, the validating of which might be sustained or preserved by reference to any provisions of law repealed by this act.
- (2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

"Sec. 5.5. **Revival.** No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by either:

- (1) The repeal herein of any act repealing such law.
- (2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

"Sec. 5.6. **Prior Ordinances Saved.** All existing ordinances and resolutions of the Town of Burgaw and all existing rules or regulations of departments or agencies of the Town of Burgaw, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

"Sec. 5.7. **Effect on Legal Proceedings.** No action or proceeding of any nature, whether civil or criminal, judicial or administrative, or otherwise, pending on the effective date of this act by or against the Town of Burgaw or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

"Sec. 5.8. **Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

"Sec. 5.9. **Reference to Amended Provisions.** Whenever a reference is made in this act to a particular provision of the General Statutes, and the provision is later amended, repealed, recodified, or superseded, the reference shall be deemed amended to refer to the amended General Statutes, or to the General Statutes which most clearly correspond to the statutory provision that is amended, repealed, recodified, or superseded.

"Sec. 5.10. **General Repealer.** All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

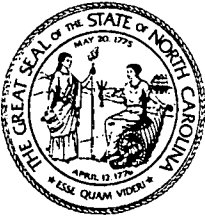
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☒ Committee Substitute for
S.B. 666 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE
TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION
COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON.
- ☒ 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)

2/15/01



SENATE BILL 666: Monroe Property Acquisition.

BILL ANALYSIS

Committee: House Local Government I
Date: May 8, 2001
Version: Second Edition

Introduced by: Senator Plyler
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would allow the City of Monroe to acquire certain properties, either by voluntary purchase or public condemnation, and then transfer that and other properties to Union County for the purpose of constructing a courthouse inside the City of Monroe.*

BILL ANALYSIS: The bill would authorize the City of Monroe to obtain four specifically described tracts of land in Union County by purchase or exchange, and then convey the tracts to Union County to be used as a site for a new courthouse. The bill also provides that the City of Monroe has the ability to condemn the four specifically described tracts of land in accordance with Article 3 of Chapter 40A which contains the guidelines for the right of eminent domain for public contemnors. The vesting of title in and the right of possession to condemned property would be pursuant to G.S. 40A-42(a), meaning unless an action for injunctive relief has been initiated, title to the property specified in the complaint along with the right of immediate possession, vests in the condemnor (the City of Monroe in this case) upon the filing of the complaint and the making of required deposits.

Additionally, the bill grants Monroe the authority to convey several tracts of land, currently owned by the City, to Union County for the new courthouse site.

EFFECTIVE DATE: The bill would become effective when it becomes law. The ability to acquire the four specifically described tracts of land and then convey those tracts to Union County would sunset on January 1, 2002, unless the land has been voluntarily acquired or condemnation proceedings have been filed.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 666
State and Local Government Committee Substitute Adopted 4/17/01

Short Title: Monroe Property Acquisition.

(Local)

Sponsors:

Referred to:

March 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN
3 PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR
4 THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The City of Monroe may acquire by purchase or exchange the
7 following described property in Union County, North Carolina, and may convey the
8 property, with or without monetary consideration, under the terms and conditions it
9 deems proper, to Union County for the purpose of constructing a courthouse thereon:

10 **TRACT 1**

11 BEGINNING at an iron in the South margin of the sidewalk along West Franklin Street,
12 said point being located N 89-45 W. 129 feet from the Southwest intersection of
13 Franklin Street and Stewart Street; and running thence S 0-15 W 180 feet to an iron in
14 the North margin of Morgan Street; thence with the North margin of Morgan Street N.
15 89-45 W 115 feet to an iron, a new corner of said street; thence a new division line N
16 9-15 E 180 feet to an iron, a new corner on the South margin of the sidewalk along the
17 South side of Franklin Street; thence with the South edge of said sidewalk S 89-45 E
18 115 feet to the beginning point and being all of Tract 1 described in Book 1310 page 35
19 Union County Registry.

20 **TRACT 2**

21 BEGINNING at an iron in the South margin of West Franklin Street on the old
22 corporation limits line of the City of Monroe, being the Northeast corner of the lot now
23 or formerly owned by R. Phifer (or J. M. Wiggins), and running thence along the South
24 margin of said Franklin Street, N 88 E 80 feet, to an iron, a new corner; thence a new
25 division line S 1 E 187 feet to an iron, a new corner on the North margin of Morgan
26 Street; thence along the North margin of said Morgan Street S 88 W 80 feet to an iron in
27 the old corporation limits line of the City of Monroe, and on the Southeast corner of the
28 lot now or formerly owned by R. Phifer (or J. M. Wiggins); thence along and with said
29 Phifer or Wiggins property line, being said "old corporation limits line," N 1 W 187 feet

1 to the beginning corner. BEING the same property conveyed to Estate of A. F. Stevens
2 by Franklin Street Realty Company of Monroe, North Carolina, Incorporated, by deed
3 dated October 2, 1974, and recorded in Deed Book 269 at Page 628 in the Office of the
4 Register of Deeds of Union County, North Carolina and being all of Tract 2 described in
5 Book 1310 page 35 Union County Registry.

6 TRACT 3

7 BEGINNING at an iron in the South margin of the South sidewalk along West Franklin
8 Street, said point being located North 89 degrees 45 minutes West 104 feet from the
9 Southwest intersection of Franklin Street and Stewart Street and running thence South 0
10 degrees 15 minutes West 180 feet to an iron in the North margin of Morgan Street;
11 thence with the North margin of Morgan Street North 89 degrees 45 minutes West 25.5
12 feet to an iron, a new corner on the North margin of said street; thence a new division
13 line North 0 degrees 15 minutes East 180 feet to an iron, a new corner on the South
14 margin of the sidewalk along the South side of Franklin Street; thence with the South
15 edge of the said sidewalk South 89 degrees 45 minutes East 25.5 feet to the Beginning
16 point and being the property described in Deed Book 381 page 872 of Union County
17 Registry.

18 TRACT 4

19 BEGINNING at an iron at the Northwest intersection of the intersections of Morgan
20 Street and Stewart Street said iron being on the Western margin of the Stewart Street
21 right-of-way and the Northern margin of the Morgan Street right-of-way and running
22 thence with the right-of-way of Morgan Street S88-29-44 W 99.78 feet to an iron
23 behind curb and retaining wall; thence with the concrete retaining wall and the line of
24 the Lewis R. Fisher property, N1-10-01 W 180.13 feet to a point on the outside of the
25 building line with the building corner being 1.33 feet beyond said point; Running thence
26 with Franklin Street N 88-29-44 E 100.0 feet to an iron set behind a 4 foot sidewalk; the
27 margin of the Stewart Street Right-of-Way; thence with the sidewalk and the Stewart
28 Street Right-of-Way S1-05-54 E 180.13 feet to the point and place of the beginning and
29 containing 17,994 square feet all according to a boundary survey by Carroll L. Rushing,
30 N.C.R.L.S. dated September 4, 1984, and being the same property described in Deed
31 Book 465 page 767 of Union County Registry.

32 **SECTION 2.** In acquiring the property described in Section 1 of this act, the
33 City of Monroe shall have the right of eminent domain for public condemnors as
34 provided in Article 3 of Chapter 40A of the General Statutes. With respect to the
35 vesting of title and right of possession, the provisions of G.S. 40A-42(a) shall apply.

36 **SECTION 3.** The City of Monroe may convey the following described
37 property in Union County, North Carolina, with or without monetary consideration,
38 under the terms and conditions it deems proper, to Union County for the purpose of
39 constructing a courthouse thereon:

40 All of that parcel of land in the City of Monroe bounded on the North by
41 Crowell Street and City Hall, on the East by Stewart Street, on the South by Jefferson
42 Street, and on the West by Charlotte Avenue, and being the same property described in

1 instruments filed in the Union County Register of Deeds Office in Book 212, page 28;
2 Book 211, page 390; Book 278, page 329; Book 283, page 780; and Book 251 page
3 224.

4 **SECTION 4.** This act is effective when it becomes law. Sections 1 and 2 of
5 this act expire on January 1, 2002, unless the property described in Section 1 of this act
6 has been voluntarily acquired or condemnation complaints have been filed on or before
7 that date.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

May 15, 2001

The House Committee on Local Government I met on Tuesday, May 15, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Representatives Buchanan, Decker, Ellis, Hensley, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

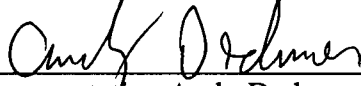
The Chairman called the meeting to order and told members that SB 885 was being pulled from today's agenda per the bill sponsor.

The first order of business was **SB 666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON.**

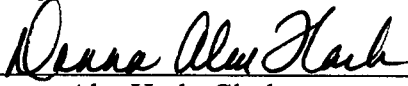
Representative Cole, was recognized and offered a committee substitute. Representative Teague moved to adopt the committee substitute and it was properly before the committee for discussion. Representative Buchanan then moved to give the committee substitute a favorable report, unfavorable to the original bill. The motion carried.

The next order of business was **SB 453, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LEXINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.** Senator Cunningham, bill sponsor, was recognized to explain the bill and offered a committee substitute to include Winston-Salem at Representative Womble's request. Representative Buchanan moved for adoption of the committee substitute and it was properly before the committee for discussion. Representative Buchanan then moved to give the committee substitute a favorable report, unfavorable as to the original bill; the motion carried.

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



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:
SB 666 & Summary
SB 453 & Summary

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**May 15, 2001
ROOM 415**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**SB 453 LEXINGTON/HIGHPOINT VEGETATION ORDINANCE – SENATOR
CUNNINGHAM**

SB 885 UNSAFE BUILDINGS – SENATOR CLODFELTER

SB 666 MONROE PROPERTY ACQUISITION – SENATOR PLYLER

ADJOURNMENT

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

Name of Committee

05/15/01
Date

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Bill CARSTENSEN

CHARLOTTE AREA TRANSIT

Karl Knapp

City of Winston-Salem

Andy Leonard

NCLM

KEVIN LEONARD

NCDOU

Tin Minted

NC Home Builders Assn

Mary Carnilia

REBIC

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

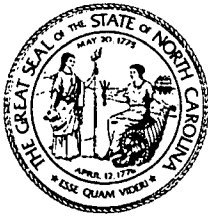
The following report(s) from standing committee(s) is/are presented:

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for
S.B. 666 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE
TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION
COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON.

- ☐ 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)

2/15/01



SENATE BILL 666: Monroe/Burlington Property.

BILL ANALYSIS

Committee: House Local Government I
Date: May 15, 2001
Version: Proposed Committee Substitute

Introduced by: Senator Plyler
Summary by: Giles S. Perry and
R. Erika Churchill
Committee Counsel

SUMMARY: *Senate Bill 666 would:*

- 1. Allow the City of Monroe to acquire certain properties, either by voluntary purchase or public condemnation, and then transfer that and other properties to Union County for the purpose of constructing a courthouse inside the City of Monroe; and*
- 2.. Authorize the City of Burlington to convey described property by private sale with or without monetary consideration.*

BILL ANALYSIS: Sections 1 and 2 of the bill would authorize the City of Monroe to obtain four specifically described tracts of land in Union County by purchase or exchange, and then convey the tracts to Union County to be used as a site for a new courthouse. The bill also provides that the City of Monroe has the ability to condemn the four specifically described tracts of land in accordance with Article 3 of Chapter 40A which contains the guidelines for the right of eminent domain for public contemnors. The vesting of title in and the right of possession to condemned property would be pursuant to G.S. 40A-42(a), meaning unless an action for injunctive relief has been initiated, title to the property specified in the complaint along with the right of immediate possession, vests in the condemnor (the City of Monroe in this case) upon the filing of the complaint and the making of required deposits.

Additionally, Section 3 of the bill would grant Monroe the authority to convey several tracts of land, currently owned by the City, to Union County for the new courthouse site.

Section 4 of the bill would authorize the City of Burlington to convey a described tract of land to Unity Builders', Inc. with or without monetary consideration.

EFFECTIVE DATE: The bill would become effective when it becomes law. The ability to acquire the four specifically described tracts of land and then convey those tracts to Union County would sunset on January 1, 2002, unless the land has been voluntarily acquired or condemnation proceedings have been filed.

S666-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S

D

SENATE BILL 666

State and Local Government Committee Substitute Adopted 4/17/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S666-CSRW-26 [v.3]

5/14/2001 3:13:14 PM

Short Title: Monroe/Burlington Property.

(Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN
PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR
THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO
AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED
PROPERTY BY PRIVATE SALE

The General Assembly of North Carolina enacts:

SECTION 1. The City of Monroe may acquire by purchase or exchange the
following described property in Union County, North Carolina, and may convey the
property, with or without monetary consideration, under the terms and conditions it
deems proper, to Union County for the purpose of constructing a courthouse thereon:

TRACT 1

BEGINNING at an iron in the South margin of the sidewalk along West Franklin Street,
said point being located N 89-45 W. 129 feet from the Southwest intersection of
Franklin Street and Stewart Street; and running thence S 0-15 W 180 feet to an iron in
the North margin of Morgan Street; thence with the North margin of Morgan Street N.
89-45 W 115 feet to an iron, a new corner of said street; thence a new division line N
9-15 E 180 feet to an iron, a new corner on the South margin of the sidewalk along the
South side of Franklin Street; thence with the South edge of said sidewalk S 89-45 E
115 feet to the beginning point and being all of Tract 1 described in Book 1310 page 35
Union County Registry.

TRACT 2

BEGINNING at an iron in the South margin of West Franklin Street on the old
corporation limits line of the City of Monroe, being the Northeast corner of the lot now
or formerly owned by R. Phifer (or J. M. Wiggins), and running thence along the South
margin of said Franklin Street, N 88 E 80 feet, to an iron, a new corner; thence a new
division line S 1 E 187 feet to an iron, a new corner on the North margin of Morgan
Street; thence along the North margin of said Morgan Street S 88 W 80 feet to an iron in

1 the old corporation limits line of the City of Monroe, and on the Southeast corner of the
2 lot now or formerly owned by R. Phifer (or J. M. Wiggins); thence along and with said
3 Phifer or Wiggins property line, being said "old corporation limits line," N 1 W 187 feet
4 to the beginning corner. BEING the same property conveyed to Estate of A. F. Stevens
5 by Franklin Street Realty Company of Monroe, North Carolina, Incorporated, by deed
6 dated October 2, 1974, and recorded in Deed Book 269 at Page 628 in the Office of the
7 Register of Deeds of Union County, North Carolina and being all of Tract 2 described in
8 Book 1310 page 35 Union County Registry.

9 TRACT 3

10 BEGINNING at an iron in the South margin of the South sidewalk along West Franklin
11 Street, said point being located North 89 degrees 45 minutes West 104 feet from the
12 Southwest intersection of Franklin Street and Stewart Street and running thence South 0
13 degrees 15 minutes West 180 feet to an iron in the North margin of Morgan Street;
14 thence with the North margin of Morgan Street North 89 degrees 45 minutes West 25.5
15 feet to an iron, a new corner on the North margin of said street; thence a new division
16 line North 0 degrees 15 minutes East 180 feet to an iron, a new corner on the South
17 margin of the sidewalk along the South side of Franklin Street; thence with the South
18 edge of the said sidewalk South 89 degrees 45 minutes East 25.5 feet to the Beginning
19 point and being the property described in Deed Book 381 page 872 of Union County
20 Registry.

21 TRACT 4

22 BEGINNING at an iron at the Northwest intersection of the intersections of Morgan
23 Street and Stewart Street said iron being on the Western margin of the Stewart Street
24 right-of-way and the Northern margin of the Morgan Street right-of-way and running
25 thence with the right-of-way of Morgan Street S88-29-44 W 99.78 feet to an iron
26 behind curb and retaining wall; thence with the concrete retaining wall and the line of
27 the Lewis R. Fisher property, N1-10-01 W 180.13 feet to a point on the outside of the
28 building line with the building corner being 1.33 feet beyond said point; Running thence
29 with Franklin Street N 88-29-44 E 100.0 feet to an iron set behind a 4 foot sidewalk; the
30 margin of the Stewart Street Right-of-Way; thence with the sidewalk and the Stewart
31 Street Right-of-Way S1-05-54 E 180.13 feet to the point and place of the beginning and
32 containing 17,994 square feet all according to a boundary survey by Carroll L. Rushing,
33 N.C.R.L.S. dated September 4, 1984, and being the same property described in Deed
34 Book 465 page 767 of Union County Registry.

35 SECTION 2. In acquiring the property described in Section 1 of this act, the
36 City of Monroe shall have the right of eminent domain for public condemnors as
37 provided in Article 3 of Chapter 40A of the General Statutes. With respect to the
38 vesting of title and right of possession, the provisions of G.S. 40A-42(a) shall apply.

39 SECTION 3. The City of Monroe may convey the following described
40 property in Union County, North Carolina, with or without monetary consideration,
41 under the terms and conditions it deems proper, to Union County for the purpose of
42 constructing a courthouse thereon:

1 All of that parcel of land in the City of Monroe bounded on the North by
2 Crowell Street and City Hall, on the East by Stewart Street, on the South by Jefferson
3 Street, and on the West by Charlotte Avenue, and being the same property described in
4 instruments filed in the Union County Register of Deeds Office in Book 212, page 28;
5 Book 211, page 390; Book 278, page 329; Book 283, page 780; and Book 251 page
6 224.

7 **SECTION 4.** Notwithstanding Article 12 of Chapter 160A of the General
8 Statutes, the City of Burlington may convey by private negotiation and sale, with or
9 without monetary consideration, any or all of the its right, title, and interest in the
10 following described property to Unity Builders', Inc. under the terms and conditions the
11 City Council deems appropriate:

12
13 Lot No. 2
14

15 A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina,
16 adjoining Rauhut Street, Rosenwald Street, the lands of Lots 1 and 3 of City of Burlington
17 Redevelopment Subdivision and others and being more particularly described as follows:
18

19 BEGINNING at an iron stake in the West right-of-way line of Rosenwald Street, said
20 stake being a corner with Lot No. 3, lying North 3 deg. 26' 50" East 57.70 feet from the
21 intersection of the West right-of-way line of Rosenwald Street and the North right-of-way line
22 of Massey Street and running thence from said beginning point with the line of Lot No. 3,
23 North 85 deg. 40' 07" West 189.42 feet to an iron stake in the East right-of-way line of Rauhut
24 Street; thence with the right-of-way line of Rauhut Street North 22 deg. 45' East 60.0 feet to an
25 iron stake, a corner with Lot No. 1; thence with the line of Lot No. 1, South 86 deg. 42' 18"
26 East 169.56 feet to an iron stake in the West right-of-way line of Rosenwald Street; thence with
27 the right-of-way line of Rosenwald Street South 3 deg. 26' 50" West 60.0 feet to the point of
28 BEGINNING and containing 0.240 Acres and being all of Lot No. 2, as shown on plat entitled
29 "Property of City of Burlington Redevelopment Subdivision", dated January 16, 1981, as
30 surveyed by John D. Somers, L-1172 and recorded at Plat Book 26, Page 26 in the Alamance
31 County Register of Deeds Office.

32 **SECTION 5.** This act is effective when it becomes law. Sections 1 and 2 of
33 this act expire on January 1, 2002, unless the property described in Section 1 of this act
34 has been voluntarily acquired or condemnation complaints have been filed on or before
35 that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 666
State and Local Government Committee Substitute Adopted 4/17/01

Short Title: Monroe Property Acquisition.

(Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN
PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR
THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Monroe may acquire by purchase or exchange the following described property in Union County, North Carolina, and may convey the property, with or without monetary consideration, under the terms and conditions it deems proper, to Union County for the purpose of constructing a courthouse thereon:

TRACT 1

BEGINNING at an iron in the South margin of the sidewalk along West Franklin Street, said point being located N 89-45 W. 129 feet from the Southwest intersection of Franklin Street and Stewart Street; and running thence S 0-15 W 180 feet to an iron in the North margin of Morgan Street; thence with the North margin of Morgan Street N. 89-45 W 115 feet to an iron, a new corner of said street; thence a new division line N 9-15 E 180 feet to an iron, a new corner on the South margin of the sidewalk along the South side of Franklin Street; thence with the South edge of said sidewalk S 89-45 E 115 feet to the beginning point and being all of Tract 1 described in Book 1310 page 35 Union County Registry.

TRACT 2

BEGINNING at an iron in the South margin of West Franklin Street on the old corporation limits line of the City of Monroe, being the Northeast corner of the lot now or formerly owned by R. Phifer (or J. M. Wiggins), and running thence along the South margin of said Franklin Street, N 88 E 80 feet, to an iron, a new corner; thence a new division line S 1 E 187 feet to an iron, a new corner on the North margin of Morgan Street; thence along the North margin of said Morgan Street S 88 W 80 feet to an iron in the old corporation limits line of the City of Monroe, and on the Southeast corner of the lot now or formerly owned by R. Phifer (or J. M. Wiggins); thence along and with said Phifer or Wiggins property line, being said "old corporation limits line," N 1 W 187 feet

1 to the beginning corner. BEING the same property conveyed to Estate of A. F. Stevens
2 by Franklin Street Realty Company of Monroe, North Carolina, Incorporated, by deed
3 dated October 2, 1974, and recorded in Deed Book 269 at Page 628 in the Office of the
4 Register of Deeds of Union County, North Carolina and being all of Tract 2 described in
5 Book 1310 page 35 Union County Registry.

6 TRACT 3

7 BEGINNING at an iron in the South margin of the South sidewalk along West Franklin
8 Street, said point being located North 89 degrees 45 minutes West 104 feet from the
9 Southwest intersection of Franklin Street and Stewart Street and running thence South 0
10 degrees 15 minutes West 180 feet to an iron in the North margin of Morgan Street;
11 thence with the North margin of Morgan Street North 89 degrees 45 minutes West 25.5
12 feet to an iron, a new corner on the North margin of said street; thence a new division
13 line North 0 degrees 15 minutes East 180 feet to an iron, a new corner on the South
14 margin of the sidewalk along the South side of Franklin Street; thence with the South
15 edge of the said sidewalk South 89 degrees 45 minutes East 25.5 feet to the Beginning
16 point and being the property described in Deed Book 381 page 872 of Union County
17 Registry.

18 TRACT 4

19 BEGINNING at an iron at the Northwest intersection of the intersections of Morgan
20 Street and Stewart Street said iron being on the Western margin of the Stewart Street
21 right-of-way and the Northern margin of the Morgan Street right-of-way and running
22 thence with the right-of-way of Morgan Street S88-29-44 W 99.78 feet to an iron
23 behind curb and retaining wall; thence with the concrete retaining wall and the line of
24 the Lewis R. Fisher property, N1-10-01 W 180.13 feet to a point on the outside of the
25 building line with the building corner being 1.33 feet beyond said point; Running thence
26 with Franklin Street N 88-29-44 E 100.0 feet to an iron set behind a 4 foot sidewalk; the
27 margin of the Stewart Street Right-of-Way; thence with the sidewalk and the Stewart
28 Street Right-of-Way S1-05-54 E 180.13 feet to the point and place of the beginning and
29 containing 17,994 square feet all according to a boundary survey by Carroll L. Rushing,
30 N.C.R.L.S. dated September 4, 1984, and being the same property described in Deed
31 Book 465 page 767 of Union County Registry.

32 **SECTION 2.** In acquiring the property described in Section 1 of this act, the
33 City of Monroe shall have the right of eminent domain for public condemnors as
34 provided in Article 3 of Chapter 40A of the General Statutes. With respect to the
35 vesting of title and right of possession, the provisions of G.S. 40A-42(a) shall apply.

36 **SECTION 3.** The City of Monroe may convey the following described
37 property in Union County, North Carolina, with or without monetary consideration,
38 under the terms and conditions it deems proper, to Union County for the purpose of
39 constructing a courthouse thereon:

40 All of that parcel of land in the City of Monroe bounded on the North by
41 Crowell Street and City Hall, on the East by Stewart Street, on the South by Jefferson
42 Street, and on the West by Charlotte Avenue, and being the same property described in

1 instruments filed in the Union County Register of Deeds Office in Book 212, page 28;
2 Book 211, page 390; Book 278, page 329; Book 283, page 780; and Book 251 page
3 224.

4 **SECTION 4.** This act is effective when it becomes law. Sections 1 and 2 of
5 this act expire on January 1, 2002, unless the property described in Section 1 of this act
6 has been voluntarily acquired or condemnation complaints have been filed on or before
7 that date.

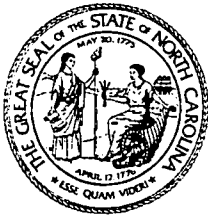
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☒ Committee Substitute for
S.B. 453 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF
LEXINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF 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)

2/15/01



SENATE BILL 453: Lexington/Winston-Salem Vegetation Ordinance

BILL ANALYSIS

Committee: House Local Government I
Date: May 15, 2001
Version: S453-PCS

Introduced by: Senators Cunningham &
Bingham
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The proposed committee substitute would add the City of Lexington and the City of Winston-Salem to the list of municipalities authorized to give annual notice to chronic violators of the municipality's overgrown vegetation ordinance.*

CURRENT LAW: In 1999, the General Assembly gave the City of Roanoke Rapids the authority to notify annually a chronic violator of the city's overgrown vegetation ordinance that the city may take action to remedy the violation, and charge the cost to the chronic violator, without further notice at the time of the remedial action. If this is done, the costs are a lien against the property and may be collected as unpaid property taxes. A chronic violator is defined as someone who owns property upon which the city has taken remedial action under the overgrown vegetation ordinance at least 3 times in the previous calendar year. The Cities of High Point and Gastonia were granted this same authority in 2000.

BILL ANALYSIS: The proposed committee substitute would add Lexington and Winston-Salem to the list of cities that may exercise the authority described above.

EFFECTIVE DATE: The bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 453

State and Local Government Committee Substitute Adopted 3/29/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S453-CSST-37 [v.2]

5/15/2001 9:12:09 AM

Short Title: Lexington/Winston-Salem Vegetation Ordinance. (Local)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF LEXINGTON AND WINSTON-SALEM
TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF OVERGROWN
VEGETATION ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33 and
S.L. 2000-38, reads as rewritten:

"Section 2. This act applies to the Cities of High Point and Gastonia Point, Gastonia,
Lexington, and Roanoke Rapids Rapids, and Winston-Salem only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 453
State and Local Government Committee Substitute Adopted 3/29/01

Short Title: Lexington Vegetation Ordinance.

(Local)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF LEXINGTON TO GIVE ANNUAL
NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN
VEGETATION ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33 and
S.L. 2000-38, reads as rewritten:

"Section 2. This act applies to the Cities of High Point and Gastonia, ~~Point, Gastonia,~~
Lexington, and Roanoke Rapids only."

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

**MINUTES
HOUSE COMMITTEE ON
LOCAL GOVERNMENT I**

June 5, 2001

The House Committee on Local Government I met on Tuesday, June 5, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Andy Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Hill, Hensley, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

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

The first order of business was **HB 1291, A BILL TO BE ENTITLED AN ACT TO REQUIRE A MUNICIPALITY TO HAVE A POPULATION OF MORE THAN FIVE HUNDRED PERSONS TO EXERCISE EXTRATERRITORIAL JURISDICTION.** Representative Carpenter, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan moved for adoption of the committee substitute and it was properly before the committee for discussion. Representative Carpenter told members that the committee substitute would make the bill a study bill. After some committee discussion, Representative Buchanan moved for a favorable report to the committee substitute, unfavorable to the original bill and re-refer the bill to the Committee on Rules; the motion carried.

The next order of business was **SB 584, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.** Senator Dalton, bill sponsor, was recognized to explain the bill. Representative Buchanan moved that the bill be given a favorable report; the motion carried.

The next order of business was **SB 408, A BILL TO BE ENTITLED AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS IN THEIR EXTRATERRITORIAL JURISDICTION.** Representative Saunders was recognized to handle and explain the bill for Senator Clodfelter. He then offered a committee substitute and Representative Buchanan moved for adoption of the committee substitute and it was properly before the committee for discussion. Mr. Boyd Coble, City of Charlotte, was recognized to answer and clarify some questions concerning where funding would come from since this is the City of Charlotte funding road improvements outside the city's limits, coming from the City/Street maintenance funds. After some committee discussion, Representative Buchanan moved to give the committee substitute a favorable report; unfavorable to the original bill. The motion carried.

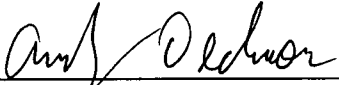
The next order of business was **SB 533, A BILL TO BE ENTITLED AN ACT ALLOWING THE CHARLOTTE CITY AND MECKLENBURG COUNTY SUBDIVISION ORDINANCES TO CONTROL THE LOCATION OF PERMANENT MARKERS ALONG PROPERTY LINES.** Again, Representative

Saunders was recognized to handle and explain the bill for Senator Clodfelter. Representative Buchanan moved for a favorable report; the motion carried.

The final order of business was **SB 535, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF INFLUENCE**. Again, Representative Saunders was recognized to handle and explain the bill for Senator Clodfelter. He showed members a chart showing the specific area of consideration. After some questions from members, Representative Buchanan moved for a favorable report; the motion carried.

There being no further business, the Chair adjourned the meeting at 11:40.

Respectfully submitted,



Representative Andy Dedmon
Chairman



Donna Abu Harb
Assistant to the Committee

Attachments:

Visitor Registration list
Agenda
HB 1291, Committee Substitute & Summary
SB 584 & Summary
SB 408 & Summary
SB 533 & Summary
SB 535 & Summary

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

Name of Committee

6/05/01
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

BOB CAUBLE	CITY OF CHARLOTTE
Mary Carlinio	REBL
Brian Francis	Meck Cnty
Dale McKeet	Scenic NC
Etheria Darg	Electric City
Kerra Fisher	Asheville Citizen-Times
BRUCE THOMPSON	PARKER PEE PANS & BARNSTON
GERRY COHEN	Bill Betting
Andy Romanet	NCLM
Chon Cove	B PINTZ
Jim Blackburn	N.C. Association of County Commissioners

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Paul Meyer

NCLM

Kim Hibbard

NCLM

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**June 5, 2001
ROOM 415**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

SB 584 RUTHERFORDTON ABC DISTRIBUTIONS – SENATOR DALTON

**HB 1291 LIMIT EXERCISE OF ETJ POWER – REPRESENTATIVE
CARPENTER**

**SB 408 MUNICIPAL ETJ ROADWAY IMPROVEMENTS - CLODFELTER
SB 533 CHARLOTTE/MECKLENBURG SUBDIVISION MARKERS –
CLODFELTER**

**SB 535 CHARLOTTE AREA SPHERE OF INFLUENCE – CLODFELTER
***** REMOVED FROM TODAY'S AGENDA**

ADJOURNMENT

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 1291 A BILL TO BE ENTITLED AN ACT TO REQUIRE A MUNICIPALITY TO HAVE A POPULATION OF MORE THAN FIVE HUNDRED PERSONS TO EXERCISE EXTRATERRITORIAL JURISDICTION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

☐ 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.

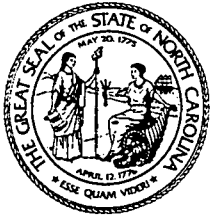
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 1291: Limit Exercise of ETJ Power.

BILL ANALYSIS

Committee: Local Government I

Date: June 5, 2001

Version: H1291-PCS3464-ST-35

Introduced by: Representative Carpenter

Summary by: R. Erika Churchill

Committee Counsel

SUMMARY: *The proposed committee substitute would authorize the Legislative Research Commission to study the exercise of extraterritorial jurisdiction powers by municipalities, and recommend changes.*

BILL ANALYSIS: The proposed committee substitute authorizes the Legislative Research Commission to study extraterritorial jurisdiction and its effect on citizens, how extraterritorial jurisdiction and annexation interplay, and to recommended changes.

BACKGROUND: Extraterritorial jurisdiction powers consist of the ability to regulate development of the area controlled, through planning and zoning ordinances. Current law authorizes municipalities to automatically extend their planning and zoning jurisdiction (ETJ) one mile beyond their city limits, unless the county is regulating subdivisions, has adopted a zoning ordinance, and is enforcing the State Building Code. If the county has undertaken all three of these activities, then the city must get approval of the county commissioners prior to extension of planning and zoning jurisdiction. Cities may also extend their ETJ two or three miles, if they have a population of 10,000 or 25,000, and they gain county commissioner approval.

EFFECTIVE DATE: The proposed committee substitute would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1291
PROPOSED COMMITTEE SUBSTITUTE H1291-PCS3464-ST-35

Short Title: Limit Exercise of ETJ Power.

(Public)

Sponsors:

Referred to:

April 12, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY THE EXERCISE OF EXTRATERRITORIAL JURISDICTION BY
4 MUNICIPALITIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The Legislative Research Commission may study issues
7 related to the exercise of extraterritorial jurisdiction. If this study is undertaken, the
8 Commission shall examine the following issues:

- 9 (1) The interplay between extraterritorial jurisdiction and annexation.
10 (2) The need for the authority to exercise extraterritorial jurisdiction by
11 municipalities with a population under 500.
12 (3) Other issues related to extraterritorial jurisdiction.
13 The Commission may report to the 2002 Regular Session of the 2001 General
14 Assembly or to the 2003 General Assembly on its findings and may make any
15 legislative recommendations it considers appropriate.

16 **SECTION 2.** This act becomes effective July 1, 2001.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1291

Short Title: Limit Exercise of ETJ Power.

(Public)

Sponsors: Representatives Carpenter and M. Crawford.

Referred to: Local Government I.

April 12, 2001

A BILL TO BE ENTITLED
AN ACT TO REQUIRE A MUNICIPALITY TO HAVE A POPULATION OF MORE
THAN FIVE HUNDRED PERSONS TO EXERCISE EXTRATERRITORIAL
JURISDICTION.

The General Assembly of North Carolina enacts:

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

"(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. In addition, any city with a population of more than 500 may exercise these powers within a defined area extending not more than one mile beyond its limits. With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration."

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

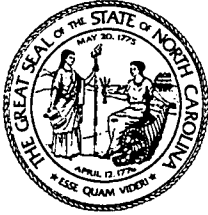
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
S.B. 584 A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS
FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE
CONTROL.
- ☒ 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)

2/15/01



SENATE BILL 584: Rutherfordton ABC Distributions.

BILL ANALYSIS

Committee: House Local Government I
Date: June 5, 2001
Version: First Edition

Introduced by: Senator Dalton
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would amend the purposes for which the local distribution of ABC revenues is used by repealing the amount that is currently allocated to Ruth Elementary School and reallocating that amount among the three other schools.*

CURRENT LAW: An ABC board must distribute its gross receipts as provided by statute. The term "gross receipts" means all revenues of a local board, including proceeds from the sale of alcoholic beverages, investments, interests on deposits, and any other source. Proceeds remaining after deducting the statutorily required amounts must be distributed to the general fund of the city or county for which the board is established, *unless a different distribution is provided for by law.*

The charter for the Town of Rutherfordton provides for a different distribution of its portion of the Town of Rutherfordton Alcoholic Beverage Control Board's gross receipts. Currently the proceeds are distributed as follows:

• Rutherford County Department of Mental Health	5%
• Rutherford County Board of Education:	
▪ Rutherfordton-Spindale High School (capital outlay)	10
▪ Rutherfordton Elementary School (capital outlay)	5
▪ Rutherfordton-Spindale Middle School (capital outlay)	5
▪ Ruth Elementary School (capital outlay)	5
• Town of Rutherfordton Parks & Recreation	20
• Town of Rutherfordton Police Department	25
• Town of Rutherfordton, general fund	<u>25</u>
	100%

BILL ANALYSIS: The bill would change the allocation schedule to eliminate the allocation to the Rutherford County Board of Education for the Ruth Elementary School, and spread that five percent (5%) among the other schools receiving a portion of the ABC funds distribution. The schedule would be as follows:

• Rutherford County Department of Mental Health	5%
• Rutherford County Board of Education:	
▪ Rutherfordton-Spindale High School (capital outlay)	12.5
▪ Rutherfordton Elementary School (capital outlay)	6.25
▪ Rutherfordton-Spindale Middle School (capital outlay)	6.25
▪ Ruth Elementary School (capital outlay)	0
• Town of Rutherfordton Parks & Recreation	20
• Town of Rutherfordton Police Department	25
• Town of Rutherfordton, general fund	<u>25</u>
	100%

EFFECTIVE DATE: The bill would become effective when it becomes law.

S584-SMST-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S

1

SENATE BILL 584

Short Title: Rutherfordton ABC Distributions.

(Local)

Sponsors: Senator Dalton.

Referred to: Finance.

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF
RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 1997-98 reads as rewritten:

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

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

B. At such special election, ballots shall be provided which contain the words, 'For Town Alcoholic Beverage Control Stores' and 'Against Town Alcoholic Beverage Control Stores' and/or, 'For off-premises sales of malt beverages' and 'Against off-premises sales of malt beverages'. The Town Council shall determine whether both questions are to be included on the same ballot or separate ballots. Appropriate squares

1 shall be printed to the left of each phrase so that each voter may designate with an 'X'
2 his preference. The cost of conducting the election shall be appropriated from the
3 General Fund of the Town of Rutherfordton.

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

17 D. The Town of Rutherfordton Alcoholic Beverage Control Board shall have all the
18 powers granted to, and duties imposed upon, county alcoholic control boards by G.S.
19 18A-17, except that G.S. 18A-17 (14) shall not apply to the Rutherfordton Board of
20 Alcoholic Beverage Control, and shall be subject to the powers and authority of the
21 State Board of Alcoholic Beverage Control as granted by G.S. 18A-15; provided,
22 however, that the location of stores and the purchase or lease of real property shall be
23 subject to the approval of the Town Council.

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

28 Five percent (5%) to the Rutherford County Department of Mental Health to be
29 specifically used for alcohol and drug rehabilitation programs.

30 ~~Ten percent (10%)~~ Twelve and one-half percent (12.5%) to the Rutherford County
31 Board of Education for specific use in meeting capital outlay needs at
32 Rutherfordton-Spindale High School.

33 ~~Five percent (5%)~~ Six and one-quarter percent (6.25%) to the Rutherford County
34 Board of Education for specific use in meeting the capital outlay needs at Rutherfordton
35 Elementary School.

36 ~~Five percent (5%)~~ Six and one-quarter percent (6.25%) to the Rutherford County
37 Board of Education for specific use in meeting the capital outlay needs at
38 Rutherfordton-Spindale Middle School.

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

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

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

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

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

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

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

20 **SECTION 2.** This act is effective when it becomes law.

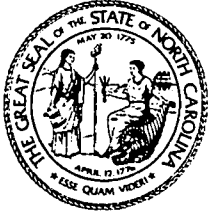
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☒ Committee Substitute for
S.B. 408 A BILL TO BE ENTITLED AN ACT TO ALLOW LARGE CITIES TO MAKE
ROADWAY IMPROVEMENTS IN THEIR EXTRATERRITORIAL JURISDICTION.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01



SENATE BILL 408: Municipal ETJ Roadway Improvements

BILL ANALYSIS

Committee: House Local Government I
Date: June 5, 2001
Version: 2nd Edition

Introduced by: Senator Clodfelter
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 408 would authorize cities with a population of 500,000 or more according to the most recent decennial census to make road improvements within their extraterritorial planning and zoning jurisdiction.*

CURRENT LAW: Under current law, cities are authorized to make road improvements within their municipal limits (G.S. 160A-296(a)(3)).

BILL ANALYSIS: Senate Bill 408 would authorize cities with a population of 500,000 or more to make road improvements in their extraterritorial planning and zoning jurisdiction.

Prior to making a street improvement authorized by this bill, the city would be required to enter into a memorandum of understanding with the North Carolina Department of Transportation to provide for maintenance of the improvement.

Senate Bill 408 would become effective when it becomes law.

S408-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 408
Finance Committee Substitute Adopted 4/4/01

Short Title: Municipal ETJ Roadway Improvements.

(Public)

Sponsors:

Referred to:

March 12, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS
3 IN THEIR EXTRATERRITORIAL JURISDICTION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-296 reads as rewritten:

6 "§ 160A-296. Establishment and control of streets; center and edge lines.

7 (a) A city shall have general authority and control over all public streets,
8 sidewalks, alleys, bridges, and other ways of public passage within its corporate limits
9 except to the extent that authority and control over certain streets and bridges is vested
10 in the Board of Transportation. General authority and control includes but is not limited
11 to:

- 12 (1) The duty to keep the public streets, sidewalks, alleys, and bridges in
13 proper repair;
- 14 (2) The duty to keep the public streets, sidewalks, alleys, and bridges open
15 for travel and free from unnecessary obstructions;
- 16 (3) The power to open new streets and alleys, and to widen, extend, pave,
17 clean, and otherwise improve existing streets, sidewalks, alleys, and
18 bridges, and to acquire the necessary land therefor by dedication and
19 acceptance, purchase, or eminent domain;
- 20 (4) The power to close any street or alley either permanently or
21 temporarily;
- 22 (5) The power to regulate the use of the public streets, sidewalks, alleys,
23 and bridges;
- 24 (6) The power to regulate, license, and prohibit digging in the streets,
25 sidewalks, or alleys, or placing therein or thereon any pipes, poles,
26 wires, fixtures, or appliances of any kind either on, above, or below the
27 surface;
- 28 (7) The power to provide for lighting the streets, alleys, and bridges of the
29 city; and

(8) The power to grant easements in street rights-of-way as permitted by G.S. 160A-273.

(a1) A city with a population of 500,000 or over according to the most recent decennial federal census may also exercise the power granted by subdivision (a)(3) of this section within its extraterritorial planning jurisdiction. Before a city makes improvements under this subsection, it shall enter into a memorandum of understanding with the Department of Transportation to provide for maintenance.

(b) Repealed by Session Laws 1991, c. 530, s. 6."

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

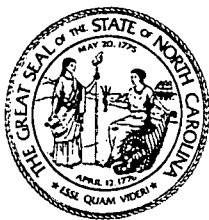
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
S.B. 533 A BILL TO BE ENTITLED AN ACT ALLOWING THE CHARLOTTE CITY
AND MECKLENBURG COUNTY SUBDIVISION ORDINANCES TO CONTROL THE
LOCATION OF PERMANENT MARKERS ALONG PROPERTY LINES.
- ☒ 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)

2/15/01



SENATE BILL 533: Charlotte/Mecklenburg Subdivision Markers.

BILL ANALYSIS

Committee: House Local Government I
Date: June 5, 2001
Version: First Edition

Introduced by: Senator Clodfelter
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would authorize the City of Charlotte and the County of Mecklenburg to enact ordinances to control the location of "control corners" in subdivisions.*

CURRENT LAW: Since 1947, the General Assembly has required that at least one control corner be permanently marked when land is divided into lots, streets laid off, and the lots offered for sale. The control corner's permanent marker must be designated and affixed at the time of recording the plat of the divided land, or prior to the sale of the first lot. Article 5A, Chapter 39.

BILL ANALYSIS: The bill would grant to Mecklenburg County and the City of Charlotte the ability to enact local ordinances designating the location and placement of the permanent control markers along property lines in subdivisions.

EFFECTIVE DATE: The bill would become effective when it becomes law.

S533-SMST-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 533

Short Title: Charlotte/Mecklenburg Subdivision Markers.

(Local)

Sponsors: Senators Clodfelter; Dannelly and Odom.

Referred to: State and Local Government.

March 19, 2001

A BILL TO BE ENTITLED

AN ACT ALLOWING THE CHARLOTTE CITY AND MECKLENBURG COUNTY
SUBDIVISION ORDINANCES TO CONTROL THE LOCATION OF
PERMANENT MARKERS ALONG PROPERTY LINES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6.204 of the Charter of the City of Charlotte, being
S.L. 2000-26, reads as rewritten:

~~"Section 6.204. Approval of Plats. (a) The City Council may enact an ordinance
providing that no plat of a subdivision of land lying within the corporate limits of the
City of Charlotte or within the perimeter area shall be filed or recorded until it shall
have been submitted to and approved by the Charlotte-Mecklenburg Planning
Commission in accordance with regulations adopted under authority of this Article and
such approval entered in writing on the plat by the Secretary of the Commission.~~

~~(b) Notwithstanding the provisions of G.S. 39-32.1, the City Council may by
ordinance designate the location and placement of permanent control markers along
property lines in subdivisions."~~

SECTION 2. Notwithstanding the provisions of G.S. 39-32.1, a county may
by ordinance designate the location and placement of permanent control markers along
property lines in subdivisions.

SECTION 3. Section 1 of this act applies to the City of Charlotte only.
Section 2 of this act applies to Mecklenburg County only.

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

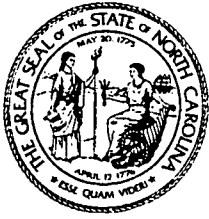
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☒ Committee Substitute for
S.B. 535 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S
SPHERE OF INFLUENCE.
- ☒ 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)

2/15/01



SENATE BILL 535: Charlotte Area Sphere of Influence

BILL ANALYSIS

Committee: House Local Government I
Date: June 5, 2001
Version: 2nd Edition

Introduced by: Senator Clodfelter
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 535 authorizes the City of Charlotte to exercise extraterritorial planning and zoning jurisdiction in areas that it may annex, as specified in agreements with surrounding towns. These areas are commonly referred to as Charlotte's "sphere of influence."*

CURRENT LAW: Under current local acts applicable to Mecklenburg County, the City of Charlotte may exercise extraterritorial planning and zoning jurisdiction up to one mile beyond its limits in areas that it may annex, as set out in agreements with the Towns of Matthews, Mint Hill, and Pineville.

BILL ANALYSIS: Senate Bill 535 would authorize the City of Charlotte to exercise extraterritorial planning and zoning jurisdiction in any area it may annex, as set out in agreements with the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville. The bill also specifies that approval of Mecklenburg County is not required prior to exercise of ETJ jurisdiction, and that certain described properties are exempt from the provision of the act.

Senate Bill 535 would become effective when it becomes law.

S535-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 535
Finance Committee Substitute Adopted 4/5/01

Short Title: Charlotte Area Sphere of Influence.

(Local)

Sponsors:

Referred to:

March 19, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE
3 EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF
4 INFLUENCE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Notwithstanding Section 12 of Chapter 860 of the 1971
7 Session Laws, as amended by Chapter 966 of the 1983 Session Laws (Regular Session
8 1984), and Chapter 161 of the 1991 Session Laws, the City of Charlotte may exercise
9 the powers granted by Article 19 of Chapter 160A of the General Statutes within certain
10 extraterritorial areas in Mecklenburg County. This act authorizes the City of Charlotte
11 to exercise extraterritorial jurisdiction only in those areas, commonly referred to as the
12 "Sphere of Influence," that the City of Charlotte may annex, as set forth in the City of
13 Charlotte's annexation agreements, and amendments thereto, with the Towns of
14 Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville. The area in
15 which the extraterritorial jurisdiction authorized by this act is to be exercised shall be
16 specifically identified in an ordinance as required by G.S. 160A-360, and may be
17 changed from time to time in the same manner, in accordance with the above referenced
18 agreement, modifications thereto, or future agreements or changed circumstances
19 delineating areas in which the towns may annex.

20 **SECTION 2.** Any exercise of authority granted by this act shall be
21 accomplished in accordance with G.S. 160A-360, except that no approval for
22 Mecklenburg County is required prior to such exercise.

23 **SECTION 3.** The authority granted by this act shall not be exercised with
24 respect to the property acquired by Mecklenburg County from Hazeline Massey, tax
25 parcel number 215-062-02; the property acquired by Mecklenburg County from
26 National Facilities Corporation, tax parcel number 215-081-15; or the property acquired
27 by Mecklenburg County from Lester H. Yandle, Jr., tax parcel numbers 215-062-01 and
28 215-062-06. As owner and user of the property exempted in this section, Mecklenburg
29 County shall not cause the elevation of the property to be increased more than 25 feet

1 above the highest point existing on the property on the date of ratification of this act,
2 unless the increase is approved in a resolution adopted by the Board of Commissioners
3 of the Town of Matthews.

4 **SECTION 4.** This act is effective when it becomes law.

MINUTES

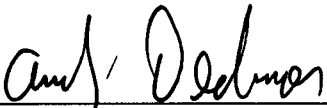
HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 6, 2001

The House Committee on Local Government I met around the chamber desk of Representative Dedmon, Committee Chair, immediately after the 3:00 House session on Wednesday, June 6, 2001. The chair called the meeting to order and the following members were present: Vice Chairman McAllister, Representatives Ellis, Gibson, Hill, Saunders and Setzer.

Representative Dedmon announced that the purpose of the meeting was to consider **Committee Substitute for SB 535, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF INFLUENCE**. Representative Saunders was recognized to explain the bill for Senator Clodfelter, bill sponsor. He offered a committee substitute and moved for its adoption. The motion carried and the bill was properly before the committee for discussion. Representative Ellis then moved to give the committee substitute a favorable report, unfavorable as to the original bill. The motion carried.

There being no further business, the committee adjourned.



Representative Andy Dedmon,
Chairman



Donna Abu Harb,
Clerk

Attachments:

SB 535 & Report

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☒ Committee Substitute for
S.B. 535 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S
SPHERE OF INFLUENCE.
- ☐ 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 535
Finance Committee Substitute Adopted 4/5/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S535-PCS5300-ST-48

Short Title: Charlotte Area Sphere of Influence.

(Local)

Sponsors:

Referred to:

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE
EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF
INFLUENCE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by Chapter 966 of the 1983 Session Laws (Regular Session 1984), and Chapter 161 of the 1991 Session Laws, the City of Charlotte may exercise the powers granted by Article 19 of Chapter 160A of the General Statutes within certain extraterritorial areas in Mecklenburg County. This act authorizes the City of Charlotte to exercise extraterritorial jurisdiction only in those areas, commonly referred to as the "Sphere of Influence," that the City of Charlotte may annex, as set forth in the City of Charlotte's annexation agreements, and amendments thereto, with the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville. The area in which the extraterritorial jurisdiction authorized by this act is to be exercised shall be specifically identified in an ordinance as required by G.S. 160A-360, and may be changed from time to time in the same manner, in accordance with the above referenced agreement, modifications thereto, or future agreements or changed circumstances delineating areas in which the towns may annex.

SECTION 2. Any exercise of authority granted by this act shall be accomplished in accordance with G.S. 160A-360, except that no approval for Mecklenburg County is required prior to such exercise.

SECTION 3. The authority granted by this act shall not be exercised with respect to the property acquired by Mecklenburg County from Hazeline Massey, tax parcel number 215-231-02; the property acquired by Mecklenburg County from National Facilities Corporation, tax parcel number 215-081-15; or the property acquired by Mecklenburg County from Lester H. Yandle, Jr., tax parcel number 215-231-01. As owner and user of the property exempted in this section, Mecklenburg County shall not

1 cause the elevation of the property to be increased more than 25 feet above the highest
2 point existing on the property on the date of ratification of this act, unless the increase is
3 approved in a resolution adopted by the Board of Commissioners of the Town of
4 Matthews.

5 **SECTION 4.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

D

**SENATE BILL 535
Finance Committee Substitute Adopted 4/5/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S535-PCS5300-ST-48**

Short Title: Charlotte Area Sphere of Influence.

(Local)

Sponsors:

Referred to:

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE
EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF
INFLUENCE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Section 12 of Chapter 860 of the 1971 Session Laws, as amended by Chapter 966 of the 1983 Session Laws (Regular Session 1984), and Chapter 161 of the 1991 Session Laws, the City of Charlotte may exercise the powers granted by Article 19 of Chapter 160A of the General Statutes within certain extraterritorial areas in Mecklenburg County. This act authorizes the City of Charlotte to exercise extraterritorial jurisdiction only in those areas, commonly referred to as the "Sphere of Influence," that the City of Charlotte may annex, as set forth in the City of Charlotte's annexation agreements, and amendments thereto, with the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville. The area in which the extraterritorial jurisdiction authorized by this act is to be exercised shall be specifically identified in an ordinance as required by G.S. 160A-360, and may be changed from time to time in the same manner, in accordance with the above referenced agreement, modifications thereto, or future agreements or changed circumstances delineating areas in which the towns may annex.

SECTION 2. Any exercise of authority granted by this act shall be accomplished in accordance with G.S. 160A-360, except that no approval for Mecklenburg County is required prior to such exercise.

SECTION 3. The authority granted by this act shall not be exercised with respect to the property acquired by Mecklenburg County from Hazeline Massey, tax parcel number 215-231-02; the property acquired by Mecklenburg County from National Facilities Corporation, tax parcel number 215-081-15; or the property acquired by Mecklenburg County from Lester H. Yandle, Jr., tax parcel number 215-231-01. As owner and user of the property exempted in this section, Mecklenburg County shall not

1 cause the elevation of the property to be increased more than 25 feet above the highest
2 point existing on the property on the date of ratification of this act, unless the increase is
3 approved in a resolution adopted by the Board of Commissioners of the Town of
4 Matthews.

5 **SECTION 4.** This act is effective when it becomes law.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

June 19, 2001

The House Committee on Local Government I met on Tuesday, June 19, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Vice Chairman McAllister, Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hensley, Hill, Kiser, Saunders, and Teague. Giles Perry and Erika Churchill, Staff Counsel, also attended. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order. He told members that **HB 500, CHARLOTTE-MECK SCHOOL OMNIBUS ELECTION**, was pulled from today's agenda.

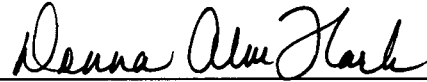
The next order of business was **SB 534, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH BID LAWS**. Representative Saunders was recognized to explain the bill for Senator Clodfelter, bill sponsor. He told members that this bill would exempt the City of Charlotte from the public bidding statutes for certain contracts for storm water drainage system and intersection and road improvement projects of not more than \$250,000. Chairman Dedmon then recognized Mr. Boyd Coble, Executive Assistant Charlotte City Manager who answered some clarifying questions. Representative Decker was then recognized and offered an amendment that would change the \$250,000 cap to \$175,000. The amendment was then voted on and passed. After more committee discussion, Representative Ellis moved for a favorable report as amended and roll into a committee substitute; unfavorable as to the original bill. The motion carried.

The next order of business was **SB 405, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE**. Representative Saunders was recognized to explain the bill for Senator Clodfelter, bill sponsor. He told members that this bill would authorize the City of Charlotte to enter into reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure. Mr. Boyd Coble, Executive Assistant Charlotte City Manager, was again recognized to further clarify the bill. Finally, after much committee discussion, the chairman stated that we would have to come back to the bill at the next meeting.

There being no further time to discuss business, the committee adjourned at 12:00.



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration

Agenda

SB 534, Committee Substitute & Summary

SB 405 & Summary

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

6-19-01

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Alm Bell	Chm Observer
Tim Michals	NC Home Builders
Byrd Cumber	City of Charlotte
Natalie English	Charlotte Chamber
Mary Carnelia	REBK
Matt Boody	CENC
Benjamin Sholis	NC Sierra Club
Jack Betts	Charlotte Chamber
Andy Romenit	NC LM
Caps Ciner	BPMHL
Paul Schuler	N+O

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**June 19, 2001
ROOM 415**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 500 CHARLOTTE-MECK SCHOOL OMNIBUS ELECTION – REP.
GULLEY**

SB 405 INFRASTRUCTURE REIMBURSEMENT – SEN. CLODFELTER

**SB 407 CHARLOTTE STORMWATER/TRANSIT QUICK TAKE – SEN.
CLODFELTER**

**SB 534 CHARLOTTE STORM DRAIN/ROAD PROJECTS – SEN.
CLODFELTER**

ADJOURNMENT

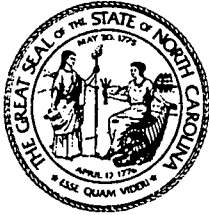
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
S.B. 534 A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH THE BID LAWS.
- ☐ 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)

2/15/01



SENATE BILL 534: Charlotte Storm Drain/Road Projects

BILL ANALYSIS

Committee: House Local Government I
Date: June 19, 2001
Version: First Edition

Introduced by: Senator Clodfelter; Dannelly
and Odom
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 534 would exempt the City to Charlotte from the public bidding statutes for certain contracts for storm water drainage system and intersection and road improvement projects of not more than \$250,000.*

BILL ANALYSIS: Senate Bill 534 would make two changes to the Charter of the City of Charlotte.

1. Add a new section to the Charter that would allow the City to contract with a private party for storm drainage system improvements that are adjacent or ancillary to a private land development. The terms of the contract would let the City reimburse the private party for costs associated with the design and construction of the project that are in addition to those required by City regulations. The contract would not be subject to the public contracts laws, Article 8 of Chapter 143 of the General Statutes.
2. Expand Section 7.107 of the Charter that currently deals with the purchase and exchange of land for street widening purposes. The new language would allow the City to contract with a private party for public intersection or roadway improvements adjacent or ancillary to a private land development. Such a contract would not be subject to the public contract laws, Article 8 of Chapter 143 of the General Statutes.

In both instances, for the contract to be exempted from the public contracts laws, there would have to be a finding that the public cost will not exceed \$250,000. Further, the City's Engineering and Property Management Department would have to determine (1) that the public cost of the contract will not exceed the cost of providing for the improvements through either force account labor or through a public contract that has been through the bidding process prescribed in Article 8 or (2) that the coordination of separately constructed public improvements would be impracticable.

Senate Bill 534 would become effective when it becomes law.

S534-SMRW-002

Barbara Riley of the Research Division contributed substantially to this summary

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 534
PROPOSED HOUSE COMMITTEE SUBSTITUTE S534-PCS3499-RW-30

Short Title: Charlotte Storm Drain/Road Projects.

(Local)

Sponsors:

Referred to:

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH THE BID LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Charlotte, being S.L. 2000-26, is amended by adding a new section to read:

"Section 7.23. Storm Drainage System Improvements.

(a) Authorization. The City may contract with a private party for storm drainage system improvements that are adjacent or ancillary to a private land development project. Such a contract shall allow the City to reimburse the private party for costs associated with the design and construction of storm drainage improvements that are in addition to those required by the City's land development regulations. Such a contract is not subject to Article 8 of Chapter 143 of the General Statutes if the public cost will not exceed one hundred seventy-five thousand dollars (\$175,000) and the City's Engineering and Property Management Department determines that: (i) the public cost will not exceed the estimated cost of providing for such public storm drainage system improvements through either eligible force account qualified labor or through a public contract let pursuant to Article 8 of Chapter 143 of the General Statutes; or (ii) the coordination of separately constructed public storm drainage system improvements would be impracticable.

(b) Property Acquisition. The storm drainage system improvements may be constructed on property owned or acquired by the private party or on property directly acquired by the City. The private party may assist the City in obtaining storm drainage easements in favor of the City from private property owners on those properties that will be involved in or affected by the project. The contract between the City and the private party may be entered into before the acquisition of any real property necessary to the project."

1 **SECTION 2.** Section 7.107 of the Charter of the City of Charlotte, being
2 S.L. 2000-26, reads as rewritten:

3 "Section 7.107.—~~Exchange of Property.~~ Intersection and Roadway
4 Improvements.

5 (a) In connection with street widening, the City may purchase with any available
6 funds, property immediately adjacent to property located on a street corner; provided, in
7 the opinion of the Council, the value of such inside lands does not exceed the value of
8 the corner property needed for street-widening purposes, and may convey and transfer
9 such inside lands to the owner of the corner property in exchange for property needed
10 for street-widening purposes, at private sale.

11 (b) The City may contract with a private party for public intersection or roadway
12 improvements that are adjacent or ancillary to a private land development project. Such
13 a contract is not subject to Article 8 of Chapter 143 of the General Statutes if the public
14 cost will not exceed one hundred seventy-five thousand dollars (\$175,000) and the
15 Charlotte Department of Transportation determines that: (i) the public cost will not
16 exceed the estimated cost of providing for such public intersection or roadway
17 improvements through either eligible force account qualified labor or through a public
18 contract let pursuant to Article 8 of Chapter 143 of the General Statutes; or (ii) the
19 coordination of separately constructed public intersection or roadway improvements and
20 the adjacent or ancillary private land development improvements would be
21 impracticable."

22 **SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 534

Short Title: Charlotte Storm Drain/Road Projects.

(Local)

Sponsors: Senators Clodfelter; Dannelly and Odom.

Referred to: State and Local Government.

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR
CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC
INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING
WITH THE BID LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Charlotte, being S.L. 2000-26, is amended by adding a new section to read:

"Section 7.24. Storm Drainage System Improvements.

(a) Authorization. The City may contract with a private party for storm drainage system improvements that are adjacent or ancillary to a private land development project. Such a contract shall allow the City to reimburse the private party for costs associated with the design and construction of storm drainage improvements that are in addition to those required by the City's land development regulations. Such a contract is not subject to Article 8 of Chapter 143 of the General Statutes if the public cost will not exceed two hundred fifty thousand dollars (\$250,000) and the City's Engineering and Property Management Department determines that: (i) the public cost will not exceed the estimated cost of providing for such public storm drainage system improvements through either eligible force account qualified labor or through a public contract let pursuant to Article 8 of Chapter 143 of the General Statutes; or (ii) the coordination of separately constructed public storm drainage system improvements would be impracticable.

(b) Property acquisition. The storm drainage system improvements may be constructed on property owned or acquired by the private party or on property directly acquired by the City. The private party may assist the City in obtaining storm drainage easements in favor of the City from private property owners on those properties that will be involved in or affected by the project. The contract between the City and the private

1 party may be entered into before the acquisition of any real property necessary to the
2 project."

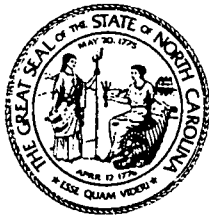
3 **SECTION 2.** Section 7.107 of the Charter of the City of Charlotte, being
4 S.L. 2000-26, reads as rewritten:

5 "Section 7.107.—~~Exchange of Property.~~ Intersection and Roadway
6 Improvements.

7 (a) In connection with street widening, the City may purchase with any available
8 funds, property immediately adjacent to property located on a street corner; provided, in
9 the opinion of the Council, the value of such inside lands does not exceed the value of
10 the corner property needed for street-widening purposes, and may convey and transfer
11 such inside lands to the owner of the corner property in exchange for property needed
12 for street-widening purposes, at private sale.

13 (b) The City may contract with a private party for public intersection or roadway
14 improvements that are adjacent or ancillary to a private land development project. Such
15 a contract is not subject to Article 8 of Chapter 143 of the General Statutes if the public
16 cost will not exceed two hundred fifty thousand dollars (\$250,000) and the Charlotte
17 Department of Transportation determines that: (i) the public cost will not exceed the
18 estimated cost of providing for such public intersection or roadway improvements
19 through either eligible force account qualified labor or through a public contract let
20 pursuant to Article 8 of Chapter 143 of the General Statutes; or (ii) the coordination of
21 separately constructed public intersection or roadway improvements and the adjacent or
22 ancillary private land development improvements would be impracticable."

23 **SECTION 3.** This act is effective when it becomes law.



SENATE BILL 405: Infrastructure Reimbursement

BILL ANALYSIS

Committee: House Local Government I
Date: June 19, 2001
Version: First Edition

Introduced by: Senator Clodfelter
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 405 authorizes the City of Charlotte to enter into reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure.*

BILL ANALYSIS: Senate Bill 405 would authorize the City of Charlotte to enter into reimbursement agreements with private developers for the design and construction of municipal infrastructure, such as water and sewer lines, sidewalks, and traffic control devices, that are included in the City's Capital Improvement Plan and serve the developer.

Construction contracts for infrastructure awarded pursuant to this section would be subject to the advertising and bidding requirements of G.S. 143-129, but would be exempt from the other requirements of the public contracts law, Article 8 of Chapter 143 of the General Statutes.

Senate Bill 405 would become effective when it becomes law.

S405-SMRW-001

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

1

SENATE BILL 405

Short Title: Infrastructure Reimbursement.

(Local)

Sponsors: Senator Clodfelter.

Referred to: Finance.

March 12, 2001

A BILL TO BE ENTITLED
AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS
FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina enacts:

SECTION 1. A city may enter into reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure that is included on the city's Capital Improvement Plan and serves the developer or property owner. For the purpose of this act, municipal infrastructure includes, without limitation, water mains, sanitary sewer lines, lift stations, storm water lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.

SECTION 2. A city shall enact ordinances setting forth procedures and terms under which such agreements may be approved.

SECTION 3. A city may provide for such reimbursements to be paid from any lawful source.

SECTION 4. No reimbursement pursuant to an agreement authorized by this act shall be deemed to be construction subject to Article 8 of Chapter 143 of the General Statutes or to be deemed to be a violation or evasion of any provision of said Article. Notwithstanding the foregoing provisions of this section, a construction contract subject to a reimbursement agreement authorized by this act shall not be awarded by a developer or property owner who is a party to such reimbursement agreement without complying with the requirements of G.S. 143-129 relating to public advertising and bid opening requirements which would be applicable if the construction contract had been awarded by the city.

SECTION 5. This act applies only to the City of Charlotte.

SECTION 6. This act is effective when it becomes law.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

July 17, 2001

The House Committee on Local Government I met on Tuesday, July 17, 2001, in Room 415 of the Legislative Office Building at 11:00 a.m. The following members were present: Chairman Dedmon, Representatives Adams, Decker, Ellis, Hill, Kiser, Saunders, Setzer and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order.

The first order of business was **SB 405, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.**

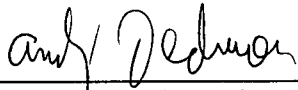
Senator Clodfelter, bill sponsor was not present. Representative Saunders was recognized and offered a committee substitute. Representative Ellis moved for adoption of the committee substitute; the motion passed and it was properly before the committee for discussion. Representative Ellis then moved for a favorable report to the committee substitute, unfavorable as to the original bill. The motion carried.

The next order of business was **SB 407, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURES FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS.** Representative Saunders, again handled the bill for Senator Clodfelter, bill sponsor, and again was recognized to explain the bill. Representative Hill was then recognized and moved for a favorable report; the motion carried.

The next order of business was **SB 255, A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND.** Senator Hartsell, bill sponsor, was recognized to explain the bill and offered a committee substitute. He told members that only change was the effective date on the bill. Representative Kiser moved for a favorable report as to the committee substitute; unfavorable as to the original bill and re-refer to the bill to the Committee on Finance. The motion carried.

The last order of business was **SB 420, A BILL TO BE ENTITLED AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT.** Senator Swindell, bill sponsor, was recognized to explain the bill. Representative Kiser moved to give the bill a favorable report. The motion carried.

There being no further business, the committee adjourned at 11:10.



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration

Agenda

SB 405 & Summary

SB 407 & Summary

SB 255 & Summary

SB 420 & Summary

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

Name of Committee

7-17-01

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Mary Carmilia

RESIC

Boyd Canble

City of Charlotte

Natalie English

Charlotte Chamber

Brian Francis

Mecklenburg County

John Phelps

NCLM

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**July 17, 2001
ROOM 410 LOB
11:00 a.m.**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**SB 405 INFRASTRUCTURE REIMBURSEMENT
SENATOR CLODFELTER**

**SB 407 CHARLOTTE STORM WATER/TRANSIT QUICK TAKE
SENATOR CLODFELTER**

**SB 255 MIDLAND CHARTER AMENDMENTS
SENATOR HARTSELL**

**SB 420 ROCKY MOUNT POLICE OFFICER RESIDENCY
SENATOR SWINDELL**

ADJOURNMENT

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

S.B. 405 A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.

☐ 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)

2/15/01



SENATE BILL 405: Infrastructure Reimbursement

BILL ANALYSIS

Committee: House Local Government I
Date: July 17, 2001
Version: S405-CSRW-44

Introduced by: Senator Clodfelter
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 405 authorizes the City of Charlotte to enter into reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure.*

BILL ANALYSIS: Senate Bill 405 would authorize the City of Charlotte to enter into reimbursement agreements with private developers for the design and construction of municipal infrastructure, such as water and sewer lines, sidewalks, and traffic control devices, that are included in the City's Capital Improvement Plan and serve the developer.

Construction contracts for infrastructure awarded pursuant to this section would be subject to the advertising and bidding requirements of G.S. 143-129, and the minority business participation goal of G.S. 143-128(f), but would be exempt from the other requirements of the public contracts law, Article 8 of Chapter 143 of the General Statutes.

Senate Bill 405 would become effective when it becomes law.

S405-SMRW-001

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

D

**SENATE BILL 405
PROPOSED HOUSE COMMITTEE SUBSTITUTE S405-CSRW-44 [v.1]**

7/16/2001 10:27:04 AM

Short Title: Infrastructure Reimbursement.

(Local)

Sponsors:

Referred to:

March 12, 2001

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS
3 FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** A city may enter into reimbursement agreements with private
6 developers and property owners for the design and construction of municipal
7 infrastructure that is included on the city's Capital Improvement Plan and serves the
8 developer or property owner. For the purpose of this act, municipal infrastructure
9 includes, without limitation, water mains, sanitary sewer lines, lift stations, storm water
10 lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated
11 facilities.

12 **SECTION 2.** A city shall enact ordinances setting forth procedures and
13 terms under which such agreements may be approved.

14 **SECTION 3.** A city may provide for such reimbursements to be paid from
15 any lawful source.

16 **SECTION 4.** No reimbursement pursuant to an agreement authorized by this
17 act shall be deemed to be construction subject to Article 8 of Chapter 143 of the General
18 Statutes or to be deemed to be a violation or evasion of any provision of said Article.
19 Notwithstanding the foregoing provisions of this section, a construction contract subject
20 to a reimbursement agreement authorized by this act shall not be awarded by a
21 developer or property owner who is a party to such reimbursement agreement without
22 complying with the requirements of G.S. 143-129 and G.S. 143-128(f) relating to public
23 advertising and bid opening requirements which would be applicable if the construction
24 contract had been awarded by the city.

25 **SECTION 5.** This act applies only to the City of Charlotte.

26 **SECTION 6.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

1

SENATE BILL 405

Short Title: Infrastructure Reimbursement.

(Local)

Sponsors: Senator Clodfelter.

Referred to: Finance.

March 12, 2001

A BILL TO BE ENTITLED
AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS
FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina enacts:

SECTION 1. A city may enter into reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure that is included on the city's Capital Improvement Plan and serves the developer or property owner. For the purpose of this act, municipal infrastructure includes, without limitation, water mains, sanitary sewer lines, lift stations, storm water lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.

SECTION 2. A city shall enact ordinances setting forth procedures and terms under which such agreements may be approved.

SECTION 3. A city may provide for such reimbursements to be paid from any lawful source.

SECTION 4. No reimbursement pursuant to an agreement authorized by this act shall be deemed to be construction subject to Article 8 of Chapter 143 of the General Statutes or to be deemed to be a violation or evasion of any provision of said Article. Notwithstanding the foregoing provisions of this section, a construction contract subject to a reimbursement agreement authorized by this act shall not be awarded by a developer or property owner who is a party to such reimbursement agreement without complying with the requirements of G.S. 143-129 relating to public advertising and bid opening requirements which would be applicable if the construction contract had been awarded by the city.

SECTION 5. This act applies only to the City of Charlotte.

SECTION 6. This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

S.B. 407 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS.

☒ 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.

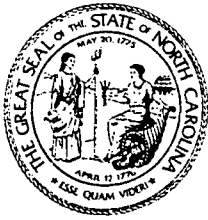
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



SENATE BILL 407: Charlotte Stormwater/Transit Quick Take

BILL ANALYSIS

Committee: House Local Government I
Date: July 17, 2001
Version: First Edition

Introduced by: Senator Clodfelter
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 407 would authorize the City of Charlotte to use "quick take" condemnation for the acquisition of property for stormwater drainage systems and for public transportation systems.*

CURRENT LAW: Under current law, the City of Charlotte has "quick take" condemnation power to acquire property for a variety of purposes, such as city streets, sidewalks, water and sewer systems, and airports.

BILL ANALYSIS: House Bill 407 would authorize the City of Charlotte to condemn property by "quick take" for two additional purposes: (1) structural and natural stormwater drainage systems; and (2) public transportation systems.

House Bill 407 would become effective upon ratification.

H407-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 407

Short Title: Charlotte Stormwater/Transit Quick Take.

(Local)

Sponsors: Senator Clodfelter.

Referred to: Finance.

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO
ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR
ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND
PUBLIC TRANSPORTATION SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7.81(a) of the Charter of the City of Charlotte, being
S.L. 2000-26, as amended by S.L. 2000-89, reads as rewritten:

"(a) Notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority
of eminent domain for the acquisition of property to be used for streets and highways,
water supply and distribution systems, sewage collection and disposal systems,
economic development purposes authorized by law within the territory described in
subsection (c) of this section, structural and natural stormwater and drainage systems of
all types, public transportation systems, and airports, the City is hereby authorized to
use the procedure and authority prescribed in Article 9 of Chapter 136 of the General
Statutes, as now or hereafter amended; provided further, that whenever therein any
reference is made to the State of North Carolina or any agency thereof, such reference
shall be deemed to include the City, and whenever therein any reference is made to any
official of the state of North Carolina, such reference shall be deemed to include the
City Manager; provided further that nothing herein shall be construed to enlarge the
power of the City to condemn property already devoted to public use."

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

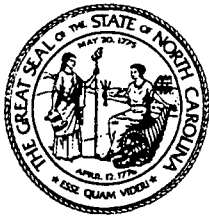
**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☒ Committee Substitute for
S.B. 255 A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS
TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND.
- ☐ 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 re-refer to the
Committee on Finance.*
- ☐ 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)

2/15/01



SENATE BILL 255 : Midland Charter Amendments.

BILL ANALYSIS

Committee: House Local Government I
Date: July 17, 2001
Version: S255-CSST-50v.1

Introduced by: Senator Hartsell
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The proposed committee substitute would annexation certain described property into the corporate limits of the Town of Midland.*

BILL ANALYSIS: The proposed committee substitute would add approximately 30 acres known as a part of the Mack F. Sossoman Place in Number 10 Township of Cabarrus County to the corporate limits of the Town of Midland.

BACKGROUND: The owners of the property have requested that the property be included in the corporate limits of Midland, which was incorporated in July of 2000. S.L. 2000-91.

EFFECTIVE DATE: The bill would become effective June 30, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 255*
Finance Committee Substitute Adopted 3/8/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S255*-PCS8233-ST-50

Short Title: Midland Charter Amendments.

(Local)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE
LIMITS OF THE TOWN OF MIDLAND.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate
limits of the Town of Midland:

All that certain tract of land containing thirty (30) acres, known as a part of
the Mack F. Sossoman Place in Number 10 Township, Cabarrus County, North Carolina
on the Pine Bluff Church Road as shown on plat by Reece I. Long dated 1937 showing
metes and bounds as follows:

Beginning at an iron pin on the East bank of Pine Bluff Church Road (said
iron stake being the Northeast corner of William E. Honeycutt's 36.9 acre tract) and runs
with the said Pine Bluff Church Road N4°30' W538 feet to an iron stake on the West
bank of Pine Bluff Church Road, an old corner; thence N64°30' W40 feet to a Post Oak,
an old corner of Lawrence McInnis land; thence with McInnis line N65°0' W1238.5 feet
to an iron stake; thence N65° W375 feet to an iron stake; thence with C.L. Voncannon's
line S20°30' W616 feet to an iron stake, Voncannon's corner; thence S19°30' W560 feet
with the line of C. Everette Voncannon to an iron stake on line of William E.
Honeycutt's land; thence with three lines of Honeycutt as follows: First, N49°45' W219
feet to a stake; Second, S62°30' E427.5 feet to a stake; Third, S 84°45' E1024.0 feet to
the point of beginning.

SECTION 2. Real and personal property in the territory annexed pursuant to
this act is subject to municipal taxes as provided in G.S. 160A-58.10.

SECTION 3. This act becomes effective July 31, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 255*
Finance Committee Substitute Adopted 3/8/01

Short Title: Midland Charter Amendment.

(Local)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL
OF THE TOWN OF MIDLAND.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.4 of the Charter of the Town of Midland, being S.L. 2000-91, reads as rewritten:

"Section 3.4. **Initial Council.** Until the organizational meeting after the initial regular municipal election of 2001, L.W. 'Bunk' Whitley, Joyce Beatty, A. J. Tucker, Frederick W. Buchta, and Dan Short are hereby appointed as members of the Town Council. Until that time, the Council shall consist of ~~three~~five members. Until the organizational meeting after the initial regular municipal election of 2001, the Town Council shall choose from among its members one person to serve as Mayor."

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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for

S.B. 420 A BILL TO BE ENTITLED AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT.

☒ 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.

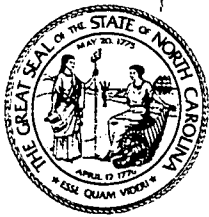
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



SENATE BILL 420: Rocky Mount Police Officer Residency.

BILL ANALYSIS

Committee: House Local Government I
Date: July 17, 2001
Version: S420-SMST-001

Introduced by: Senator Swindell
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would remove from the Charter of Rocky Mount the requirement that police officers reside in Nash or Edgecombe Counties, effective when it becomes law.*

BILL ANALYSIS: The bill would strike from the city charter of Rocky Mount a requirement that police officers employed by the City be residents of Nash or Edgecombe County. Currently, police officers employed by the City of Rocky Mount are not required to live in the City of Rocky Mount, but are required to be a resident of Nash or Edgecombe County.

EFFECTIVE DATE: The bill would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

2

**SENATE BILL 420
State and Local Government Committee Substitute Adopted 4/25/01**

Short Title: Rocky Mount Police Officer Residency.

(Local)

Sponsors:

Referred to:

March 13, 2001

A BILL TO BE ENTITLED

AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 140(a) of the Charter of the City of Rocky Mount, being Chapter 938 of the 1963 Session Laws, as amended by Chapter 427 of the 1969 Session Laws, reads as rewritten:

"(a) The City Manager shall appoint the Chief of Police. The Chief of Police, acting under the City Manager, shall appoint the other police officers of the City and shall have supervision and control of the police force and shall enforce discipline therein. ~~Police officers shall be residents of Nash or Edgecombe Counties, but need not be residents of the City.~~"

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

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**July 17, 2001
ROOM 410 LOB
11:00 a.m.**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**SB 405 INFRASTRUCTURE REIMBURSEMENT
SENATOR CLODFELTER**

**SB 407 CHARLOTTE STORM WATER/TRANSIT QUICK TAKE
SENATOR CLODFELTER**

**SB 255 MIDLAND CHARTER AMENDMENTS
SENATOR HARTSELL**

**SB 420 ROCKY MOUNT POLICE OFFICER RESIDENCY
SENATOR SWINDELL**

ADJOURNMENT

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

D

SENATE BILL 255*
Finance Committee Substitute Adopted 3/8/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S255-CSST-50 [v.1]

7/17/2001 10:10:17 AM

Short Title: Midland Charter Amendments.

(Local)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED
AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE
LIMITS OF THE TOWN OF MIDLAND.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate limits of the Town of Midland:

All that certain tract of land containing thirty (30) acres, known as a part of the Mack F. Sossoman Place in Number 10 Township, Cabarrus County, North Carolina on the Pine Bluff Church Road as shown on plat by Reece I. Long dated 1937 showing metes and bounds as follows:

Beginning at an iron pin on the East bank of Pine Bluff Church Road (said iron stake being the Northeast corner of William E. Honeycutt's 36.9 acre tract) and runs with the said Pine Bluff Church Road N4°30' W538 feet to an iron stake on the West bank of Pine Bluff Church Road, an old corner; thence N64°30' W40 feet to a Post Oak, an old corner of Lawrence McInnis land; thence with McInnis line N65°0' W1238.5 feet to an iron stake; thence N65° W375 feet to an iron stake; thence with C.L. Voncannon's line S20°30' W616 feet to an iron stake, Voncannon's corner; thence S19°30' W560 feet with the line of C. Everette Voncannon to an iron stake on line of William E. Honeycutt's land; thence with three lines of Honeycutt as follows: First, N49°45' W219 feet to a stake; Second, S62°30' E427.5 feet to a stake; Third, S 84°45' E1024.0 feet to the point of beginning.

SECTION 2. Real and personal property in the territory annexed pursuant to this act is subject to municipal taxes as provided in G.S. 160A-58.10.

SECTION 3. This act is effective July 31, 2001.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2001-2002 SESSION**

You are hereby notified that the Committee on **LOCAL GOVERNMENT I** will meet as follows:

DAY & DATE: TUESDAY, JULY 17, 2001

TIME: 11:00

LOCATION: ROOM 415 LOB

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

**SB 405 INFRASTRUCTURE REIMBURSEMENT – SENATOR CLODFELTER
SB 407 CHARLOTTE STORM WATER/TRANSIT QUICK TAKE – SENATOR
CLODFELTER**

SB 255 MIDLAND CHARTER AMENDMENTS – SENATOR HARTSELL

**SB 420 ROCKY MOUNT POLICE OFFICER RESIDENCY – SENATOR
SWINDELL**

Respectfully,

Representative ANDY DEDMON
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at
11:00 on July 11, 2001.

____Principal Clerk
____Reading Clerk - House Chamber

Donna Abu Harb (Committee Assistant)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR
2001-2002**

BILL SPONSOR: SENATOR CLODFELTER

OFFICE: 406

NOTIFICATION DATE: JULY 11, 2001

The House Committee on LOCAL GOVERNMENT I will meet as follows:

DAY & DATE: TUESDAY, JULY 17

TIME: 11:00 A.M.

LOCATION: RM 415

Your Bill (or Bills) will be discussed at this time:

SB 405 INFRASTRUCTURE REIMBURSEMENT

SB 407 CHARLOTTE STORM WATER/TRANSIT QUICK TAKE

We would like to have you attend this meeting.

Representative DEDMON
Chairman

DONNA ABU HARB (Committee Assistant)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR
2001-2002**

BILL SPONSOR: SENATOR HARTSELL

OFFICE: 518

NOTIFICATION DATE: JULY 11, 2001

The House Committee on LOCAL GOVERNMENT I will meet as follows:

DAY & DATE: TUESDAY, JULY 17

TIME: 11:00 A.M.

LOCATION: RM 415

Your Bill (or Bills) will be discussed at this time:
SB 255 MIDLAND CHARTER AMENDMENTS

We would like to have you attend this meeting.

Representative DEDMON
Chairman

DONNA ABU HARB (Committee Assistant)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR
2001-2002**

BILL SPONSOR: SENATOR SWINDELL

OFFICE: 521

NOTIFICATION DATE: JULY 11, 2001

The House Committee on LOCAL GOVERNMENT I will meet as follows:

DAY & DATE: TUESDAY, JULY 17

TIME: 11:00 A.M.

LOCATION: RM 415

Your Bill (or Bills) will be discussed at this time:
SB 420 ROCKY MOUNT POLICE OFFICER RESIDENCY

We would like to have you attend this meeting.

Representative DEDMON
Chairman

DONNA ABU HARB (Committee Assistant)

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

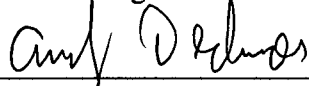
August 7, 2001

The House Committee on Local Government I met on Tuesday, August 7, 2001, in Room 415 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Dedmon, Representatives Adams, Buchanan, Decker, Ellis, Saunders, Setzer and Teague. Ex-officio member Representative Cunningham was also in attendance. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

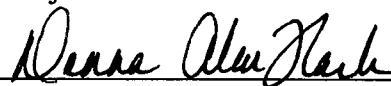
The Chairman called the meeting to order. The first order of business was **HB 500, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE ELECTORAL SYSTEM FOR THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO CHANGE TERMS FROM FOUR YEARS TO TWO YEARS, TO ADD TWO AT-LARGE MEMBERS, AND TO PROVIDE FOR NONPARTISAN PRIMARY ELECTIONS.** Representative Gulley, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan was recognized and moved to adopt the committee substitute and it was properly brought before the committee for discussion. Representative Cunningham then moved for a favorable report as to the committee substitute, unfavorable to the original bill. The motion carried.

The next order of business was **SB 885, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS.** Senator Clodfelter, bill sponsor, was recognized to explain the bill. Chairman Dedmon then recognized Representative Tucker to explain his portion of the bill. After some questions from members, Representative Ellis moved to give the committee substitute a favorable report, unfavorable to the original bill. The motion carried.

There being no further business, the committee adjourned at 11:15.



Representative Andy Dedmon,
Chair



Donna Abu Harb, Clerk

Attachments:

Visitor Registration

Agenda

HB 500, Committee Substitute & Summary

SB 885, Committee Substitute & Summary

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

8-7-01

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Peyton Maynard	JC
Andy Romanoff	NCLM
Peter Keber	Bank of America
Natalie English	Charlotte Chamber
Brian Francis	Meck County
Mary Cornelia	REBIC
David Saye	Young, Moore, and Henderson
Kathryn Wilson	BCBSNC

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**August 7, 2001
ROOM 415 LOB
11:00 a.m.**

OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 500 CHARLOTTE-MECK SCHOOL OMNIBUS ELECTION
REPRESENTATIVE GULLEY**

**SB 885 UNSAFE BUILDINGS
SENATOR CLODFELTER**

ADJOURNMENT

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 500 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE ELECTORAL SYSTEM FOR THE CHARLOTTE- MECKLENBURG BOARD OF EDUCATION TO CHANGE TERMS FROM FOUR YEARS TO TWO YEARS, TO ADD TWO AT-LARGE MEMBERS, AND TO PROVIDE FOR NONPARTISAN PRIMARY ELECTIONS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

☐ 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.

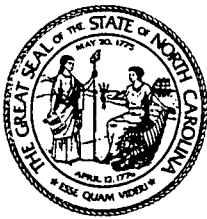
☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01



HOUSE BILL 500: Local School Board Elections-Study

BILL ANALYSIS

Committee: House Local Government I
Date: August 7, 2001
Version: H500-SMCSST-60v3

Introduced by: Representative Gulley
Summary by: R.Erika Churchill
Committee Counsel

SUMMARY: *The proposed committee substitute would authorize the Legislative Research Commission to study the election process of local school boards in counties with a population over 600,000.*

BILL ANALYSIS: The proposed committee substitute would authorize the study of the following by the Legislative Research Commission:

1. Whether the number of at-large seats on the local board of education in counties with a population over 600,000 should be increased.
2. Whether the term period of members serving on the local board of education in counties with a population over 600,000 should be decreased.
3. Whether the primary election for the local board of education in a county with a population over 600,000 should be nonpartisan.

EFFECTIVE DATE: The act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

D

**HOUSE BILL 500
PROPOSED COMMITTEE SUBSTITUTE H500-PCS1222-ST-60**

Short Title: Local School Board Elections-Study.

(Public)

Sponsors:

Referred to:

March 7, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
STUDY ADDING TWO AT-LARGE MEMBERS TO THE BOARDS OF
EDUCATION IN COUNTIES WITH A POPULATION OVER 600,000, TO
STUDY CHANGING THE TERM OF OFFICE FOR BOARDS OF EDUCATION
IN COUNTIES WITH A POPULATION OVER 600,000 FROM FOUR YEARS
TO TWO YEARS, AND TO STUDY CHANGES IN THE MANNER OF
ELECTION OF BOARDS OF EDUCATION IN COUNTIES WITH A
POPULATION OVER 600,000 SO AS TO PROVIDE FOR NONPARTISAN
PRIMARY ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission may study the need for
adding two additional at-large members to the boards of education in counties with a
population greater than 600,000.

SECTION 2. The Legislative Research Commission may study term periods
for members of the local board of education in counties with a population greater than
600,000 to determine if the term length should be changed from four years to two years.

SECTION 3. The Legislative Research Commission may study altering the
election of boards of education in counties with a population greater than 600,000 to
provide for nonpartisan primary elections.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 500

Short Title: Charlotte-Meck. School Omnibus Election.

(Local)

Sponsors: Representative Gulley.

Referred to: Local Government I.

March 7, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE ELECTORAL SYSTEM FOR THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO CHANGE TERMS FROM FOUR YEARS TO TWO YEARS, TO ADD TWO AT-LARGE MEMBERS, AND TO PROVIDE FOR NONPARTISAN PRIMARY ELECTIONS.

The General Assembly of North Carolina enacts:

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

"(a) In 1995 and ~~quadrennially thereafter, 1999,~~ three members of the Charlotte-Mecklenburg Board of Education shall be elected for four-year terms by all the qualified voters of Mecklenburg County. In 2001 two members of the Charlotte-Mecklenburg Board of Education shall be elected for two-year terms by all the qualified voters of Mecklenburg County. In 2003 and biennially thereafter, five members of the Charlotte-Mecklenburg Board of Education shall be elected for two-year terms by all the qualified voters of Mecklenburg County."

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

"(c) In 1995, one member of the Charlotte-Mecklenburg Board of Education shall be elected from each district for a two-year term by all the qualified voters of the district. ~~In 1997 and quadrennially thereafter, 1997~~ one member of the Charlotte-Mecklenburg Board of Education shall be elected from each district for a four-year term by all the qualified voters of the district. In 2001 and biennially thereafter, one member of the Charlotte-Mecklenburg Board of Education shall be elected from each district for a two-year term by all the qualified voters of the district."

SECTION 3. Section 1 of Chapter 167 of the 1993 Session Laws reads as rewritten:

"Section 1. (a) The Charlotte-Mecklenburg Board of Education shall be elected on a nonpartisan ~~plurality~~ primary basis on the Tuesday after the first Monday in November

1 in odd-numbered years, with the results determined as provided by ~~G.S. 163-292~~ G.S.
2 163-294. Notwithstanding G.S. 163-279(a), if any municipality in the county conducts
3 its election on a partisan basis:

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

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

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

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

15 **SECTION 4.** This act is effective when it becomes law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

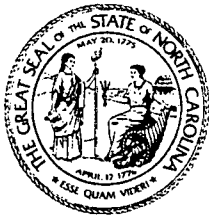
By Representative(s) **DEDMON** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for

S.B. 885 A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES
REGULATING UNSAFE BUILDINGS.

- ☐ 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)

2/15/01



SENATE BILL 885: Unsafe buildings

BILL ANALYSIS

Committee: House Local Government I
Date: August 6, 2001
Version: S885-CSRF-26

Introduced by: Senator Clodfelter
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 885 would make a series of technical corrections to the statutes applicable to demolition of nonresidential buildings enacted during the previous legislative session (S.L. 2000-164).*

CURRENT LAW: Prior to 2000, the General Statutes authorized condemnation and removal of residential and nonresidential buildings for unsafe conditions. During the 2000 session, the General Assembly amended the General Statutes to authorize cities to condemn, demolish, and place a lien on vacant and dilapidated non-residential property in a community development target area.

The changes made last year in S.L. 2000-164 contained language that unintentionally restricted the pre-2000 unsafe building law. The prior law applied to all buildings, but the 2000 change appeared to restrict that law to residential buildings.

BILL ANALYSIS: Section 1 and 2 of Senate Bill 885 would make a series of technical changes to G.S. 160A-426 and G.S. 160A-432 (regarding unsafe buildings) to clarify the changes made last session in S.L. 2000-164.

Section 3 of the bill would extend to December 31, 2002 the deadline for Counties to sell any improvements on real property purchased through the Hazard Mitigation Grant Program related to Hurricane Floyd.

Effective Date: Section 1 and 2 of the bill would become effective when it becomes law. Section 3 would become effective on an after July 31, 2001.

S885-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S

D

SENATE BILL 885

Commerce Committee Substitute Adopted 4/10/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S885-PCS1223-RF-26

Short Title: Unsafe Buildings.

(Public)

Sponsors:

Referred to:

April 4, 2001

A BILL TO BE ENTITLED

AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-426 reads as rewritten:

"§ 160A-426. Unsafe buildings condemned.

(a) Residential ~~Building~~ Building and Nonresidential Building or Structure. - Every building ~~which~~ that shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe; and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of ~~said~~ the building.

(b) Nonresidential Building or Structure. - ~~An~~ In addition to the authority granted in subsection (a) of this section, an inspector may declare a nonresidential building or structure within a community development target area to be unsafe if it meets both of the following conditions:

(1) It appears to the inspector to be vacant or abandoned.

(2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities ~~which~~ that would constitute a public nuisance.

(c) If an inspector declares a nonresidential building or structure to be ~~unsafe~~, unsafe under subsection (b) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the

1 building. For the purposes of this subsection, ~~section~~, the term "community
2 development target area" means an area that has characteristics of a development zone
3 under G.S. 105-129.3A, a "nonresidential development-redevelopment area" under G.S.
4 160A-503(10), or an area with similar characteristics designated by the city council as
5 being in special need of revitalization for the benefit and welfare of its citizens."

6 **SECTION 2.** G.S. 160A-432 reads as rewritten:

7 "**§ 160A-432. Civil and equitable enforcement.**~~Enforcement.~~

8 (a) ~~Civil Enforcement.~~—Whenever any violation is denominated a misdemeanor
9 under the provisions of this Part, the city, either in addition to or in lieu of other
10 remedies, may initiate any appropriate action or proceedings to prevent, restrain,
11 correct, or abate the violation or to prevent the occupancy of the building or structure
12 involved.

13 (b) ~~Equitable Enforcement.~~—In the case of a nonresidential building or structure
14 declared unsafe under G.S. ~~160A-426(b)~~, 160A-426, a city may, in lieu of taking action
15 under subsection (a), cause the building or structure to be removed or demolished. The
16 amounts incurred by the city in connection with the removal or demolition shall be a
17 lien against the real property upon which the cost was incurred. The lien shall be filed,
18 have the same priority, and be collected in the same manner as liens for special
19 assessments provided in Article 10 of this Chapter. If the building or structure is
20 removed or demolished by the city, the city shall sell the usable materials of the
21 building and any personal property, fixtures, or appurtenances found in or attached to
22 the building. The city shall credit the proceeds of the sale against the cost of the removal
23 or demolition. Any balance remaining from the sale shall be deposited with the clerk of
24 superior court of the county where the property is located and shall be disbursed by the
25 court to the person found to be entitled thereto by final order or decree of the court.

26 (c) Nothing in this section shall be construed to impair or limit the power of the
27 city to define and declare nuisances and to cause their removal or abatement by
28 summary proceedings, or otherwise."

29 **SECTION 3.** Section 2 of S.L. 2001-29 reads as rewritten:

30 "Section 2. A county may sell any improvements affixed to or located on real
31 property that it has purchased through the Hazard Mitigation Grant Program related to
32 Hurricane Floyd. These improvements may be sold and are exempt from the
33 restrictions and limitations required to effectuate sales of real or personal property
34 provided for in Article 12 of Chapter 160A of the General Statutes. No dwelling may be
35 sold pursuant to this section unless the following requirements are met:

- 36 (1) The dwelling may be sold only to the verifiable owner of the dwelling
37 at the time of Hurricane Floyd, September 15, 1999, and must initially
38 be reoccupied by the same owner.
39 (2) The dwelling must have been properly repaired in compliance with the
40 North Carolina Building Code as verified by the county Planning and
41 Development Department by issuance of a building permit, subsequent
42 inspections, and a certificate of occupancy.

1 (3) The dwelling must be sold on or before ~~July 31, 2001~~December 31,
2 2002."

3 **SECTION 4.** Sections 1 and 2 of this act are effective when they become
4 law. Section 3 of this act is effective on and after July 31, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 885
Commerce Committee Substitute Adopted 4/10/01

Short Title: Unsafe Buildings.

(Public)

Sponsors:

Referred to:

April 4, 2001

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE
3 BUILDINGS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-426 reads as rewritten:

6 "§ 160A-426. Unsafe buildings condemned.

7 (a) Residential ~~Building~~-Building and Nonresidential Building or Structure. -
8 Every building ~~which~~that shall appear to the inspector to be especially dangerous to life
9 because of its liability to fire or because of bad condition of walls, overloaded floors,
10 defective construction, decay, unsafe wiring or heating system, inadequate means of
11 egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice
12 of the dangerous character of the structure to a conspicuous place on the exterior wall of
13 ~~said the~~ building.

14 (b) Nonresidential Building or Structure. - ~~An~~In addition to the authority
15 granted in subsection (a) of this section, an inspector may declare a nonresidential
16 building or structure within a community development target area to be unsafe if it
17 meets both of the following conditions:

18 (1) It appears to the inspector to be vacant or abandoned.

19 (2) It appears to the inspector to be in such dilapidated condition as to
20 cause or contribute to blight, disease, vagrancy, fire or safety hazard,
21 to be a danger to children, or to tend to attract persons intent on
22 criminal activities or other activities ~~which~~that would constitute a
23 public nuisance.

24 (c) If an inspector declares a nonresidential building or structure to be ~~unsafe~~,
25 unsafe under subsection (b) of this section, the inspector must affix a notice of the
26 unsafe character of the structure to a conspicuous place on the exterior wall of the
27 building. For the purposes of this ~~subsection~~section, the term "community
28 development target area" means an area that has characteristics of a development zone
29 under G.S. 105-129.3A, a "nonresidential ~~development~~redevelopment area" under G.S.

1 160A-503(10), or an area with similar characteristics designated by the city council as
2 being in special need of revitalization for the benefit and welfare of its citizens."

3 **SECTION 2.** G.S. 160A-432 reads as rewritten:

4 "**§ 160A-432. ~~Civil and equitable enforcement.~~ Enforcement.**

5 (a) ~~Civil Enforcement.~~—Whenever any violation is denominated a misdemeanor
6 under the provisions of this Part, the city, either in addition to or in lieu of other
7 remedies, may initiate any appropriate action or proceedings to prevent, restrain,
8 correct, or abate the violation or to prevent the occupancy of the building or structure
9 involved.

10 (b) ~~Equitable Enforcement.~~—In the case of a nonresidential building or structure
11 declared unsafe under G.S. ~~160A-426(b), 160A-426~~, a city may, in lieu of taking action
12 under subsection (a), cause the building or structure to be removed or demolished. The
13 amounts incurred by the city in connection with the removal or demolition shall be a
14 lien against the real property upon which the cost was incurred. The lien shall be filed,
15 have the same priority, and be collected in the same manner as liens for special
16 assessments provided in Article 10 of this Chapter. If the building or structure is
17 removed or demolished by the city, the city shall sell the usable materials of the
18 building and any personal property, fixtures, or appurtenances found in or attached to
19 the building. The city shall credit the proceeds of the sale against the cost of the removal
20 or demolition. Any balance remaining from the sale shall be deposited with the clerk of
21 superior court of the county where the property is located and shall be disbursed by the
22 court to the person found to be entitled thereto by final order or decree of the court.

23 (c) Nothing in this section shall be construed to impair or limit the power of the
24 city to define and declare nuisances and to cause their removal or abatement by
25 summary proceedings, or otherwise."

26 **SECTION 3.** This act is effective when it becomes law.

2002

**HOUSE
LOCAL GOVERNMENT I**

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT I 2002 SESSION

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Dedmon, Andy, Chairman	Lisa Brown, Committee Assistant	733-5732	2213	112
McAllister, Mary, Vice Chair	Marilyn Suitt	733-5959	638	28
Adams, Alma	Rhonda Towns	733-5902	542	67
Buchanan, Charles	Glenda Jones	733-5825	536	30
Decker, Michael	Linda Hines	733-5988	1021	87
Ellis, Sam	Alice Falcone	733-5755	607	116
Gibson, Pryor	Shirlyn MacPherson	715-3007	419A	108
Hensley, Robert	Margie Penven	733-5780	610	79
Hill, Dewey	Ginny McCann	733-5830	1309	21
Kiser, Joe	Marilyn Holder	733-5782	1317	100
Saunders, Drew	Ruth Fish	733-5606	2217	48
Setzer, Mitchell	Joanna Mills	733-4948	1015	86
Teague, Junior	Anna Kidd	733-5530	1017	94
Giles Perry & Erika Churchill, Committee Counsel				

EX OFFICIO MEMBERS:

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

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE LOCAL GOVERNMENT I COMMITTEE
2001 – 2002 SESSION



Rep. Dedmon
Chair



Rep. McAllister
Vice-Chair



Rep. Adams



Rep. Buchanan



Rep. Decker



Rep. Ellis



Rep. Gibson



Rep. Hensley



Rep. Hill



Rep. Kiser



Rep. Saunders



Rep. Setzer



Rep. Teague

[illegible]

North Carolina General Assembly
Through House Committee on
Local Government I

Date: 10/22/2002
Time: 10:30
Page: 001 of 005
Leg. Day: H-256/S-242

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0019	Smith	CERTAIN LOCAL GOVERNMENTS' CONDEMNATION.	*HR Ch. SL 2001-36	02-20-01	02-28-01
H0047	Bonner	FAIRMONT PRIVATE SALE.	HR Ch. SL 2001-2	02-20-01	02-27-01
H0071	West	CLAY CO. AMBULANCE SERVICE LIEN.	H Ref To Com On Finance	02-20-01	02-27-01
H0077	Fox	CERTAIN CITIES AND TOWNS ANNEXATIONS.	*HR Ch. SL 2001-37	04-17-01	04-18-01
H0086	Sutton	RENNERT MAYOR.	HR Ch. SL 2001-3	02-20-01	02-27-01
H0172	Smith	CEDAR POINT NO-WAKE ZONE.	*HR Ch. SL 2001-65	04-17-01	04-18-01
H0175	Goodwin	ROCKINGHAM ETJ AUTHORITY.	*HR Ch. SL 2001-6	02-20-01	02-27-01
H0198=	Smith	REPEAL MOREHEAD CITY FIREMEN'S RETIRE. FUND.	*HR Ch. SL 2001-18	02-22-01	03-07-01
H0208	Setzer	MOORESVILLE TREES.	H Ref To Com On Local Government I	02-22-01	
H0225=	Preston	REPEAL MOREHEAD CITY FIREMEN'S RETIRE. FUND.	HF Postponed Indefinitely	02-22-01	10-02-02
H0278	Culpepper	TYRRELL SCHOOL BOARD ELECTION.	HR Ch. SL 2001-4	02-27-01	03-06-01
H0279	Culpepper	MODIFY DARE TRANSFER TAX.	*HF Postponed Indefinitely	04-23-01	04-24-01
H0290=	Barnhart	MIDLAND CHARTER AMENDMENTS.	*HR Ch. SL 2001-30	02-28-01	03-06-01
H0447	Gibson	NORWOOD ELECTION CHANGES.	HR Ch. SL 2001-15	03-01-01	03-27-01
H0449	Gibson	TROY ANNEXATION.	*HR Ch. SL 2001-136	04-18-01	04-24-01
H0477	Gillespie	REPEAL MARION FIREMEN'S SUPP. RETIRE. FUND.	*HR Ch. SL 2001-21	03-05-01	03-20-01
H0498	Gulley	CHARLOTTE-MECKLENBURG SCHOOL BOARD MEMBERS.	H Ref To Com On Local Government I	03-07-01	
H0500	Gulley	LOCAL SCHOOL BOARD ELECTIONS-STUDY.	*HF Postponed Indefinitely	03-07-01	08-08-01
H0501	Gulley	CHARLOTTE/MECK SCHOOL BOARD TERMS.	H Ref To Com On Local Government I	03-07-01	
H0502	Gulley	CHARLOTTE-MECKLENBURG SCHOOL PRIMARY.	H Ref To Com On Local Government I	03-07-01	
H0504	Gulley	MATTHEWS PROPERTY LEASE.	*HR Ch. SL 2001-102	03-27-01	04-17-01
H0533	Ellis	FUQUAY-VARINA RED LIGHT CAMERAS.	H Re-ref Com On Judiciary II	03-08-01	03-29-01
H0534	Ellis	KNIGHTDALE RED LIGHT CAMERAS.	H Re-ref Com On Judiciary II	03-08-01	03-29-01
H0535	Ellis	GARNER RED LIGHT CAMERAS.	H Re-ref Com On Judiciary II	03-08-01	03-29-01
H0543	Setzer	TROUTMAN/LOCAL GOVT. EMP. RETIREMENT SYSTEM.	H Ref To Com On Local Government I	03-08-01	
H0586=	Alexander	CHARLOTTE AREA SPHERE OF INFLUENCE.	H Ref To Com On Local Government I	03-14-01	
H0587=	Alexander	MUNICIPAL ETJ ROADWAY IMPROVEMENTS.	*H Re-ref Com On Local Government I	03-14-01	04-03-01

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

North Carolina General Assembly
Through House Committee on
Local Government I

Date: 10/22/2002
Time: 10:30
Page: 002 of 005
Leg. Day: H-256/S-242

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0587=	Alexander	MUNICIPAL ETJ ROADWAY IMPROVEMENTS.	*H Re-ref Com On Local Government I	04-04-01	
H0588=	Alexander	CHARLOTTE STORM DRAIN/ROAD PROJECTS.	H Ref To Com On Local Government I	03-14-01	
H0589=	Alexander	INFRASTRUCTURE REIMBURSEMENT.	H Ref To Com On Local Government I	03-14-01	
H0590	Alexander	CHARLOTTE HANDICAPPED PARKING ENFORCEMENT.	H Ref To Com On Local Government I	03-14-01	
H0591=	Alexander	CHARLOTTE CHARTER CLEANUP.	H Ref To Com On Local Government I	03-14-01	
H0595	Decker	84TH HOUSE DISTRICT LOCAL ACT-2.	HF Postponed Indefinitely	08-15-02	10-02-02
H0597	McMahan	CHARLOTTE ADVISORY REFERENDUM.	*HR Ch. SL 2001-10	03-22-01	03-27-01
H0616	Smith	ATLANTIC BEACH ANNEXATION.	*HR Ch. SL 2001-137	04-10-01	04-19-01
H0647=	Miller	DURHAM FACILITIES FEES.	H Re-ref Com On Local Government I	03-28-01	
H0658	Arnold	ROCKY MOUNT POLICE OFFICER RESIDENCY.	*H Ref To Com On State and Local Government	04-16-01	04-19-01
H0661	Harrington	GASTON CO. DSS. BD. SIZE.	H Ref To Com On State and Local Government	03-28-01	04-17-01
H0664	Goodwin	ROCKINGHAM CITY ZONING PROTESTS.	HR Ch. SL 2001-48	03-19-01	04-03-01
H0666	Crawford, J.	HALIFAX COUNTY AMBULANCE SERVICES.	H Ref To Com On State and Local Government	03-19-01	04-03-01
H0682	Davis	HARNETT COUNTY SUBDIVISION DEFINITION.	HR Ch. SL 2001-50	03-19-01	04-03-01
H0695	McMahan	LIFT MECKLENBURG CO. ZONING SUNSET.	HR Ch. SL 2001-275	03-20-01	04-03-01
H0696=	McMahan	LIFT MECKLENBURG MUNI. ZONING SUNSET.	HR Ch. SL 2001-276	03-20-01	04-03-01
H0715	Gulley	MECKLENBURG LOCAL TAX/ COLISEUM AUTHORITY.	*HR Ch. SL 2001-402	03-21-01	04-17-01
H0726	Culpepper	DARE COUNTY OCEAN REGULATION.	*HR Ch. SL 2001-52	04-23-01	04-24-01
H0727	Culpepper	DARE CO. DSS USE OF FUNDS	HR Ch. SL 2001-53	03-22-01	04-10-01
H0744	Morgan	SEVEN LAKES WEST MV REG.	*HR Ch. SL 2001-132	04-19-01	04-25-01
H0749	Ellis	LIMITS ON TREE REMOVAL.	H Ref To Com On Local Government I	03-22-01	
H0802	Culpepper	DARE UTILITY UNDERGROUNDING AMENDMENTS.	H Re-ref Com On Local Government I	04-23-01	
H0804	Underhill	COUNTY SCHOOL ACQUISITION	*HR Ch. SL 2001-76	03-26-01	04-11-01
H0810=	Alexander	STUDY DOMESTIC VIOLENCE FATALITY REVIEW TEAM.	*HF Postponed Indefinitely	03-26-01	04-24-01
H0817	Goodwin	RICHMOND COUNTY SUBDIVISIONS.	*HR Ch. SL 2001-189	04-19-01	04-26-01

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

North Carolina General Assembly
Through House Committee on
Local Government I

Date: 10/22/2002
Time: 10:30
Page: 003 of 005
Day: H-256/S-242

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0819	Goodwin	ROCKINGHAM CHARTER AMENDMENTS.	*HR Ch. SL 2001-68	04-05-01	04-19-01
H0851=	McMahan	MODIFY MECKLENBURG ROOM TAX USE.	H Ref To Com On Local Government I	03-29-01	
H0852=	McMahan	CHARLOTTE LEASES.	H Ref To Com On Local Government I	03-29-01	
H0854=	McMahan	CHARLOTTE PUBLIC CONTRACTS EXEMPTION.	H Ref To Com On Local Government I	03-29-01	
H0868	Wright	NAVASSA ANNEXATION/ CHARTER.	*HR Ch. SL 2001-325	04-23-01	04-25-01
H0871=	Michaux	DURHAM CITY ANTIDISCRIMINATION.	HF Postponed Indefinitely	03-29-01	10-02-02
H0872=	Michaux	DURHAM COUNTY INCLUSIONARY HOUSING.	HF Postponed Indefinitely	03-29-01	10-02-02
H0873	Michaux	DURHAM CHARTER PROVISIONS-2	HF Postponed Indefinitely	03-29-01	10-02-02
H0885	Culpepper	NAGS HEAD PROPERTY.	*HR Ch. SL 2001-35	03-29-01	04-10-01
H0894	Hensley	GARNER TREE ORDINANCE-2.	H Ref To Com On Local Government I	03-29-01	
H0914	Blust	PIEDMONT TRIAD AIRPORT AUTHORITY APPOINTMENT.	HF Postponed Indefinitely	04-05-01	10-02-02
H0917	Luebke	DURHAM HISTORIC PROPERTIES-2.	*HR Ch. SL 2001-480	03-29-01	04-24-01
H0935	Daughtry	FACILITATE SCHOOL CONSTRUCTION.	HR Ch. SL 2001-135	03-29-01	04-18-01
H1037	Harrington	BUILDING CODE VARIATIONS.	H Ref To Com On Local Government I	04-10-01	
H1169	Saunders	AMEND LOCAL GOV'T. PURCHASING LAWS.	HR Ch. SL 2001-328	04-12-01	04-17-01
H1219=	Jeffus	CITY OF ROCKINGHAM TREES.	*H Ref To Com On Local Government I	07-30-02	
H1237	Miller	LANDLORD REGISTRATION.	H Ref To Com On Local Government I	04-12-01	
H1291	Carpenter	LIMIT EXERCISE OF ETJ POWER.	*HF Postponed Indefinitely	04-12-01	06-05-01
H1485		LOCAL GOVERNMENT MAY REDUCE TAX RATE.	HF Postponed Indefinitely	05-30-02	10-02-02
H1496		EMERALD ISLE EROSION CONTROL.	HF Postponed Indefinitely	06-03-02	10-02-02
H1500=		LOCAL GOV'T REVERSE AUCTIONS.	HF Postponed Indefinitely	06-03-02	10-02-02
H1502		BRUNSWICK CO. MV LAWS.	HR Ch. SL 2002-128	06-03-02	07-24-02
H1581=		ELECTRONIC REGISTER OF DEED FILINGS.	*HR Ch. SL 2002-115	06-06-02	06-19-02
H1598=		BUIES CREEK FIRE/ RESCUE DISTRICT.	H Ref To Com On Local Government I	06-10-02	
H1607		REPEAL LINCOLNTON FIREMEN'S SUPP. RETIRE.	HR Ch. SL 2002-41	06-11-02	06-18-02
H1609		DURHAM CITY INVESTMENTS.	*HR Ch. SL 2002-31	06-11-02	06-18-02
H1614		LINCOLN SCHOOL BOARD.	*HR Ch. SL 2002-22	06-12-02	06-25-02
H1616=		EAGLE POINT NO-WAKE ZONE.	*HR Ch. SL 2002-23	06-12-02	06-25-02
H1619=		MOORE COMMISSIONER	*HR Ch. SL 2002-122	06-12-02	07-09-02

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

North Carolina General Assembly
Through House Committee on
Local Government I

Date: 10/22/2002
Time: 10:30
Page: 004 of 005
Leg. Day: H-256/S-242

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		ACTIONS.			
H1623		BRUNSWICK COUNTY HIGH HAZARD FIRE COUNTY.	*HR Ch. SL 2002-132	06-12-02	07-24-02
H1640		DUCK/MANTEO/CHOWAN/BERTIE LOCAL AMENDMENTS.	*HR Ch. SL 2002-141	07-25-02	07-31-02
H1649=		CHARLOTTE/DOUGLAS AIRPORT CONTRACTS/JOHNSTON WAT	*HR Ch. SL 2002-93	06-13-02	06-25-02
H1650=		LOCAL ACCESS TO FBI CRIM INFO.	H Ref To Com On Judiciary I	06-13-02	06-25-02
H1652=		MECKLENBURG UNCLAIMED PROPERTY.	HF Postponed Indefinitely	06-13-02	10-02-02
H1653=		CHARLOTTE CHARTER PROVISIONS.	HR Ch. SL 2002-32	06-13-02	07-09-02
H1654=		CHARLOTTE CLOSING-OUT SALE LICENSES.	HR Ch. SL 2002-33	06-13-02	07-09-02
H1655		CLEVELAND CO. SANITARY DISTRICT BD. COMP.	HF Postponed Indefinitely	07-17-02	10-02-02
H1658=		TEXTBOOK FLEXIBILITY/CHARLOTTE-MECK. SCHOOLS.	H Ref To Com On Local Government I	06-13-02	
H1667		RALEIGH POLICE JURISDICTION.	H Ref To Com On Local Government I	06-13-02	
H1686		WHISPERING PINES REGULATE GOLF CARTS.	*HR Ch. SL 2002-82	06-26-02	07-09-02
H1691		TROY REDEVELOPMENT PROPERTY CONVEYANCE.	HR Ch. SL 2002-83	06-13-02	06-25-02
H1695=		PURCHASING FLEXIBILITY/CHARLOTTE-MECK SCHOOLS.	H Ref To Com On Local Government I	06-13-02	
H1697=	Cole	WARREN FIELD AIRPORT COMMISSION.	*HR Ch. SL 2002-84	06-13-02	07-31-02
H1714	Preston	CARTERET PROPERTY LEASES.	*HR Ch. SL 2002-35	06-13-02	06-25-02
H1730=		GREENSBORO CONDITIONAL ZONING.	HF Postponed Indefinitely	06-13-02	10-02-02
H1733=		GREENSBORO CONSTRUCT ROADS OUTSIDE CITY.	HF Postponed Indefinitely	06-13-02	10-02-02
S0255=	Fletcher L. Hart	MIDLAND/ELON LOCAL ACT.	*HR Ch. SL 2001-366	03-14-01	07-17-01
S0399=	Charlie S. Danne	CHARLOTTE CHARTER CLEANUP.	HR Ch. SL 2001-79	03-29-01	04-10-01
S0405=	Daniel G. Clodfe	INFRASTRUCTURE REIMBURSEMENT.	*HR Ch. SL 2001-329	04-10-01	07-17-01
S0407	Daniel G. Clodfe	CHARLOTTE STORM WATER/TRANSIT QUICK TAKE.	HR Ch. SL 2001-304	04-10-01	07-17-01
S0408=	Daniel G. Clodfe	MUNICIPAL ETJ ROADWAY IMPROVEMENTS.	*HR Ch. SL 2001-261	04-10-01	06-05-01
S0420	A. B Swindell	ROCKY MOUNT/PERQUIMANS LOCAL ACT.	*HR Ch. SL 2001-330	04-26-01	07-17-01
S0439	Charlie S. Danne	CHARLOTTE-PARKING ORDINANCES.	*HR Ch. SL 2001-88	03-29-01	04-10-01
S0453	James Calvin Cun	LEXINGTON/WINSTON-SALEM VEGETATION	*HR Ch. SL 2001-107	04-04-01	05-16-01

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

North Carolina General Assembly
Through House Committee on
Local Government I

Date: 10/22/2002
Time: 10:30
Page: 005 of 005
Leg. Day: H-256/S-242

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		ORDINANCE.			
S0533	Daniel G. Clodfe	CHARLOTTE/MECKLENBURG SUBDIVISION MARKERS.	HR Ch. SL 2001-187	04-03-01	06-05-01
S0534=	Daniel G. Clodfe	CHARLOTTE STORM DRAIN/ROAD PROJECTS.	*HR Ch. SL 2001-248	04-03-01	06-20-01
S0535=	Daniel G. Clodfe	CHARLOTTE AREA SPHERE OF INFLUENCE.	*HR Ch. SL 2001-228	04-11-01	06-05-01
S0535=	Daniel G. Clodfe	CHARLOTTE AREA SPHERE OF INFLUENCE.	*HR Ch. SL 2001-228	06-06-01	06-14-01
S0569	Charles W. Alber	ALLOW SINGLE-PRIME CONTRACT/JACKSONVILLE.	H Re-ref Com On Local Government I	04-05-01	
S0584	Walter H. Dalton	RUTHERFORDTON ABC DISTRIBUTIONS.	HR Ch. SL 2001-188	04-10-01	06-05-01
S0588=	Jeanne H. Lucas	DURHAM CHARTER TECHNICAL CORRECTIONS.	H Ref To Com On Local Government I	04-03-01	
S0603	Wib Gulley	NAVASSA/CARY CHANGES.	*HR Ch. SL 2001-485	04-03-01	12-04-01
S0631	Daniel G. Clodfe	CHARLOTTE LOCAL ACT.	*H Ref To Com On Local Government I	04-25-01	
S0645	John A. Garwood	WILKES COUNTY/SCHOOL PROPERTY TRANSFER.	HR Ch. SL 2001-58	04-10-01	05-08-01
S0666	Aaron W. Plyler	MONROE/BURLINGTON PROPERTY.	*HR Ch. SL 2001-190	04-23-01	05-09-01
S0666	Aaron W. Plyler	MONROE/BURLINGTON PROPERTY.	*HR Ch. SL 2001-190	05-10-01	05-16-01
S0667	Scott Thomas	SERVE CRIM. PROCESS/CARTERET CO. GOV'T. COMPLEX.	*HR Ch. SL 2001-60	04-17-01	05-08-01
S0668	Charles W. Alber	BURGAW CHARTER REVISED.	*HR Ch. SL 2001-247	04-11-01	05-09-01
S0885	Daniel G. Clodfe	UNSAFE BUILDINGS.	*HR Ch. SL 2001-386	04-16-01	08-08-01
S1133		RUTHERFORDTON ABC DISTRIBUTION.	HR Ch. SL 2002-65	07-02-02	07-30-02
S1146		VARIOUS MUNICIPAL SATELLITE ANNEXATIONS.	*HR Ch. SL 2002-121	07-08-02	08-26-02
S1268		MONROE WH. LOCK/NORWOOD UTIL./MT. GILEAD ANNEX	*HR Ch. SL 2002-127	08-20-02	09-17-02
S1312=		FAYETTEVILLE/DURHAM/SPR.LAKE/WHITEVILLE BLDG.	*HR Ch. SL 2002-118	07-30-02	08-20-02
S1326		LEXINGTON UTILITY COMMISSION.	HR Ch. SL 2002-131	09-30-02	10-01-02
S1336		CHARLOTTE SBE PROGRAM.	*HR Ch. SL 2002-91	07-30-02	08-20-02
S1371=		SCOTLAND COUNTY SCHOOL FUNDING.	HR Ch. SL 2002-66	07-11-02	07-30-02
S1392=		MECKLENBURG UNCLAIMED PROPERTY.	*HR Ch. SL 2002-92	07-17-02	08-08-02
S1394		CHARLOTTE GOVERNMENTAL IMMUNITY.	HR Ch. SL 2002-79	07-16-02	07-24-02

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

JUNE 11, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sharon Matthews	DOT-Dmv
Letitia Withrow	NC State Water
John Phelps	NCLM
Ann Duncanson	NC ~~APP~~
Tim Middleton	NC Home Builders
Shirley & Sam Page	Rockingham Co. Sheriff's Office
Paul Hefner	City of Hickory
Kathleen Dalton	Born & Assoc.

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 6, 2002

ROOM 415 LOB

11:00 a.m.

WELCOME AND OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

HB 1502 – BRUNSWICK CO. MV LAWS – Rep. Redwine

ADJOURNMENT

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

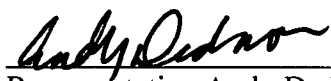
JUNE 11, 2002

The House Committee on Local Government I met on Tuesday, June 6, 2002, in Room 415 of the Legislative Office Building at 11:00 a.m. The following members were present: Chairman Dedmon, Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hensley, Hill, Kiser, Saunders, Setzer, and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

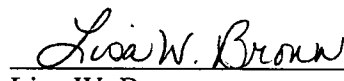
The Chairman called the meeting to order and introduced the pages, Jordan Lee (Wake County – Rep. Blue) and Steve Bell (Franklin County – Rep. Crawford). Representative Dedmon then introduced the Sergeant at Arms Staff, Charles Williams and James Worth.

The first order of business was **HB 1502, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE SANDERS FOREST AND BENT TREE PLANTATION COMMUNITIES IN BRUNSWICK COUNTY**. Due to absence of sponsor, HB 1502 was held over until the next meeting.

There being no further business, the committee adjourned at 11:10.



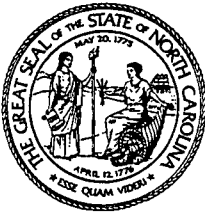
Representative Andy Dedmon,
Chair



Lisa W. Brown
Assistant to the Committee

Attachments:

Agenda
Visitor Registration Form
House Bill 1502



HOUSE BILL 1502: Brunswick Co. MV Laws

Handout ①
6/11/02

BILL ANALYSIS

Committee: House Local Government I
Date: June 11, 2002
Version: 1st Edition

Introduced by: Rep. Redwine
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1502 provides that the motor vehicle laws of the State apply to the operation of vehicles on the streets in the Sanders Forest and Bent Tree communities in Brunswick County.*

CURRENT LAW: Under current law, the motor vehicle laws of the State apply to the operation of vehicles on public highways and in public vehicular areas. The motor vehicle laws do not apply to private streets that are not generally open to the public.

BILL ANALYSIS: House Bill 1502 provides that the motor vehicle laws of the State apply to the operation of vehicles on the streets in the Sanders Forest and Bent Tree communities in Brunswick County. The bill provides that the current speed limits on the streets in these communities remain in effect until approved by the Brunswick County Commissioners.

House Bill 1502 would become effective December 1, 2002.

BACKGROUND: The General Assembly has previously enacted local legislation making the motor vehicle laws of the State applicable in Carolina Trace in Lee County, Seven Lakes, in Moore County, Lake Royale in Franklin and Nash Counties,

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1502

Short Title: Brunswick Co. MV Laws.

(Local)

Sponsors: Representative Redwine.

Referred to: Local Government I.

June 3, 2002

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES
APPLY WITHIN THE SANDERS FOREST AND BENT TREE PLANTATION
COMMUNITIES IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. 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 Sanders Forest Development Association, Inc., or its members and the Bent Tree Plantation Homeowners Association, Inc., or its members. For purposes of this act, streets, roadways, and alleys in the Sanders Forest and Bent Tree Plantation communities 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.

SECTION 2. This act shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Sanders Forest Development Association, Inc., and the Bent Tree Plantation Homeowners Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Sanders Forest and Bent Tree Plantation communities 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 Brunswick County Board of Commissioners. Pursuant to G.S. 20-141, the Brunswick County Board of Commissioners may authorize by ordinance higher or lower speeds.

SECTION 3. This act applies only to Brunswick County.

SECTION 4. This act becomes effective December 1, 2002.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

June 18, 2002

The House Committee on Local Government I met on Tuesday, June 18, 2002, in Room 415 of the Legislative Office Building at 11:00 a.m. The following Committee members were present: Chairman Dedmon, Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hensley, Hill, Kiser, Saunders, Setzer, and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order and introduced the pages, Lauren Bollinger (Mecklenburg County – Rep. Jim Black), Lauren Ross (Mecklenburg County – Rep. Jim Black), and David Shore (Wilkes County – Rep. Walker). Representative Dedmon then introduced the Sergeant at Arms Staff, Charles Williams, James Worth, and Jim Brewer. A list of visitors attending is attached.

Representative Dedmon announced that HB 1502 – Brunswick Co. MV Laws (Rep. Redwine) would not be heard during the meeting. The following bills were considered:

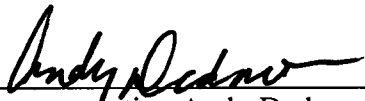
HB 1581, A BILL TO BE ENTITLED AN ACT AFFECTING ELECTRONIC SIGNATURES AND PLATS FILED WITH THE MECKLENBURG COUNTY REGISTER OF DEEDS. Representative Saunders, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan moved for adoption and the committee substitute was properly before the committee for discussion. After some questions from members, Representative Ellis moved to give the committee substitute a favorable report; unfavorable as to the original bill. The motion carried.

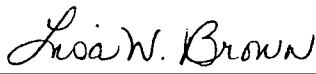
HB 1607, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LINCOLNTON FIREMEN'S SUPPLEMENTAL RETIREMENT FUND. Representative Barefoot, bill sponsor, was recognized to explain the bill. Representative Kiser then moved for a favorable report and re-refer the bill to the Committee on Pensions and Retirement. The motion carried.

HB 1609, A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS BY THE CITY OF DURHAM. Representative Miller, bill sponsor, was recognized to explain the bill. After some questions from members, Representative Buchanan then moved for a favorable report and re-refer the bill to the Committee on Finance. The motion carried.

HB 1598, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANNEXATION OF TERRITORY IN THE BUIES CREEK FIRE OR RESCUE DISTRICT WITHOUT THE APPROVAL OF THE BOARD OF DIRECTORS OF THE BUIES CREEK FIRE AND RESCUE DISTRICT. Representative Dedmon stated that although the bill would be heard in committee on this day, there would be no vote. Representative Davis, bill sponsor, was recognized to explain the bill. Dr. Bruce Blackmon of Buies Creek was called upon to explain reasons why Buies Creek should not be annexed into the Town of Lillington. Mayor Grover Smith of Lillington then presented a resolution in opposition of the bill. Mr. Dallas Pope, Commissioner for the Town of Lillington, was then recognized to answer questions offered by many of the members. After much discussion, Chairman Dedmon then stopped the questions and announced that the bill would be brought up at another meeting.

There being no further business, the meeting was adjourned at 12:00.


Representative Andy Dedmon,
Chair


Lisa W. Brown
Assistant to the Committee

Attachments:

Agenda
Visitor Registration Form
House Bills 1502, 1581, 1598, 1607, & 1609
Bill Summaries
Handouts for HB 1598

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

JUNE 18, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Robert Morgan	1362 Math Hill Rd Lillington NC 27546
Bob Greback	Town of Lillington P.O. Box 296 Lillington, NC 27546
✓ Susan Smith	Mayor, Town of Lillington Lillington, N.C.
DALLAS H. POPE	COMMISSIONER, TOWN OF LILLINGTON P.O. BOX 973 LILLINGTON, N.C. 27546
Carole Lawler	EGHS
Brian Francis	Mecklenburg County
Yuta Ito	NC State Water
Jimmy Darroch	7 Fowler Circle Lillington N.C. 27546
Andy Romanet	NCLM
Kenneth Stewart	P.O. Box 13 Brier Creek, N.C. 27506
Herman Tyson	P.O. Box 193 Brier Creek, N.C. 27506

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

JUNE 18, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bruce Blackmon MD

James H. Herbert
Bob Agnew

Ted Kaden

Ray Mc

Beau Mills

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**June 18, 2002
ROOM 415 LOB
11:00 a.m.**

WELCOME AND OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 1502 - Brunswick Co. MV Laws
Rep. Redwine**

**HB 1581 - Electronic Register of Deeds Filings
Rep. Saunders**

**HB 1607 - Repeal Lincolnton Firemen's Supplemental
Retirement - Rep. Barefoot**

**HB 1609 - Durham City Investments
Rep. Miller**

**HB 1598 - Buies Creek Fire/Rescue District
Rep. Davis**

ADJOURNMENT

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 1581 A BILL TO BE ENTITLED AN ACT AFFECTING ELECTRONIC
SIGNATURES AND PLATS FILED WITH THE MECKLENBURG COUNTY REGISTER
OF DEEDS.

☐ 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 the committee substitute bill, unfavorable as to the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of Rep. _____, (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



HOUSE BILL 1581: Electronic Register of Deed Filings

BILL ANALYSIS

Committee: House Local Government I
Date: June 18, 2002
Version: Proposed Committee Substitute

Introduced by: Rep. Saunders
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1581, applicable to the Mecklenburg County Register of Deeds only, authorizes the Register of Deeds to:*

- accept electronic signatures that require attestation by a notary public, and*
- accept electronic plats presented for recording.*

CURRENT LAW: Under current general law, governmental units are not authorized to accept electronic signatures that require attestation by a notary public, or to accept electronic plats presented for recordation.

BILL ANALYSIS: House Bill 1581, applicable to the Mecklenburg County Register of Deeds only, authorizes the Register of Deeds to accept electronic signatures that require attestation by a notary public, and electronic plats presented for recording.

House Bill 1581 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1581
PROPOSED COMMITTEE SUBSTITUTE H1581-CSRW-62 [v.1]

6/17/2002 5:31:15 PM

Short Title: Electronic Register of Deed Filings.

(Local)

Sponsors:

Referred to:

June 6, 2002

1 A BILL TO BE ENTITLED
2 AN ACT AFFECTING ELECTRONIC SIGNATURES AND PLATS FILED WITH
3 THE MECKLENBURG COUNTY REGISTER OF DEEDS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 66-58.4 reads as rewritten:

6 "§ 66-58.4. Use of electronic signatures.

7 (a) All public agencies may accept electronic signatures.

8 (b) ~~Signatures that require attestation by a notary public may not be in the form~~
9 ~~of an electronic signature."~~

10 SECTION 2. G.S. 47-30(b) reads as rewritten:

11 "(b) Plats to Be Reproducible. – Each plat presented for recording shall be a
12 reproducible plat, either original ink on polyester film (mylar), or a reproduced drawing,
13 transparent and archival (as defined by the American National Standards Institute), or
14 an "electronic record" (as defined in the Uniform Electronic Transactions Act) and
15 submitted in this form. The recorded plat must be such that the public may obtain
16 legible copies. A direct or photographic copy of each recorded plat shall be placed in the
17 plat book or plat file maintained for that purpose and properly indexed for use. In those
18 counties in which the register has made a security copy of the plat from which legible
19 copies can be made, the original may be returned to the person indicated on the plat."

20 SECTION 3. This act applies to documents filed with the Mecklenburg
21 County Register of Deeds only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1581*

Short Title: Electronic Register of Deed Filings.

(Local)

Sponsors: Representatives Saunders; Gulley, C. Wilson, and Morris.

Referred to: Local Government I.

June 6, 2002

A BILL TO BE ENTITLED

AN ACT AFFECTING ELECTRONIC SIGNATURES AND PLATS FILED WITH
THE MECKLENBURG COUNTY REGISTER OF DEEDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 66-58.4 reads as rewritten:

"§ 66-58.4. Use of electronic signatures.

(a) All public agencies may accept electronic signatures.

(b) ~~Signatures that require attestation by a notary public may not be in the form of an electronic signature.~~"

SECTION 2. G.S. 47-30(b) reads as rewritten:

"(b) Plats to Be Reproducible. – Each plat presented for recording shall be a reproducible plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), or an "electronic record" (as defined in the Uniform Electronic Transactions Act) and submitted in this form. The recorded plat must be such that the public may obtain legible copies. A direct or photographic copy of each recorded plat shall be placed in the plat book or plat file maintained for that purpose and properly indexed for use. In those counties in which the register has made a security copy of the plat from which legible copies can be made, the original may be returned to the person indicated on the plat."

SECTION 3. This act applies to Mecklenburg County only.

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

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

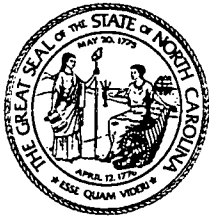
By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1607 A BILL TO BE ENTITLED AN ACT TO REPEAL THE LINCOLNTON
FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.
- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ Pensions and Retirement ☒.
- ☐ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



HB 1607: Repeal Lincolnton Firemen's Retire. Fund.

BILL ANALYSIS

Committee: Local Government I
Date: June 18, 2002
Version: Edition 1

Introduced by: Representative Barefoot
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would repeal the Lincolnton Firemen's Supplemental Retirement Fund.*

CURRENT LAW: In 1979, the General Assembly established a supplemental firemen's retirement fund for those qualified members from Lincolnton. As created, the fund was to be administered as a separate fund called the Supplemental Retirement Fund.

BILL ANALYSIS: The bill would repeal the Lincolnton firemen's supplement retirement fund as established in 1979 by local act of the General Assembly. Upon repealing the Supplement Retirement Fund, the money remaining will revert to the Lincolnton Local Firemen's Relief Fund and be administered pursuant to G.S. 58-84-35. The money could be used by to create another, separate, supplemental retirement fund, which would be overseen by the North Carolina State Firemen's Association.

BACKGROUND: Similar legislation repealing a local supplemental retirement fund has previously been enacted by the General Assembly for: Cherryville, Forest City, Hendersonville, Laurinburg, Marion, Morehead City, and Raleigh.

EFFECTIVE DATE: The act would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1607

Short Title: Repeal Lincolnton Firemen's Supp. Retire.

(Local)

Sponsors: Representative Barefoot.

Referred to: Local Government I.

June 11, 2002

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE LINCOLNTON FIREMEN'S SUPPLEMENTAL
RETIREMENT FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 2 of Article V of the Charter of Lincolnton, as revised
and consolidated by Section 1 of Chapter 341 of the 1979 Session Laws, is repealed.

SECTION 2. All funds remaining in the Lincolnton Firemen's Supplemental
Retirement Fund are transferred to the Board of Trustees of the Firemen's Local Relief
Fund of the City of Lincolnton, to be held and administered as provided in Article 84 of
Chapter 58 of the General Statutes.

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



**North Carolina General Assembly
Legislative Services Office**

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

Tony C. Goldman, Director
Administrative Division
Room 9, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

James D. Johnson, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Dennis W. McCarty, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

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

June 13, 2002

Representative Daniel Barefoot
North Carolina House of Representative
Raleigh, North Carolina 27601

Re: Actuarial/Fiscal Note (Lincolnton Firemen's Supplemental Retirement Fund)

Dear Representative Barefoot:

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, we hereby submit an Actuarial/Fiscal Note on the following: Repeal of the Lincolnton Firemen's Supplemental Retirement Fund.

A reliable estimate of the financial and actuarial effects of the foregoing proposal is as follows: The Lincolnton Firemen's Supplemental Retirement Fund is presently financed by the transfer of all earnings on investments from the City of Lincolnton Local Firemen's Relief Fund. The Retirement Fund presently provides supplemental retirement benefits to those retired firemen who are age 55 with 20 years of service. One share is allowed for each year of service with the maximum benefit of \$600 per year.

With the repeal of the Retirement Fund, all funds will be transferred from the Lincolnton Firemen's Supplemental Retirement Fund back to the City of Lincolnton Local Firemen's Relief Fund to be used as allowed by G. S. 58-84-35.

Actuarial Endorsement:

Charles W. Dunn
Consulting Actuary
Raleigh, North Carolina

Sincerely,

Stanley Moore
Fiscal Analyst
Fiscal Research Division

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1609 A BILL TO BE ENTITLED AN ACT RELATING TO INVESTMENTS BY
THE CITY OF DURHAM.
- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☒ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.



HOUSE BILL 1609: Durham City Investments.

BILL ANALYSIS

Committee: House Local Government I
Date: June 18, 2002
Version: First Edition

Introduced by: Representative Miller
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would allow the City of Durham to invest monies held in the City's Enterprise, Capital Projects, Fiduciary and Internal Service funds in the same manner that the State Treasurer may invest funds under G.S. 147-69.2.*

CURRENT LAW: Unless local legislation is enacted, a unit of local government may invest funds only as set forth in the Local Government Budget and Fiscal Control Act. G.S. 159-30 sets forth the basic parameters of investment by local governments, and each unit of government is audited annually for compliance. Investment options include: interest bearing bank accounts, obligations of the United States, obligations of the State of North Carolina, and local government bonds.

BILL ANALYSIS: The bill would expand the City of Durham's investment possibilities with respect to the following funds:

1. Enterprise Fund
2. Capital Projects Fund
3. Fiduciary Fund
4. Internal Service Fund.

The City would be permitted to invest idle monies in those funds as the State Treasurer is allowed to invest retirement system funds and other special funds held by the State. Investment options include: general obligations of the United States, other states, and cities, counties and special districts of North Carolina; asset backed securities; preferred or common stock of duly incorporated companies, provided the investments meet certain conditions.

BACKGROUND: Similar legislation has been enacted previously for entities such as Durham County (Community Health Trust Fund), Forsyth County (Community Health Special Reserve Fund), Pitt County (equity assets funds received from the transfer of Pitt County Memorial Hospital), City of Winston-Salem (Winston-Salem Police Officers Retirement Fund, employee benefits fund, risk reserve fund, Cemetery Perpetual Care Fund, Capital Reserves Fund).

EFFECTIVE DATE: The bill would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1609

Short Title: Durham City Investments.

(Local)

Sponsors: Representatives Miller; and Luebke.

Referred to: Local Government I.

June 11, 2002

A BILL TO BE ENTITLED

AN ACT RELATING TO INVESTMENTS BY THE CITY OF DURHAM.

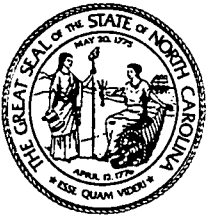
The General Assembly of North Carolina enacts:

SECTION 1. The City of Durham, or any governing body, agency, person, corporation or other entity that contracts with the City for the investment, care or administration of monies held by the City in the funds listed in Section 2 of this act, may invest and reinvest monies in such funds in one or more of the types of securities or other investments as authorized by State law for the State Treasurer in G.S. 147-69.2.

SECTION 2. This act shall apply only to the City's Enterprise, Capital Projects, Fiduciary and Internal Service funds. The City Council may adopt limitations on investment and reinvestments of monies in such funds, provided that not more than eighty percent (80%) of the monies held in any City Fiduciary funds, fifty percent (50%) of the monies held in any City Enterprise or Capital Project funds, and twenty-five percent (25%) of the monies held in any City Internal Service funds may be invested in common or preferred stocks.

SECTION 3. This act, insofar as it authorizes certain investments, amends G.S. 159-30 with regard to the investment of the funds listed in Section 2 of this act.

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



HOUSE BILL 1598: Buies Creek Fire/Rescue District.

BILL ANALYSIS

Committee: Local Government I
Date: June 18, 2002
Version: First Edition

Introduced by: Representative Davis
Summary by: R Erika Churchill
Committee Counsel

SUMMARY: *The bill would require the approval by the Board of Directors of the Buies Creek Fire and Rescue Squad of any annexation of territory in the Buies Creek Fire or Rescue District.*

BILL ANALYSIS: The bill would require any city, town, fire district or rescue district to obtain the approval of the Board of Directors of the Buies Creek Fire and Rescue Squad in order for the city, town, fire district, or rescue district to annex territory that is in the Buies Creek Fire or Rescue District as shown by the Harnett County Fire Insurance Map dated June 21, 2001.

EFFECTIVE DATE: The bill would become effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1598

Short Title: Buies Creek Fire/Rescue District.

(Local)

Sponsors: Representatives Davis; and Cox.

Referred to: Local Government I.

June 10, 2002

A BILL TO BE ENTITLED

**AN ACT TO PROHIBIT ANNEXATION OF TERRITORY IN THE BUIES CREEK
FIRE OR RESCUE DISTRICT WITHOUT THE APPROVAL OF THE BOARD
OF DIRECTORS OF THE BUIES CREEK FIRE AND RESCUE DISTRICT.**

The General Assembly of North Carolina enacts:

SECTION 1. Except with the approval of the Board of Directors of the Buies Creek Fire and Rescue Squad, no city, town, fire district, or rescue district may annex any territory that is in the Buies Creek Fire or Rescue District, as shown on the Harnett County Fire Insurance District Map dated June 21, 2001.

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



Town of Lillington

P.O. Box 296
Lillington, North Carolina 27546
Tel: 910-893-2654 Fax: 910-893-3693

Grover A. Smith
Mayor

A RESOLUTION OPPOSING LEGISLATION IN THE NORTH CAROLINA STATE HOUSE OF REPRESENTATIVES AND THE NORTH CAROLINA STATE SENATE TO PROHIBIT ANNEXATION OF TERRITORY IN THE BUIES CREEK FIRE DISTRICT

WHEREAS, North Carolina House of Representatives Don Davis and Leslie Cox have sponsored House Bill 1598 entitled "AN ACT TO PROHIBIT ANNEXATION OF TERRITORY IN THE BUIES CREEK FIRE OR RESCUE DISTRICT WITHOUT THE APPROVAL OF THE BOARD OF DIRECTORS OF THE BUIES CREEK FIRE AND RESCUE DISTRICT"; and

WHEREAS, North Carolina State Senator Oscar Harris has sponsored Senate Bill 1311 entitled "AN ACT TO PROHIBIT ANNEXATION OF TERRITORY IN THE BUIES CREEK FIRE OR RESCUE DISTRICT WITHOUT THE APPROVAL OF THE BOARD OF DIRECTORS OF THE BUIES CREEK FIRE AND RESCUE DISTRICT"; and

WHEREAS, these bills are prejudicially aimed at preventing the Town of Lillington from annexing territory in the Buies Creek Fire District in the future; and

WHEREAS, these bills unilaterally restrict the ability of the Town of Lillington to expand and progress and establish an unfortunate precedent for the municipalities in North Carolina; and,

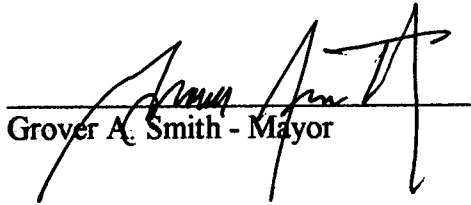
WHEREAS, these bills will subject the potential actions of duly elected leaders of the Town of Lillington to non-elected persons who reside outside the municipality, thus creating an intolerable situation; and,

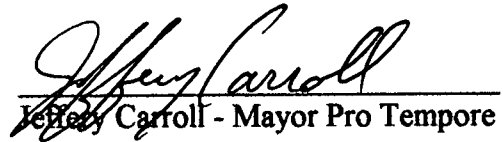
WHEREAS, no reasoning or communication for this action has taken place between the Buies Creek Fire District, N. C. State Representatives Davis or Cox, nor N.C. State Senator Harris and the Town of Lillington: and,

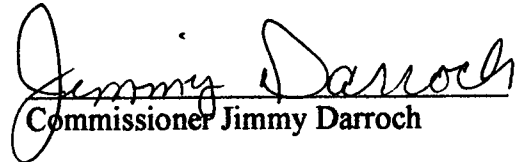
WHEREAS, the General Statutes of North Carolina give the Town of Lillington the authority to annex per Chapter 106A, Article 4, Part 2, §160A-34;

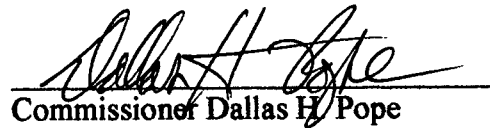
NOW, THEREFORE, BE IT UNANIMOUSLY RESOLVED, that the Town of Lillington Board of Commissioners formally goes on record opposing House Bill 1598 and Senate Bill 1311. This legislation unnecessarily prohibits the authority to annex, which is given to the Town of Lillington by the State of North Carolina. The Town Board of Commissioners hereby request that the members of the N.C. House of Representatives and the N.C. Senate provide for a public hearing on these bills so the leadership and citizens of this community can express themselves.

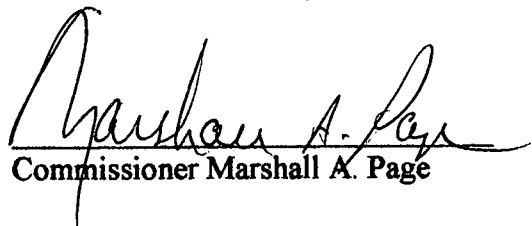
WITNESS, my hand and seal, this 15th day of June, 2002.


Grover A. Smith - Mayor


Jeffrey Carroll - Mayor Pro Tempore

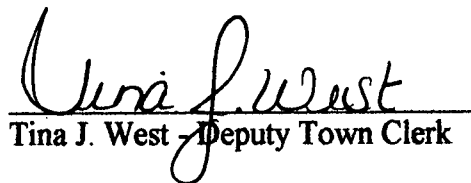

Commissioner Jimmy Darroch


Commissioner Dallas H. Pope


Commissioner Marshall A. Page



Attest:


Tina J. West - Deputy Town Clerk


Commissioner Marianne Stump

**A RESOLUTION OPPOSING LEGISLATION IN THE NORTH CAROLINA
STATE HOUSE OF REPRESENTATIVES AND THE NORTH CAROLINA
STATE SENATE TO PROHIBIT ANNEXATION OF TERRITORY
IN THE BUIES CREEK FIRE DISTRICT**

WHEREAS, North Carolina House of Representatives Don Davis and Leslie Cox have sponsored House Bill 1598 entitled 'AN ACT TO PROHIBIT ANNEXATION OF TERRITORY IN THE BUIES CREEK FIRE AND RESCUE DISTRICT WITHOUT THE APPROVAL OF THE BOARD OF DIRECTORS OF THE BUIES CREEK FIRE AND RESCUE DISTRICT"', and

WHEREAS, North Carolina State Senator Oscar Harris has sponsored Senate Bill 1311 entitled "AN ACT TO PROHIBIT ANNEXATION OF TERRITORY IN THE BUIES CREEK FIRE AND RESCUE DISTRICT WITHOUT THE APPROVAL OF THE BOARD OF DIRECTORS OF THE BUIES CREEK FIRE AND RESCUE DISTRICT", and

WHEREAS, these bills are prejudicially aimed at preventing the Town of Lillington from annexing territory in the Buies Creek Fire District in the future; and

WHEREAS, these bills unilaterally restrict the ability of the Town of Lillington to expand and progress, and establish an unfortunate precedent for the municipalities in North Carolina; and

WHEREAS, these bills will subject the actions or potential actions of duly elected leaders of the Town of Lillington to non-elected persons who reside outside the municipality, thus creating an intolerable situation, and infringe upon the statutorily established prerogatives of a North Carolina municipality; and

WHEREAS, no reasoning or communication for this action has taken place between the Buies Creek Fire District, the elected representatives from this area to the North Carolina Legislature, and the Town of Lillington; and

WHEREAS, the General Statutes of North Carolina give the Town of Lillington the authority to annex per Chapter 106A, Article 4, Part 2, 160A-34;

NOW, THEREFORE, BE IT UNANIMOUSLY RESOLVED, that the Town of Lillington Board of Commissioners formally goes on record opposing House Bill 1598, and Senate Bill 1311; and

The Town of Lillington BOARD OF COMMISSIONERS hereby request that the members of the N. C. House of Representatives and the N. C. Senate provide for a **PUBLIC HEARING** on these bills so the leadership and citizens of this community can express themselves on this matter.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

June 25, 2002

The House Committee on Local Government I met in Room 415 of the Legislative Office Building on June 25, 2002, at 11:00 a.m. Representative Dedmon called the meeting to order and introduced the pages, Carter Smith (Beaufort County – Representative Edwards), Rachel Allen (Buncombe County – Representative Sherrill), Jordan Pittman (Brunswick County – Representative Redwine), and Jhari Derr-Hill (Wake County – Speaker Black). Representative Dedmon then introduced the Sergeant at Arms Staff, Charles Williams, James Worth and Martha Gadison. The following Committee members were present: Representatives Adams, Buchanan, Cunningham, Ellis, Gibson, Hill, Kiser, McAllister, Saunders, Setzer, and Teague. Giles Perry and Erika Churchill, and Kristen Crosson, Staff Counsels, were in attendance. A list of visitors attending is attached.

Representative Dedmon announced the following bills listed on the agenda would not be heard during the meeting: HB 1619 – Scotland County School Funding (Representative Yongue), HB 1658 – Textbook Flexibility / Charlotte-Mecklenburg Schools (Representative Saunders), HB 1695 – Purchasing Flexibility / Charlotte – Mecklenburg Schools (Representative Saunders), and HB 1697 – Rockingham County Airport Authority (Representatives Cole, Sexton, Allred, and Teague). The following bills were considered:

HB 1614, entitled, AN ACT TO CLARIFY RESIDENCE REQUIREMENTS FOR THE CITY OF LINCOLNTON SEAT ON THE LINCOLN COUNTY BOARD OF EDUCATION. Representative Kiser was recognized to explain the bill. This bill modifies the residency districts of the Lincoln County Board of Education. Current law from 1973 establishes the residency districts for the Lincoln County Board of Education. HB 1614 would adjust the residency districts in the area around the city limits of Lincolnton. Representative Buchanan moved for a favorable report. The motion passed.

HB 1616, entitled, AN ACT TO ESTABLISH A NO-WAKE ZONE AROUND EAGLE POINT NATURE PRESERVE ON HIGH ROCK RESERVOIR IN ROWAN COUNTY. Representative McCombs was recognized to explain the bill. This bill would create a no-wake zone within 200 feet of the Eagle Point Nature Preserve in Rowan County and make it unlawful to: (1) Operate a vessel at greater than no-wake speed while in the no-wake zone. (2) Discharge firearms or fireworks while in the no-wake zone. The bill would also require that a boat that produces its power through gasoline combustion operate under the power of an electric motor or human power while

in the no-wake zone. After much discussion, Representative Hill moved for a favorable report. The motion passed.

HB 1649, entitled, AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES. Representative Saunders was recognized to explain the bill. HB 1649 extends the expiration of this 1998 local act to January 1, 2007. Representative Buchanan moved for a favorable report. The motion passed.

HB 1650, entitled, AN ACT TO AMEND THE LAW REGARDING THE REGULATION OF TAXIS TO COMPLY WITH FBI STANDARDS REGARDING NON-LAW ENFORCEMENT CRIMINAL BACKGROUND CHECKS. Representative Saunders was recognized to explain the bill. HB 1650 would require the use of FBI records when performing a national criminal history check on individuals applying for a taxicab permit in the City of Charlotte. The bill would specify that if the applicant is subjected to a national criminal history background check, FBI records are to be used. Additionally, the applicant must submit to being fingerprinted for the national criminal history background check. Mr. Boyd Cauble, Executive Assistant to the Charlotte City Manager, was recognized to speak in favor of the bill. Representative Gibson moved for a favorable report. The motion passed.

HB 1691, entitled, AN ACT AUTHORIZING THE TROY REDEVELOPMENT COMMISSION TO CONVEY PROPERTY TO A NONPROFIT ORGANIZATION FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING IN A REDEVELOPMENT AREA. Representative Gibson was recognized to explain the bill. HB 1691 would allow the Troy Redevelopment Commission to convey real property, by private negotiation and sale, with or without consideration, to a nonprofit organization for the purpose of providing affordable housing to the Smitherman Village neighborhood. The terms of the sale would be as the Commission deems appropriate. After much discussion, Representative Buchanan moved for a favorable report. The motion passed.

HB 1714, entitled, AN ACT TO PERMIT THE CARTERET COUNTY BOARD OF EDUCATION TO LEASE PROPERTY TO CHARITABLE ORGANIZATIONS. A proposed committee substitute was presented. Representative Buchanan moved to adopt the proposed committee substitute for consideration. The motion passed.

Representative Preston was recognized to explain the proposed committee substitute. This bill would allow the Carteret County Board of Education to lease property on any of

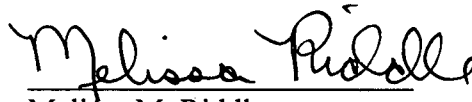
-3-

its campuses to the Boys and Girls Club for not more than 30 years. Representative McAllister moved for a favorable report to the committee substitute bill, unfavorable to the original bill. The motion passed.

Representative Dedmon announced there would not be a Local Government I meeting on July 2, 2002. There being no further business, the meeting was adjourned at 11:50 p.m.

Respectfully submitted,


Representative Andrew Dedmon
Chair


Melissa M. Riddle
Assistant to the Committee

ATTACHMENTS

Agenda
Visitor Registration Form
House Bills 1614, 1616, 1649, 1650, 1691, & 1714
2002 Committee Reports
Bill Summaries

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

JUNE 25, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Katie Hunt	NC Statewatch
Jim	NCRA
Andy Roncnet	NCLM.
Natalie English	Charlotte Chamber
Brian Francis	Meck County
Red Kerk	NEGA
Jim Byrne	SBE
Rob Schofield	NC Justice Ctr.
SUSAN HARRISON	WCPSS
SUSAN Markham	PENC
Lisa Walter	CONNET

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

JUNE 25, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Anne Wine	ACLU
Shayma White	intern
Boyd Canale	City of Charlotte
D Dimico	WSalem Journal
Carole Lawler	EGHS
Katherine Miller	NCASA
John Cyrus	NC state Orange
Payton Maynard	
Shant' Darlans	Charlotte Observer
Michelle Frazier	NC Bar Ass'n

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 25, 2002

ROOM 415 LOB

11:00 a.m.

WELCOME AND OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

HB 1614 – LINCOLN SCHOOL BOARD – Reps. Kiser and Barefoot

**HB 1616 - EAGLE POINT NO-WAKE ZONE
Reps. McCombs and Coates**

HB 1619 – SCOTLAND COUNTY SCHOOL FUNDING – Rep. Yongue

**HB 1649 – CHARLOTTE/DOUGLAS AIRPORT CONTRACTS -
Rep. Saunders**

HB 1650 - LOCAL ACCESS TO FBI CRIM INFO. – Rep. Saunders

**HB 1658 - TEXTBOOK FLEXIBILITY/CHARLOTTE-MECK. SCHOOLS
Rep. Saunders**

**HB1691 - TROY REDEVELOPMENT PROPERTY CONVEYANCE
Rep. Gibson**

**HB 1695 - PURCHASING FLEXIBILITY/CHARLOTTE-MECK. SCHOOLS
Rep. Saunders**

**HB 1697 - ROCKINGHAM COUNTY AIRPORT AUTHORITY
Reps. Cole, Sexton, Allred, and Teague**

HB 1714 - CARTERET PROPERTY LEASES – Reps. Preston and Smith

ADJOURNMENT

2002 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I**.

-
- ☐ Committee Substitute for
H.B. 1614 A BILL TO BE ENTITLED AN ACT TO CLARIFY RESIDENCE
REQUIREMENTS FOR THE CITY OF LINCOLNTON SEAT ON THE LINCOLN
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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 1614

Short Title: Lincoln School Board.

(Local)

Sponsors: Representatives Kiser, Barefoot (Primary Sponsors); and Hilton.

Referred to: Local Government I.

June 12, 2002

A BILL TO BE ENTITLED

AN ACT TO CLARIFY RESIDENCE REQUIREMENTS FOR THE CITY OF
LINCOLNTON SEAT ON THE LINCOLN COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

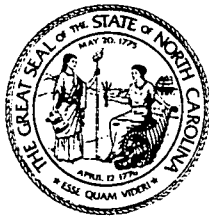
SECTION 1. Section 3 of Chapter 876 of the 1973 Session Laws reads as
rewritten:

"Sec. 3. The newly constituted and established Lincoln County Board of Education
shall consist of seven members, and each of said members shall be residents and
qualified voters of the townships according to the membership allocations hereinafter
made to said townships as follows:

(1) North Brook Township, (2) that area of Howard's Creek Township, outside
the city limits of Lincolnton, (3) that the area of Lincolnton Township presently outside
the present city limits of Lincolnton, (4) that area of Lincolnton Township and Ironton
Township presently inside the city limits of Lincolnton, (5) that area of Ironton
Township, Township outside the city limits of Lincolnton, and (6) Catawba Springs
Township shall each be entitled to one member on the Lincoln County Board of
Education. For the purpose of this section, the city limits of the City of Lincolnton are
as of the opening of candidate filing.

One member shall be elected from the county at large, without regard to township."

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



HOUSE BILL 1614: Lincoln School Board

BILL ANALYSIS

Committee: House Local Government I
Date: June 25, 2002
Version: 1st Edition

Introduced by: Rep. Kiser, Barefoot; and
Hilton
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1614 modifies the residency districts of the Lincoln County Board of Education.*

BILL ANALYSIS: Current law from 1973 establishes the residency districts for the Lincoln County Board of Education.

House Bill 1614 would adjust the residency districts in the area around the city limits of Lincolnton.

House Bill 1614 would become effective when it becomes law.

2002 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

-
- ☐ Committee Substitute for
H.B. 1616 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE
AROUND EAGLE POINT NATURE PRESERVE ON HIGH ROCK RESERVOIR IN
ROWAN 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1616

Short Title: Eagle Point No-Wake Zone.

(Local)

Sponsors: Representatives McCombs; and Coates.

Referred to: Local Government I.

June 12, 2002

A BILL TO BE ENTITLED

**AN ACT TO ESTABLISH A NO-WAKE ZONE AROUND EAGLE POINT NATURE
PRESERVE ON HIGH ROCK RESERVOIR IN ROWAN COUNTY.**

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to operate a vessel at greater than no-wake speed on the waters of High Rock Lake Reservoir within 200 feet of the boundaries designated as Eagle Point Nature Preserve in Rowan County. No-wake speed is idle speed or a slow speed creating no appreciable wake.

SECTION 2. It is unlawful to operate any motorboat or other vessel that produces its power through gasoline combustion within the no-wake zone established in Section 1 of this act, unless the vessel is under the power of an electric motor or hand or foot power while in the no-wake zone.

SECTION 3. It is unlawful to discharge firearms or fireworks or to create noise using mechanical apparatus while in the no-wake zone.

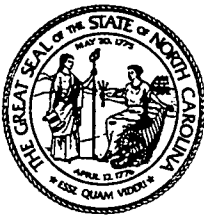
SECTION 4. With regard to marking the no-wake speed zone established in Section 1 of this act, Rowan County or its designee may place and maintain markers in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone shall be buoys or floating signs placed in the water and shall be sufficient in number and size so as to give adequate warning of the no-wake speed zone to vessels approaching from various directions.

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

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

SECTION 7. This act applies only to Rowan County.

SECTION 8. This act is effective when it becomes law and is enforceable after markers complying with Section 4 of this act are placed in the water.



HB 1616: Eagle Point No-Wake Zone.

BILL ANALYSIS

Committee: Local Government I
Date: June 25, 2002
Version: Edition 1

Introduced by: Representative McCombs
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would create a no-wake zone around the Eagle Point Nature Preserve on High Rock Lake Reservoir in Rowan County.*

BILL ANALYSIS:

The bill would create a no-wake zone within 200 feet Eagle Point Nature Preserve in Rowan County and make it unlawful to:

1. Operate a vessel at greater than no-wake speed while in the no-wake zone.
2. Discharge firearms or fireworks while in the no-wake zone.

The bill would also require that a boat that produces its power through gasoline combustion operate under the power of an electric motor or human power while in the no-wake zone.

BACKGROUND: Similar legislation to create no-wake zones has previously been enacted for: Cape Carteret, Cedar Point, Southport, Washington, and part of Lake Hickory,

EFFECTIVE DATE: The act would become effective when it becomes law.

2002 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **Local Government I.**

-
- ☐ Committee Substitute for
H.B. 1649 A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.
- ☒ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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)

FOR JOURNAL USE ONLY

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

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

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

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

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

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

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

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

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

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1649*

Short Title: Charlotte/Douglas Airport Contracts.

(Local)

Sponsors: Representatives Saunders; Easterling, Alexander, and Cunningham.

Referred to: Local Government I.

June 13, 2002

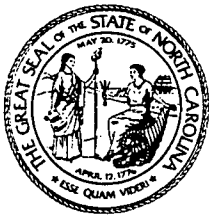
1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND THE EXPIRATION DATE OF A LOCAL ACT ALLOWING
3 THE CITY OF CHARLOTTE TO CONTRACT WITH PRIVATE PARTIES FOR
4 THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF
5 CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT SPECIAL USER
6 PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF
7 THE GENERAL STATUTES.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Section 2 of S.L. 1998-173 reads as rewritten:

10 "Section 2. This act is effective when it becomes law and expires on January 1,
11 ~~2003~~, 2007. All contracts executed under the authority of this act and any bonds or other
12 debt instruments issued pursuant to this act prior to the expiration date of this act shall
13 remain effective until the contracts are completed or the bonds or other debt instruments
14 are retired."

15 **SECTION 2.** This act is effective when it becomes law.



HOUSE BILL 1649: Charlotte/Douglas Airport Contracts

BILL ANALYSIS

Committee: House Local Government I
Date: June 25, 2002
Version: 1st Edition

Introduced by: Rep. Saunders; Easterling,
Alexander, and Cunningham
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1649 extends the expiration date of a 1998 local act that authorized the City of Charlotte to contract for the development of airport special user projects without complying with the provisions of the public contracting statutes.*

CURRENT LAW: Under a current local law from 1998, the city of Charlotte is authorized to contract for the development of special user projects at Charlotte-Douglas International Airport without complying with the requirements of Article 8 of Chapter 143 of the General Statutes, (Public Contracts). This act expires January 1, 2003.

BILL ANALYSIS: House Bill 1649 extends the expiration of this 1998 local act to January 1, 2007. House Bill 1649 would become effective when it becomes law.

2002 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

-
- ☐ Committee Substitute for
H.B. 1650 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING
THE REGULATION OF TAXIS TO COMPLY WITH FBI STANDARDS REGARDING
NON-LAW ENFORCEMENT CRIMINAL BACKGROUND CHECKS.
- ☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 1650*

Short Title: Local Access to FBI Crim Info.

(Local)

Sponsors: Representatives Saunders; Easterling, Alexander, and Cunningham.

Referred to: Local Government I.

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE REGULATION OF TAXIS TO
COMPLY WITH FBI STANDARDS REGARDING NON-LAW ENFORCEMENT
CRIMINAL BACKGROUND CHECKS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-304(a) reads as rewritten:

"(a) A city may by ordinance license and regulate all vehicles operated for hire in the city. The ordinance may require that the drivers and operators of taxicabs engaged in the business of transporting passengers for hire over the public streets shall obtain a license or permit from the city; provided, however, that the license or permit fee for taxicab drivers shall not exceed fifteen dollars (\$15.00). The ordinances may also specify the types of taxicab services which are legal in the municipality; provided, that in all cases shared-ride services as well as exclusive-ride services shall be legal. Shared-ride service is defined as a taxi service in which two or more persons with either different origins or with different destinations, or both, occupy a taxicab at one time. Exclusive-ride service is defined as a taxi service in which the first passenger or party requests exclusive use of the taxicab. In the event the applicant is to be subjected to a national criminal history background check, the ordinance shall specifically authorize the use of FBI records. The ordinance shall require any applicant who is subjected to a national criminal history background check to be fingerprinted.

The following factors shall be deemed sufficient grounds for refusing to issue a permit or for revoking a permit already issued:

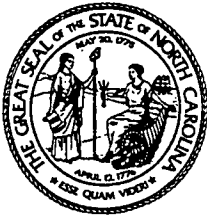
- (1) Conviction of a felony against this State, or conviction of any offense against another state which would have been a felony if committed in this State;
- (2) Violation of any federal or State law relating to the use, possession, or sale of alcoholic beverages or narcotic or barbiturate drugs;
- (3) Addiction to or habitual use of alcoholic beverages or narcotic or barbiturate drugs;

- 1 (4) Violation of any federal or State law relating to prostitution;
2 (5) Noncitizenship in the United States;
3 (6) Habitual violation of traffic laws or ordinances.

4 The ordinance may also require operators and drivers of taxicabs to display prominently
5 in each taxicab, so as to be visible to the passengers, the city taxi permit, the schedule of
6 fares, a photograph of the driver, and any other identifying matter that the council may
7 deem proper and advisable. The ordinance may also establish rates that may be charged
8 by taxicab operators, may limit the number of taxis that may operate in the city, and
9 may grant franchises to taxicab operators on any terms that the council may deem
10 advisable."

11 **SECTION 2.** This act applies only to the City of Charlotte.

12 **SECTION 3.** This act is effective when it becomes law.



HB 1650: Local Access to FBI Crime Info.

BILL ANALYSIS

Committee: Local Government I
Date: June 25, 2002
Version: Edition 1

Introduced by: Representative Saunders
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would require the use of FBI records when performing a national criminal history check on individuals applying for a taxicab permit in the City of Charlotte.*

CURRENT LAW: Cities are granted the authority to license and regulate taxicabs within the limits of a city by ordinance. As part of the ordinance, the city may require a taxicab driver to obtain a permit from the city. Valid reasons for denying or revoking a permit include:

1. Conviction of a felony in North Carolina, or conviction of an offense that if it had been committed in North Carolina, it would have been a felony.
2. Violation of any federal or State law relating to the use, possession or sale of alcoholic beverages or narcotic or barbiturate drugs.
3. Addiction to drugs or alcohol.
4. Violation of any federal or State law relating to prostitution.
5. Noncitizenship in the United States.
6. Habitual violation of traffic laws.

BILL ANALYSIS: The bill would specify that if the applicant is subjected to a national criminal history background check, FBI records are to be used. Additionally, the applicant must submit to being fingerprinted for the national criminal history background check.

EFFECTIVE DATE: The act would become effective when it becomes law.

2002 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

-
- ☐ Committee Substitute for
H.B. 1691 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TROY
REDEVELOPMENT COMMISSION TO CONVEY PROPERTY TO A NONPROFIT
ORGANIZATION FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING IN
A REDEVELOPMENT 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1691

Short Title: Troy Redevelopment Property Conveyance. (Local)

Sponsors: Representative Gibson.

Referred to: Local Government I.

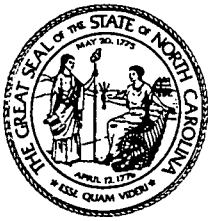
June 13, 2002

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE TROY REDEVELOPMENT COMMISSION TO
CONVEY PROPERTY TO A NONPROFIT ORGANIZATION FOR THE
PURPOSE OF PROVIDING AFFORDABLE HOUSING IN A
REDEVELOPMENT AREA.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 22 of Chapter 160A of the General Statutes, the Troy Redevelopment Commission (hereinafter Commission) may convey by private negotiation and sale, with or without monetary consideration, any or all of its right, title, and interest in property owned by the Commission to a nonprofit organization under the terms and conditions that the Commission deems appropriate for the purpose of providing affordable housing in the Smitherman Village neighborhood, a redevelopment area as defined in G.S. 160A-503(16).

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



HB 1691: Troy Redevelopment Property Conveyance.

BILL ANALYSIS

Committee: Local Government I
Date: June 25, 2002
Version: Edition 1

Introduced by: Representative Gibson
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would allow the Troy Redevelopment Commission to convey real property, by private negotiation and sale, to a nonprofit organization for the purpose of providing affordable housing to the Smitherman Village neighborhood.*

CURRENT LAW: Redevelopment commissions established under Article 22 of Chapter 160A are granted the authority to dispose of real property by the following methods:

1. Advertisement for sealed bids under G.S. 160A-268.
2. Negotiated offer, advertisement, and upset bids under G.S. 160A-269.
3. Public auction under G.S. 160A-270.
4. Exchange of property under G.S. 160A-271.
5. For real property to be used as streets, alleys and public ways -- private sale, with or without consideration to the municipality in which the land lies.
6. For real property to be used for public utilities, sewers, streets and other similar facilities -- private sale, grant or dedicated easement, with or without consideration.
7. For real property to be used parks, schools, public buildings, facilities, or other public purposes -- private sale, with or without consideration to the municipality, county or other appropriate public body.
8. For real property to be used by nonprofits for educational, scientific, literary, cultural, charitable or religious purposes -- after public hearing and approval of the governing body of the municipality, sell for fair value of the property.

BILL ANALYSIS: The bill would allow the Troy Redevelopment Commission to convey real property by private negotiation and sale, with or without consideration, to a nonprofit organization for the purpose of providing affordable housing to the Smitherman Village neighborhood. The terms of the sale would be as the Commission deems appropriate.

EFFECTIVE DATE: The act would become effective when it becomes law.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1714 A BILL TO BE ENTITLED AN ACT TO PERMIT THE CARTERET COUNTY BOARD OF EDUCATION TO LEASE PROPERTY TO CHARITABLE ORGANIZATIONS.

- ☐ 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 the committee substitute bill, ☒ which changes the title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1714
PROPOSED COMMITTEE SUBSTITUTE H1714-CSST-99 [v.1]

6/25/2002 9:38:24 AM

Short Title: Carteret Property Leases.

(Local)

Sponsors:

Referred to:

June 13, 2002

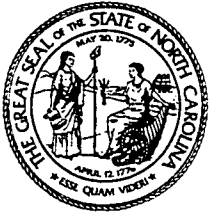
1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT THE CARTERET COUNTY BOARD OF EDUCATION TO
3 LEASE PROPERTY TO THE BOYS AND GIRL CLUB.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Notwithstanding the provisions of G.S. 115C-518 and G.S.
6 160A-272, the Carteret County Board of Education may lease to the Boys and Girl Club
7 all or part of their interest in land on any campus in the Carterest County School System
8 for terms of not more than 30 years.

9 **SECTION 2.** This act applies only to the Carteret County Board of
10 Education.

11 **SECTION 3.** This act is effective when it becomes law.



HB 1714: Carteret Property Leases.

BILL ANALYSIS

Committee: Local Government I
Date: June 21, 2002
Version: Edition 1

Introduced by: Representatives Preston and Smith
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would allow the Carteret County Board of Education to lease property on any of its campuses to the Boys and Girls Club for not more than 30 years.*

CURRENT LAW: Under G.S. 115C-518, local boards of education are granted the authority to lease property as counties and cities. Leasing of real property by counties and cities is governed by G.S. 160A-272, which specifically states that the governing body must determine that the property is not needed by the body for the term of the lease and the term of the lease cannot be for more than 10 years.

BILL ANALYSIS: The bill would grant the Carteret County Board of Education the ability to lease property on the campuses of the schools in the Carteret system to the Boys and Girls Club for up to 30 years, without the Board of Education finding that the Board does not need the property for the term of the lease.

BACKGROUND: The Boys and Girls Club is willing to construct a building on the school campus, which can be used by the school during the school day. After the end of the school day, the Boys and Girls Club will use the facility to conduct after school activities.

EFFECTIVE DATE: The act would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1714

Short Title: Carteret Property Leases.

(Local)

Sponsors: Representatives Preston and Smith (Primary Sponsors).

Referred to: Local Government I.

June 13, 2002

A BILL TO BE ENTITLED
AN ACT TO PERMIT THE CARTERET COUNTY BOARD OF EDUCATION TO
LEASE PROPERTY TO CHARITABLE ORGANIZATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(42) To Lease Property to Charitable Organizations. – Notwithstanding the requirements of G.S. 115C-518, local boards of education shall have the authority to lease portions of school property to charitable organizations that provide after school enrichment activities on such terms, provisions, and conditions as local boards of education deem appropriate."

SECTION 2. This act applies only to the Carteret County Board of Education.

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

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

July 9, 2002

The House Committee on Local Government I met in Room 415 of the Legislative Office Building on July 9, 2002, at 11:00 a.m. Representative Dedmon called the meeting to order at 11:07 a.m. and introduced the pages, Brandon Jaklitsh (Mecklenburg County – Speaker Black), Cade Brummett (Brunswick County – Representative Redwine), and Jeff Carroll (Brunswick County – Representative Redwine). Representative Dedmon then introduced the Sergeant at Arms Staff, James Worth, Jim Brewer, and Walter Spell. The following Committee members were present: Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hensley, Hill, Kiser, Saunders, Setzer, and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration sheet is attached to these minutes.

Representative Dedmon announced that the following bill listed on the agenda would not be heard during this meeting: HB 1652 – Mecklenburg Unclaimed Property (Representative Gulley). The following bills were considered:

HB 1653, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO REPEAL CERTAIN OPTIONAL RIGHTS OF THE CITY MANAGER, TO AUTHORIZE THE CITY MANAGER TO ACCEPT PROPERTY OFFERED FOR PUBLIC DEDICATION, TO REPEAL THE SECTION THAT PROHIBITS THE CITY MANAGER FROM AWARDED CONTRACTS THAT EXCEED FIFTY THOUSAND DOLLARS, AND TO MOVE A CERTAIN SECTION FROM CHAPTER FOUR TO CHAPTER EIGHT FOR ORGANIZATIONAL PURPOSES. Representative Alexander, bill sponsor, was recognized to explain the bill. This bill makes several changes to the Charlotte Charter related to the power of the city manager to approve contracts and accept or convey real property. Bob Haymount, Attorney for the City of Charlotte, was recognized to speak in favor of the bill, and answered several questions asked by members of the Committee. After much discussion, Representative Ellis moved for a favorable report. The motion carried.

HB 1654, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES. Representative Alexander, bill sponsor, was recognized to explain the bill. This bill would allow the City of Charlotte to designate someone other than the city clerk to issue licenses to businesses desiring to conduct a closing-out sale. After some questions from members of the committee, Representative Buchanan moved for a favorable report. The motion carried.

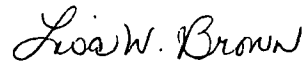
HB 1686, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE VILLAGE OF WHISPERING PINES TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN. Representative Morgan, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan moved for adoption and the committee substitute was properly before the committee for discussion. Representative Hill then moved to give the committee substitute a favorable report, unfavorable as to the original bill. The motion carried.

HB 1619, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS. Representative Yongue, bill sponsor, was recognized to explain the bill and stated that HB 1619 changes the definition of "current expense expenditures" for the Scotland County Schools. Mr. Bill Grogan, a citizen of Laurensburg, and Steve Walters, Project Manager for Scotland County, both spoke in opposition of the bill. After much discussion, Representative McAllister then moved for a favorable report. The motion carried.

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



Representative Andy Dedmon
Chair



Lisa W. Brown, Clerk

Attachments:

Agenda
Visitor Registration Form
House Bills 1653, 1654, 1686, & 1619
Bill Summaries

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

JULY 9, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kathleen Purcell	Laurinburg, NC
SCOTT SAUER	SCOTLAND COUNTY
J. D. "Buck" Carter	Scotland County School Board
Shirley Prince	Scotland County Schools
David L. Burns	Scotland County
Steve L. Walter	Scotland County
Wm D. Hogan	SCOTLANDS County
Carole Lawler	EGHS
Will Taylor	intern
Boyd Canble	City of Charlotte
ELLIS HANKINS	NCLM

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

JULY 9, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Letitia Withrow	NC state Watch
Shirley Hester	WCPS3
Conway Elow	Intern
Brian Francis	Meck City
Bryce Schutts	NC LHM
Bob Hageman	CITY OF CHARLOTTE
Smarrkham	Prof Educators of NC

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**July 9, 2002
ROOM 415 LOB
11:00 a.m.**

WELCOME AND OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 1653 – CHARLOTTE CHARTER PROVISIONS
Rep. Alexander**

**HB 1654 – CHARLOTTE CLOSING- OUT SALE LICENSES
Rep. Alexander**

HB 1652 – MECKLENBURG UNCLAIMED PROPERTY – Rep. Gulley

**HB 1686 – WHISPERING PINES REGULATE GOLF CARTS
Rep. Morgan**

**HB 1619 – SCOTLAND COUNTY SCHOOL FUNDING
Rep. Yongue**

ADJOURNMENT

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 1653 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO REPEAL CERTAIN OPTIONAL RIGHTS OF THE CITY MANAGER, TO AUTHORIZE THE CITY MANAGER TO ACCEPT PROPERTY OFFERED FOR PUBLIC DEDICATION, TO REPEAL THE SECTION THAT PROHIBITS THE CITY MANAGER FROM AWARDING CONTRACTS THAT EXCEED FIFTY THOUSAND DOLLARS, AND TO MOVE A CERTAIN SECTION FROM CHAPTER FOUR TO CHAPTER EIGHT FOR ORGANIZATIONAL 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.

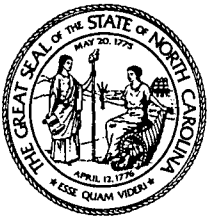
☐ With an indefinite postponement report, with a Minority Report attached.

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

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



HOUSE BILL 1653: Charlotte Charter Provisions

BILL ANALYSIS

Committee: Local Government I
Date: July 9, 2002
Version: 1st Edition

Introduced by: Reps. Alexander; McMahan,
Easterling, and Cunningham
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1653 makes several changes to the Charlotte Charter related to the power of the city manager to approve contracts and accept or convey real property.*

BILL ANALYSIS: Section 1 of House Bill 1653 repeals the following optional rights of the Charlotte City Manager:

- acquisition by the City of real property worth \$10,000 or less;
- acquisition by the City of real property worth more than \$10,000 for the purpose of increasing the supply of low or moderate income housing; and
- approval of agreements permitting encroachments in setbacks and rights-of-way.

In addition, Section 1 of the bill substitutes the City Manager's power to accept dedicated streets for maintenance with the power to accept property offered for public dedication.

Section 2 of the bill reenacts, in a new City Charter section, the City Manager's existing power to sell real property worth more than \$10,000 for the purpose of increasing the supply of low or moderate income housing.

Section 3 of the bill repeals the City Chapter section that grants the City Manager the limited power to

- approve contracts and amendments to contracts up to \$50,000; and
- approve construction contracts for water and sewer lines that will eventually become part of the Charlotte utility system, when the construction is the responsibility of another entity.

House Bill 1653 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1653*

Short Title: Charlotte Charter Provisions.

(Local)

Sponsors: Representatives Alexander; McMahan, Easterling, and Cunningham.

Referred to: Local Government I.

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO REPEAL CERTAIN OPTIONAL RIGHTS OF THE CITY MANAGER, TO AUTHORIZE THE CITY MANAGER TO ACCEPT PROPERTY OFFERED FOR PUBLIC DEDICATION, TO REPEAL THE SECTION THAT PROHIBITS THE CITY MANAGER FROM AWARDING CONTRACTS THAT EXCEED FIFTY THOUSAND DOLLARS, AND TO MOVE A CERTAIN SECTION FROM CHAPTER FOUR TO CHAPTER EIGHT FOR ORGANIZATIONAL PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.06 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended, reads as rewritten:

"Section 4.06. **Optional Rights.** The City Manager may:

(1) Approve the:

a. ~~Acquisition by the City of real property having a value of ten thousand dollars (\$10,000) or less.~~

b. ~~Acquisition or sale by the City of real property having a value of more than ten thousand dollars (\$10,000), when the City Manager certifies to the Council that the property is being acquired or sold for the purpose of increasing the supply of affordable housing available to low or moderate income persons. The Manager shall, within 10 days of any transaction authorized by this subdivision, report the details to the Council.~~

(2) ~~Approve certain contracts as provided in Section 8.86 of this Charter.~~

(3) ~~Approve agreements permitting encroachments into setbacks and rights of way.~~

(4) ~~Accept dedicated streets for City maintenance.~~ Manager or his or her designee may accept property offered for public dedication."

SECTION 2. Section 8.22 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended, is amended by adding the following new subsection:

1 "(e) The City Manager may approve the sale by the City of real property having a
2 value of more than ten thousand dollars (\$10,000) when the City Manager certifies to
3 the Council that the property is being sold for the purpose of increasing the supply of
4 affordable housing available to low- or moderate-income persons. The City Manager
5 shall within 10 days of any transaction authorized by this subsection report the details to
6 the Council."

7 **SECTION 3.** Section 8.86 of the Charter of the City of Charlotte, being S.L.
8 2000-26, as amended, is repealed.

9 **SECTION 4.** This act is effective when it becomes law.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 1654 A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

☒ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.

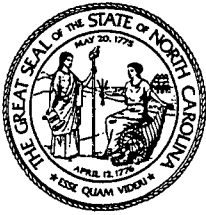
☐ With an indefinite postponement report, with a Minority Report attached.

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

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



HB 1654: Charlotte Closing-Out Sale Licenses.

BILL ANALYSIS

Committee: Local Government I
Date: July 9, 2002
Version: First Edition

Introduced by: Representative Alexander
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would allow the City of Charlotte to designate someone other than the city clerk to issue licenses to businesses desiring to conduct a closing-out sale.*

CURRENT LAW: Article 17 of Chapter 66, Closing-Out Sales, provides that a license must be obtained prior conducting a closing-out sale or a distress sale. The license is to be issued by the city clerk, or by an officer designated by the Board of County Commissioners if the sale is conducted in an unincorporated area. Closing-out sales are defined to cover sales advertised or represented under the designation of:

- ❖ Going out of business
- ❖ Discontinuance of business
- ❖ Selling out
- ❖ Liquidation
- ❖ Lost out lease
- ❖ Must vacate
- ❖ Forced out
- ❖ Removal
- ❖ Any other designation of like meaning.

Distress sales are defined to mean all sales in which it is represented or implied that going out of business is possible or anticipated.

BILL ANALYSIS: The bill would allow the City Council of Charlotte to designate an individual other than the city clerk to issue the license upon proper application.

EFFECTIVE DATE: The act applies to the City of Charlotte only, and would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1654*

Short Title: Charlotte Closing-Out Sale Licenses.

(Local)

Sponsors: Representatives Alexander; McMahan, Easterling, and Cunningham.

Referred to: Local Government I.

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO DESIGNATE SOMEONE
OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE
LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 66-77 reads as rewritten:

**"§ 66-77. License required; contents of applications; inventory required; fees;
bond; extension of licenses; records; false statements.**

(a) No person shall advertise or offer for sale a stock of goods, wares or merchandise under the description of closing-out sale, or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise, or a distress sale unless he shall have obtained a license to conduct such sale from the clerk of the city or town in which he proposes to conduct such a sale (or from another officer designated by the City Council) or from the officer designated by the Board of County Commissioners if the sale is conducted in an unincorporated area. The applicant for such a license shall make to such clerk or officer an application therefor, in writing and under oath at least seven days prior to the opening date of sale, showing all the facts relating to the reasons and character of such sale, including the opening and terminating dates of the proposed sale, the opening and terminating dates of any previous distress sale or closing-out sale held by the applicant within that county during the preceding 12 months, a complete inventory of the goods, wares or merchandise actually on hand in the place whereat such sale is to be conducted, and all details necessary to locate exactly and identify fully the goods, wares or merchandise to be sold. Provided, the seller in a distress sale need not file an inventory.

(b) If such clerk or other officer shall be satisfied from said application that the proposed sale is of the character which the applicant desires to advertise and conduct, the clerk or other officer shall issue a license, upon the payment of a fee of fifty dollars (\$50.00) therefor, together with a bond, payable to the city or town or county in the penal sum of five hundred dollars (\$500.00), conditioned upon compliance with this

1 Article, to the applicant authorizing him to advertise and conduct a sale of the particular
2 kind mentioned in the application. The license fee provided for herein shall be good for
3 a period of 30 days from its date, and if the applicant shall not complete said sale within
4 said 30-day period then the applicant shall make application to such clerk or other
5 officer for a license for a new permit, which shall be good for an additional period of 30
6 days, and shall pay therefor the sum of fifty dollars (\$50.00), and a second extension
7 period of 30 days may be similarly applied for and granted by the clerk or other officer
8 upon payment of an additional fee of fifty dollars (\$50.00) and upon the clerk or other
9 officer being satisfied that the applicant is holding a bona fide sale of the kind
10 contemplated by this Article and is acting in a bona fide manner; provided, however,
11 that the clerk or other officer may not grant an extension period as provided in this
12 subsection if (i) the applicant conducted a distress sale immediately preceding the
13 current sale for which the extension is applied for and (ii) the period of the extension
14 applied for, when added to the period of the preceding sale and the period of the current
15 sale, will exceed 120 days. No additional bond shall be required in the event of one or
16 more extensions as herein provided for. Any merchant who shall have been conducting
17 a business in the same location where the sale is to be held for a period of not less than
18 one year, prior to the date of holding such sale, or any merchant who shall have been
19 conducting a business in one location for such period but who shall, by reason of the
20 building being untenable or by reason of the fact that said merchant shall have no
21 existing lease or ownership of the building and shall be forced to hold such sale at
22 another location, shall be exempted from the payment of the fees and the filing of the
23 bond herein provided for.

24 (c) Every city or town or county to whom application is made shall endorse upon
25 such application the date of its filing, and shall preserve the same as a record of his
26 office, and shall make an abstract of the facts set forth in such application, and shall
27 indicate whether the license was granted or refused.

28 (d) Any person making a false statement in the application provided for in this
29 section shall, upon conviction, be deemed guilty of perjury."

30 **SECTION 2.** This act applies to the City of Charlotte only.

31 **SECTION 3.** This act is effective when it becomes law.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 1686 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE VILLAGE OF
WHISPERING PINES TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS
ON PUBLIC STREETS WITHIN THE TOWN.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☒ With a favorable report as to the committee substitute bill, ☒ which changes the title,
unfavorable as to the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate.
____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.



HOUSE BILL 1686: Whispering Pines Regulate Golf Carts

BILL ANALYSIS

Committee: House Local Government I
Date: July 9, 2002
Version: 1st Edition

Introduced by: Rep. Morgan
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1686 authorizes the Village of Whispering Pines to regulate the operation of electric golf carts on public streets within the municipality.*

CURRENT LAW: Under current law, vehicles intended to be operated on the streets and highways of the State must be registered (G.S. 20-50), and golf carts cannot be registered (G.S. 20-54).

BILL ANALYSIS: House Bill 1686 authorizes the Village of Whispering Pines to enact an ordinance to authorize the operation of electric golf carts on any public street or road within the Village.

House Bill 1686 would become effective when it becomes law.

BACKGROUND: The General Assembly has previously granted this authority to the Town of Lake Waccamaw (S.L. 2001-356) and the Town of Cary (S.L. 2001-485).

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 1686

PROPOSED COMMITTEE SUBSTITUTE H1686-PCS5414-RV-33

Short Title: Whispering Pines Regulate Golf Carts.

(Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE VILLAGE OF WHISPERING PINES TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE VILLAGE AND TO AUTHORIZE THE MOORE COUNTY BOARD OF COMMISSIONERS TO REGULATE THE OPERATION OF ELECTRIC GOLF CARTS WITHIN THE SEVEN LAKES COMMUNITY IN MOORE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Village of Whispering Pines may, by ordinance, regulate the operation of electric golf carts on any public street or road within the Village. By ordinance, the Village may require the registration of golf carts, specify the persons authorized to operate golf carts, and specify required equipment, load limits, and the hours and methods of operation of the golf carts.

SECTION 2. Section 3 of Chapter 13 of the 1995 Session Laws reads as rewritten:

"Sec. 3. This act shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Seven Lakes Landowners Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Seven Lakes 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 Moore County Board of Commissioners. Pursuant to G.S. 20-141, the Moore County Board of Commissioners may authorize by ordinance higher or lower speeds. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Moore County Board of Commissioners may, by ordinance, regulate the operation of electric golf carts on streets and roads within the confines of the Seven Lakes Community as recommended by the Directors of the Seven Lakes Landowners Association, Inc. By ordinance, the Moore County Board of Commissioners may

1 require the registration of golf carts, specify the persons authorized to operate golf carts,
2 and specify required equipment, load limits, and the hours and methods of operation of
3 the golf carts."

4 **SECTION 3.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1686

Short Title: Whispering Pines Regulate Golf Carts. (Local)

Sponsors: Representative Morgan.

Referred to: Local Government II.

June 13, 2002

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE VILLAGE OF WHISPERING PINES TO
REGULATE THE OPERATION OF ELECTRIC GOLF CARTS ON PUBLIC
STREETS WITHIN THE TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Village of Whispering Pines may, by ordinance, regulate the operation of electric golf carts on any public street or road within the Village. By ordinance, the Village may require the registration of golf carts, specify the persons authorized to operate golf carts, and specify required equipment, load limits, and the hours and methods of operation of the golf carts.

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

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **Local Government I.**

☐ Committee Substitute for

H.B. 1619 A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

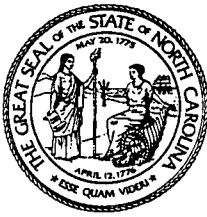
☐ With an indefinite postponement report, with a Minority Report attached.

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

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



HOUSE BILL 1619: Scotland County School Funding

BILL ANALYSIS

Committee: House Local Government I
Date: July 9, 2002
Version: 1st Edition

Introduced by: Rep. Yongue
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1619 changes the definition of "current expense expenditures" for the Scotland County Schools.*

CURRENT LAW: Current local law, enacted in 1963, requires the Scotland County Board of Commissioners to appropriate current expense expenditures per student from local funds that are no less than the average current expense expenditures per student from local funds throughout the State.

BILL ANALYSIS: House Bill 1619 supercedes the State average current expense expenditure requirement of the 1963 local act, and replaces it with a dollar amount for FY 02-03 current expense expenditures per student, and a formula based on that dollar amount for the current expense expenditures per student level in future years.

House Bill 1619 also authorizes the Scotland County Board of Commissioners and the Scotland County Board of Education to set a different level of current expense expenditures in extraordinary economic circumstances.

House Bill 1619 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1619*

Short Title: Scotland County School Funding.

(Local)

Sponsors: Representative Yongue.

Referred to: Local Government I.

June 12, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED
TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE
SCOTLAND COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 707 of the 1963 Session Laws is amended by adding
the following new sections:

"Sec. 9.1. For the 2002-2003 fiscal year only, current expense expenditures from
local funds for the Scotland County Schools shall be eight million seven hundred
thousand dollars (\$8,700,000) and said sum shall be appropriated by the Scotland
County Board of Commissioners from local funds, including both general and
supplemental tax revenues, and not including fines and forfeitures or restricted use sales
taxes authorized by Article 40 or 42 of Chapter 105 of the General Statutes.

Sec. 9.2. Beginning with the 2003-2004 fiscal year, the base amount of funding for
current expense expenditures from local funds shall include the previous years' level of
current expense expenditures (for example, eight million seven hundred thousand
dollars (\$8,700,000) in 2002-2003), multiplied by the average percentage change in
current expense school expenditures for the most recent available fiscal year for
low-wealth counties in North Carolina (all local expenditures shall include local current
expense expenditures incurred by charter schools within the appropriate districts), as
determined by the Superintendent of Public Instruction or that person's designee. The
resulting product shall then be multiplied by a ratio consisting of the Average Daily
Membership used to distribute State funding for the succeeding fiscal year as provided
by the Department of Public Instruction, divided by the Average Daily Membership
used to distribute funding for the current fiscal year, as determined by the
Superintendent of Public Instruction, or that person's designee. The resulting number
shall be added to or subtracted from the previous year's amount of current expense
expenditures from local funds. This sum shall be the required level of current expense

1 funding to be appropriated by the Board of Commissioners from any local sources,
2 including both general and supplemental tax revenues, and not including fines and
3 forfeitures or restricted use sales taxes authorized by Article 40 or 42 of Chapter 105 of
4 the General Statutes.

5 Sec. 9.3. Notwithstanding the provisions of Sections 9.1 and 9.2 of this act, the
6 Scotland County Board of Commissioners and the Scotland County Board of Education
7 may, in extraordinary economic circumstances, jointly set a level of current expense
8 expenditures for a fiscal year. This deviation from Sections 9.1 and 9.2 of this act shall
9 be valid only if approved by resolution of both boards."

10 **SECTION 2.** The remainder of Chapter 707 of the 1963 Session Laws is not
11 changed by this act except to the extent any previously enacted provisions for the
12 establishment and funding of current expense expenditures are inconsistent with the
13 provisions of this act.

14 **SECTION 3.** This act is effective when it becomes law.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

July 24, 2002

The House Committee on Local Government I met on Tuesday, June 18, 2002, in Room 415 of the Legislative Office Building at 11:00 a.m. The following Committee members were present: Chairman Dedmon, Representatives Adams, Ellis, Gibson, Hensley, Hill, Setzer, and Teague. Giles Perry and Erika Churchill, Staff Counsel, were in attendance. A Visitor Registration list and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order at 11:04 a.m. and introduced the pages, Ebony Brooks (Forsyth County – Representative Womble) and Tremaine Jones (Guilford County – Rep. Adams). Representative Dedmon then introduced the Sergeant at Arms Staff, Charles Williams and Thomas Wilder.

Representative Dedmon announced that **HB 1652 – MECKLENBURG UNCLAIMED PROPERTY** (Rep. Gulley), **SB 1133 – RUTHERFORDTON ABC DISTRIBUTION** (Sen. Dalton), and **SB 1371 – SCOTLAND COUNTY SCHOOL FUNDING** (Sen. Purcell and Plyler) would not be heard during the meeting. The following bills were considered:

HB 1502 – A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE SANDERS FOREST AND BENT TREE PLANTATION COMMUNITIES IN BRUNSWICK COUNTY. Representative Redwine, bill sponsor, was recognized to explain the bill. This bill provides that the motor vehicle laws of the State apply to the operation of vehicles on the streets in the Sanders Forest and Bent Tree communities in Brunswick County. Representative Hill moved to give the bill a favorable report. The motion carried.

HB 1623 – A BILL TO BE ENTITLED AN ACT TO CLASSIFY BRUNSWICK COUNTY AS A HIGH HAZARD COUNTY WITH RESPECT TO THE REGULATION OF OPEN FIRES. Representative Redwine, bill sponsor, was recognized to explain the bill. This bill adds the County of Brunswick back to the counties classified as high hazard counties with respect to the regulation of open fires. Representative McAllister moved to give the bill a favorable report. The motion carried.

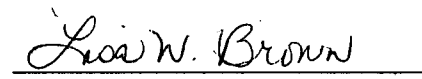
SB 1394 – A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF CHARLOTTE MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY. Senator Clodfelter, bill sponsor, was not present. Representative McMahan was recognized to

explain the bill. After much discussion, Representative Hensley moved to give the bill a favorable report. The motion carried.

-2-

There being no further business, the committee adjourned at 11:12 a.m.


Representative Andy Dedmon
Chair


Lisa W. Brown, Clerk

Attachments:

Visitor Registration
Agenda
HB 1502 & Summary
HB 1623, Summary, & Handout
SB 1394 & Summary

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

July 24, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

BRANDON THOMAS

CITY OF CHARLOTTE

Boyd Gable
Will Taylor

City of Charlotte
intern

Bill Wilson

NCA TL

Chad Essick

Edmister + Webb

Kate Huer

NC State Water

Kim Hibbard

NCLM

Bill Canstard

Charlotte Area Transit System

{

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

July 24, 2002

ROOM 415 LOB

11:00 a.m.

WELCOME AND OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**HB 1502 – BRUNSWICK CO. MV LAWS
Rep. Redwine**

**HB 1623 – BRUNSWICK COUNTY HIGH HAZARD FIRE COUNTY
Rep. Redwine**

**HB 1652 – MECKLENBURG UNCLAIMED PROPERTY
Rep. Gulley**

**SB 1133 – RUTHERFORDTON ABC DISTRIBUTION
Sen. Dalton**

**SB 1371 – SCOTLAND COUNTY SCHOOL FUNDING
Sen. Purcell and Plyler**

**SB 1394 – CHARLOTTE GOVERNMENTAL IMMUNITY
Sen. Clodfelter**

ADJOURNMENT

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

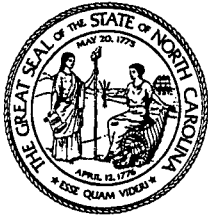
By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1502 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS
RELATING TO MOTOR VEHICLES APPLY WITHIN THE SANDERS FOREST AND
BENT TREE PLANTATION COMMUNITIES IN BRUNSWICK COUNTY.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.



HOUSE BILL 1502: Brunswick Co. MV Laws

BILL ANALYSIS

Committee: House Local Government I
Date: July 24, 2002
Version: 1st Edition

Introduced by: Rep. Redwine
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1502 provides that the motor vehicle laws of the State apply to the operation of vehicles on the streets in the Sanders Forest and Bent Tree communities in Brunswick County.*

CURRENT LAW: Under current law, the motor vehicle laws of the State apply to the operation of vehicles on public highways and in public vehicular areas. The motor vehicle laws do not apply to private streets that are not generally open to the public.

BILL ANALYSIS: House Bill 1502 provides that the motor vehicle laws of the State apply to the operation of vehicles on the streets in the Sanders Forest and Bent Tree communities in Brunswick County. The bill provides that the current speed limits on the streets in these communities remain in effect until approved by the Brunswick County Commissioners.

House Bill 1502 would become effective December 1, 2002.

BACKGROUND: The General Assembly has previously enacted local legislation making the motor vehicle laws of the State applicable in Carolina Trace in Lee County, Seven Lakes in Moore County, and Lake Royale in Franklin and Nash Counties.

H1502-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1502

Short Title: Brunswick Co. MV Laws.

(Local)

Sponsors: Representative Redwine.

Referred to: Local Government I.

June 3, 2002

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES
APPLY WITHIN THE SANDERS FOREST AND BENT TREE PLANTATION
COMMUNITIES IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. 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 Sanders Forest Development Association, Inc., or its members and the Bent Tree Plantation Homeowners Association, Inc., or its members. For purposes of this act, streets, roadways, and alleys in the Sanders Forest and Bent Tree Plantation communities 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.

SECTION 2. This act shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Sanders Forest Development Association, Inc., and the Bent Tree Plantation Homeowners Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Sanders Forest and Bent Tree Plantation communities 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 Brunswick County Board of Commissioners. Pursuant to G.S. 20-141, the Brunswick County Board of Commissioners may authorize by ordinance higher or lower speeds.

SECTION 3. This act applies only to Brunswick County.

SECTION 4. This act becomes effective December 1, 2002.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

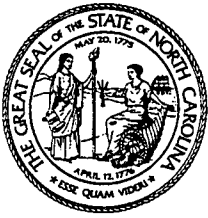
By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1623 A BILL TO BE ENTITLED AN ACT TO CLASSIFY BRUNSWICK COUNTY
AS A HIGH HAZARD COUNTY WITH RESPECT TO THE REGULATION OF OPEN
FIRES.
- ☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



HOUSE BILL 1623: Brunswick County High Hazard Fire County.

BILL ANALYSIS

Committee: House Local Government I
Date: July 24, 2002
Version: First Edition

Introduced by: Representative Redwine
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill adds the County of Brunswick back to the counties classified as high hazard counties with respect to the regulation of open fires.*

CURRENT LAW: In 1981, the General Assembly enacted S.L. 1981-1100, which set forth Article 4C of Chapter 113, entitled "Regulation of Open Fires." The General Assembly found that in certain counties a high percentage of the land area contains organic soils or forest types which may pose a greater problem with forest fire and air pollution controls. These counties are classified as high hazard counties. In the high hazard counties the following actions are unlawful:

1. For any person to willfully start or cause to be started any fire in or within 500 feet of any woodland under the protection of the DENR without a permit from DENR.
2. For any person to willfully burn debris, stumps, brush, or other flammable materials from ground clearing of five (5) or more contiguous acres with a special permit from DENR. Regular permits are required for areas less than five (5) acres.

Attached is an explanation of burning regulations in North Carolina from DENR website.

BILL ANALYSIS: The bill would declare Brunswick County to be a high hazard county.

BACKGROUND: When S.L. 1981-1100 was enacted in 1981, Brunswick County was included as a high hazard county. Later in the biennium, Brunswick County was removed from the list of counties classified as high hazard. S.L. 1981-1165, S.L. 1981-1385.

EFFECTIVE DATE: The bill would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1623

Short Title: Brunswick County High Hazard Fire County.

(Local)

Sponsors: Representative Redwine.

Referred to: Local Government I.

June 12, 2002

A BILL TO BE ENTITLED

AN ACT TO CLASSIFY BRUNSWICK COUNTY AS A HIGH HAZARD COUNTY
WITH RESPECT TO THE REGULATION OF OPEN FIRES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-60.23 reads as rewritten:

"§ 113-60.23. High hazard counties; permits required; standards.

(a) The provisions of this section apply only to the counties of Beaufort, Bladen, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Duplin, Gates, Hyde, Jones, Onslow, Pamlico, Pasquotank, Perquimans, Tyrrell, and Washington which are classified as high hazard counties in accordance with G.S. 113-60.21.

(b) It is unlawful for any person to willfully start or cause to be started any fire in any woodland under the protection of the Department or within 500 feet of any such woodland without first having obtained a permit from the Department. Permits for starting fires may be obtained from forest rangers or other agents authorized by the county forest ranger to issue such permits in the county in which the fire is to be started. Such permits shall be issued by the ranger or other agent unless permits for the area in question have been prohibited or cancelled in accordance with G.S. 113-60.25 or 113-60.27.

(c) It is unlawful for any person to willfully burn any debris, stumps, brush or other flammable materials resulting from ground clearing activities and involving more than five contiguous acres, regardless of the proximity of the burning to woodland and on which such materials are placed in piles or windrows without first having obtained a special permit from the Department. Areas less than five acres in size will require a regular permit in accordance with G.S. 113-60.23(b).

(1) Prevailing winds at the time of ignition must be away from any city, town, development, major highway, or other populated area, the ambient air of which may be significantly affected by smoke, fly ash, or other air contaminants from the burning.

- (2) The location of the burning must be at least 1,000 feet from any dwelling or structure located in a predominately residential area other than a dwelling or structure located on the property on which the burning is conducted unless permission is granted by the occupants.
- (3) The amount of dirt or organic soil on or in the material to be burned must be minimized and the material arranged in a way suitable to facilitate rapid burning.
- (4) Burning may not be initiated when it is determined by a forest ranger, based on information supplied by a competent authority that stagnant air conditions or inversions exist or that such conditions may occur during the duration of the burn.
- (5) Heavy oils, asphaltic material, or items containing natural or synthetic rubber may not be used to ignite the material to be burned or to promote the burning of such material.
- (6) Initial burning may be commenced only between the hours of 9:00 A.M. and 3:00 P.M. and no combustible material may be added to the fire between 3:00 P.M. on one day and 9:00 A.M. on the following day, except that when favorable meteorological conditions exist, any forest ranger authorized to issue the permit may authorize in writing a deviation from the restrictions."

SECTION 2. This act becomes effective October 1, 2002.

Don't Get **Burned!**

**You can be fined up
to \$10,000 for illegal
OPEN BURNING in
North Carolina**

There are a lot of misunderstandings about open-air burning in North Carolina. Some people think it's OK to burn trash in barrels because they've always done it that way. It's not. Others think it's always OK to burn leaves and branches in the fall. But that's not so in cities and counties that pick up yard waste.

The N.C. Division of Air Quality (DAQ) enforces the state open burning rules and many local governments have additional restrictions on outdoor fires. Violating these rules can be expensive -- with fines as high as \$10,000 for serious cases or repeat violations. Substantial fines are assessed, even for minor or first-time violations.



It's the Law

The basic message of the state open-burning rule is simple: Only leaves, branches and other plant growth can be burned -- nothing else. That means no trash, lumber, tires or old newspapers. If local pickup is available, you can't burn even leaves and branches. Do not burn:

- Garbage, paper and cardboard
- Tires and other rubber products
- Building materials, including lumber and wood scraps
- Wire, plastics and synthetic materials
- Asphalt shingles and heavy oils
- Paints, household and agricultural chemicals

What's allowed under the law? Homeowners can burn yard trimmings -- excluding logs and stumps over 6 inches in diameter -- if it's allowed under local ordinances, no public pickup is available, and it doesn't cause a public nuisance. Other allowable burning includes campfires, outdoor barbecues and bonfires for festive occasions. Landowners also can open burn vegetation to clear land or rights-of-way, provided that:

- Prevailing winds are away from built up areas and roads
- Fires are at least 1,000 feet away from occupied buildings
- Burning is done between 8 a.m. and 6 p.m.

Other occasions where open burning is allowed -- with DAQ approval -- include fires for: training fire-fighting personnel; managing forest lands or wildlife habitats; controlling agricultural diseases and pests; and disposing materials generated by hurricanes, tornadoes and other natural disasters. You may need a permit from the N.C. Division of Forest Resources or local governments before you burn, even for allowable purposes. However, such permits do not excuse a person from following the state's open-burning rules.

Smoke Can Hurt You and Others

Why does the state have such strict rules about open burning? Because smoke from outdoor fires can cause serious health problems and pollute the air. Such fires also can burn out of control, destroying forests and burning down homes.

Smoke from a burning trash pile contains many pollutants that can cause serious health problems and damage the environment. When a trash pile burns, 8 percent or more of the material ends up as air pollutants -- some of which are highly toxic. Although smoke from a fire may not bother you, it could be a nuisance and serious health threat for your neighbors, particularly if they have respiratory conditions such as asthma or emphysema. Long-term exposure to air pollution also can cause a number of illnesses, including cancer and heart disease.

Reduce, Reuse, Recycle

A lot of open burning isn't necessary. Brush can be composted, ground up for mulch, piled up for wildlife, or just left to rot. Newspapers, cardboard and plastic can be recycled. Old attic junk can be given away for someone else to reuse. By making a few sensible choices, you can reduce the amount of throw-away material you create in the first place. The possibilities are endless.

Take a look at what you've decided to burn. Isn't there something else you can do with it? For more information about reducing, reusing or recycling waste, contact the State Office of Waste Reduction at (919) 715-6500 or your city or county manager's office.

Plan Ahead

You don't need a special permit from the Division of Air Quality for allowable fires. However, you may need a permit from your town or local forest ranger. Open burning can be a nuisance, and local officials may establish rules to reduce that nuisance. Check with local officials before you burn.

Open burning that is more than 100 feet from your home and within 500 feet of a woodland normally requires a permit from the N.C. Division of Forest Resources (DFR). The DFR does not charge for permits. If you want to start an outdoor fire, contact your local forest ranger to find out if and how you can get a permit. Or call the DFR headquarters at (919) 733-2162. The DFR is primarily concerned with fire danger while the DAQ deals with air pollution. Remember, following one agency's regulations does not guarantee compliance with the other.

The N.C. Division of Air Quality (DAQ) is part of the N.C. Department of Environment and Natural Resources. The DAQ is responsible for maintaining and improving the quality of North Carolina's air. For more information about the division and laws for protecting air quality, please contact one of our regional offices listed below.



James B. Hunt Jr., Governor
Wayne McDevitt, Secretary

For additional copies of this brochure, contact the Division of Air Quality at (919) 715-7408.
5,000 copies of this public document were printed at a cost of \$426.50 or \$0.085 per copy.



Printed on recycled paper.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

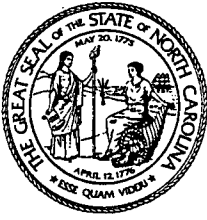
By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
S.B. 1394 A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF
CHARLOTTE MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED
RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF
WAIVING GOVERNMENTAL IMMUNITY.
- ☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



SENATE BILL 1394: Charlotte Governmental Immunity

BILL ANALYSIS

Committee: House Local Government I
Date: July 24, 2002
Version: 1st Edition

Introduced by: Sen. Clodfelter
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 1394 authorizes the City of Charlotte to deem creation of a self-funded reserve as the purchase of insurance for the purpose of waiving governmental immunity.*

CURRENT LAW: Under current general law (G.S. 160A-485), municipalities may waive governmental immunity from civil liability by the purchase of liability insurance. In 1998, legislation was enacted authorizing the City of Raleigh, by resolution of the City Council, to deem creation of a self-funded reserve as the purchase of insurance for the purpose of waving governmental immunity.

BILL ANALYSIS: Senate Bill 1394 authorizes the City of Charlotte to also deem creation a self-funded reserve as the purchase of insurance for the purpose of waving governmental immunity. Adoption of a resolution creating the reserve would only waive the City of Charlotte's immunity to the extent of funds available in the reserve to pay claims.

Senate Bill 1394 would become effective when it becomes law.

S1394-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 1394

Short Title: Charlotte Governmental Immunity.

(Local)

Sponsors: Senator Clodfelter.

Referred to: Judiciary I.

June 13, 2002

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT THE CITY OF CHARLOTTE MAY BY
3 RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM
4 AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING
5 GOVERNMENTAL IMMUNITY.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Section 2(b) of S.L. 1998-200 reads as rewritten:

8 "(b) This section applies to the ~~City~~Cities of Charlotte and Raleigh only."

9 SECTION 2. This act is effective when it becomes law.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

July 30, 2002

The House Committee on Local Government I met on Tuesday, July 30, 2002, in Room 415 of the Legislative Office Building at 11:00 a.m. The following members were present: Chairman Dedmon, Representatives Adams, Buchanan, Decker, Ellis, Gibson, Hill, Kiser, Setzer, and Teague. Giles Perry, Erika Churchill, and Kristen Crosson, Staff Counsel, were in attendance. A Visitor Registration and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order and introduced the pages, Sara Funderburk (Lincoln County – Representative Kiser) and Rosalyn McMillan (Robeson County – Rep. Bonner). Representative Dedmon then introduced the Sergeant at Arms Staff, Charles Williams and James Worth. The following bills were considered:

HB 1697, A BILL TO BE ENTITLED AN ACT TO PERMIT THE WARREN FIELD AIRPORT COMMISSION TO LEASE PROPERTY FOR MORE THAN TEN YEARS. Representative Edwards, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Buchanan moved for adoption of the committee substitute; the motion passed and it was properly before the committee for discussion. This bill would extend the period that the Warren Field Airport Commission could lease property from 10 years to 25 years. Representative Buchanan moved for a favorable report to the committee substitute, unfavorable as to the original bill. The motion carried.

HB 1640, A BILL TO BE ENTITLED AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION AND TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT. Representative Culpepper, bill sponsor, was recognized to explain the bill and offered a committee substitute. Representative Hill moved for adoption of the committee substitute; the motion passed and it was properly before the committee for discussion. This bill adds the Town of Duck to a group of municipalities authorized to regulate and control swimming, personal watercraft operation, surfing, and littering in the Atlantic Ocean and other waterways adjacent to the Town, and also designates the Town as the governing board of the

existing Duck Area Beautification District. Representative Hill moved for a favorable report to the committee substitute, unfavorable as to the original bill and re-refer the bill to the Committee on Finance. The motion carried.

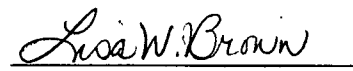
SB 1133, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL. Senator Dalton, bill sponsor, was not present. Representative Dedmon asked Representative Buchanan to chair the committee as he presented the bill for Senator Dalton. Representative Hill moved to give the bill a favorable report. The motion carried.

SB 1371, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS. Senator Purcell, bill sponsor, was recognized to explain the bill. Representative Kiser questioned as to why this bill was already heard in Local Government I. Representative Yongue was recognized and explained that the Senate version and not the one presented by him in the House was a better version. Representative Buchanan moved to give the bill a favorable report. The motion carried.

SB 1392, A BILL TO BE ENTITLED AN ACT TO REDUCE THE REQUIRED STORAGE PERIOD FOR UNCLAIMED PROPERTY HELD BY LAW ENFORCEMENT IN MECKLENBURG COUNTY. Senator Clodfelter, bill sponsor, was not present. Representative Gulley was recognized to explain the bill. Representative Ellis questioned as to why the time limit for storage of recovered property had been decreased. Boyd Cauble, Assistant to the City Manager of Charlotte, was recognized by the Chair to answer, and he stated that there was not enough storage space to keep the property for more than 60 days. After much discussion, Representative Buchanan moved to give the bill a favorable report and be re-referred to the Committee on Judiciary I. The motion carried.

There being no further business, the committee adjourned at 11:26.


Representative Andy Dedmon,
Chair


Lisa W. Brown, Clerk

Attachments:

Visitor Registration
Agenda
HB 1640 & Summary



HB 1697 & Summary
SB 1133 & Summary
SB 1371 & Summary
SB 1392 & Summary

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

JULY 30, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Katie Mills	Rep. Culpepper
Boyd Canbhe	City of Charlotte
Tim Minton	NC Home Builders Assn
Patrick Arnold	Intern
Brian Francis	Meck Cnty
Utika Withrow	NC State Watch
Brock Winstea	intern
Robert Wilson	Sec of State
Mary H. Odum	Scotland Co citizen
Walter Delaney	AARP
David Lytle	AARP

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

JULY 30, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

John Phelps

NCLM

Steve Hoffman

NC SBA

John May

HC CWA Council

By James

Ne CWA Council

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

**July 30, 2002
ROOM 415 LOB
11:00 a.m.**

WELCOME AND OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

HB 1640 - TOWN OF DUCK/REGULATE PERSONAL WATERCRAFT

Rep. Culpepper

HB 1697 - ROCKINGHAM COUNTY AIRPORT AUTHORITY

Rep. Cole and Edwards

SB 1133 - RUTHERFORDTON ABC DISTRIBUTION

Sen. Dalton

SB 1371 - SCOTLAND COUNTY SCHOOL FUNDING

Sen. Purcell and Plyler

SB 1392 - MECKLENBURG UNCLAIMED PROPERTY

Sen. Clodfelter

ADJOURNMENT

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

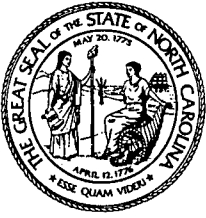
By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1697 A BILL TO BE ENTITLED AN ACT TO UPDATE THE AUTHORITY FOR
FUNDING OF AIRPORT IMPROVEMENTS BY THE ROCKINGHAM COUNTY
AIRPORT 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 the committee substitute bill, ☒ which changes the title,
unfavorable as to the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



HOUSE BILL 1697: Warren Field Airport Commission.

BILL ANALYSIS

Committee: House Local Government I
Date: July 30, 2002
Version: H1697-CSST-102v.1

Introduced by: Representative Cole
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would extend the period that the Warren Field Airport Commission could lease property from 10 years to 25 years.*

CURRENT LAW: The Warren Field Airport Commission is a joint airport established by the City of Washington and the County of Beaufort. Sale and disposition property is governed by Article 12 of Chapter 160A, which specifically states that property may be leased for 10 years. If property is leased for more than 10 years, the lease must be treated as the sale of property. G.S. 160A-272.

BILL ANALYSIS: The bill would increase the time period from 10 years to 25 years that the Warren Field Airport Commission may lease property before it is treated as a sale of property.

BACKGROUND: Other airports that have been granted authority to lease real property for a period greater than 10 years, include:

- City of Charlotte, unspecified terms greater than 10 years, Douglas Municipal Airport.
- Elizabeth City – Pasquotank County Airport Authority, unlimited.
- Goldsboro – Wayne County Airport Authority, 99 years.

EFFECTIVE DATE: The act would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1697
PROPOSED COMMITTEE SUBSTITUTE H1697-CSST-102 [v.1]

7/23/2002 10:52:36 AM

Short Title: Warren Field Airport Commission.

(Local)

Sponsors:

Referred to:

June 13, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT THE WARREN FIELD AIRPORT COMMISSION TO LEASE
3 PROPERTY FOR MORE THAN TEN YEARS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-272 reads as rewritten:
6 "§ 160A-272. Lease or rental of property.

7 Any property owned by a city may be leased or rented for such terms and upon such
8 conditions as the council may determine, but not for longer than ~~10~~²⁵ years (except as
9 otherwise provided herein) and only if the council determines that the property will not
10 be needed by the city for the term of the lease. In determining the term of a proposed
11 lease, periods that may be added to the original term by options to renew or extend shall
12 be included. Property may be rented or leased only pursuant to a resolution of the
13 council authorizing the execution of the lease or rental agreement adopted at a regular
14 council meeting upon 10 days' public notice. Notice shall be given by publication
15 describing the property to be leased or rented, stating the annual rental or lease
16 payments, and announcing the council's intent to authorize the lease or rental at its next
17 regular meeting.

18 No public notice need be given for resolutions authorizing leases or rentals for terms
19 of one year or less, and the council may delegate to the city manager or some other city
20 administrative officer authority to lease or rent city property for terms of one year or
21 less. Leases for terms of more than 10 years shall be treated as a sale of property and
22 may be executed by following any of the procedures authorized for sale of real
23 property."

24 SECTION 2. This act applies only to the Warren Field Airport Commission.

25 SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1697

Short Title: Rockingham County Airport Authority . (Local)

Sponsors: Representatives Cole, Sexton, Allred, and Teague (Primary Sponsors).

Referred to: Local Government I.

June 13, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE AUTHORITY FOR FUNDING OF AIRPORT
3 IMPROVEMENTS BY THE ROCKINGHAM COUNTY AIRPORT
4 AUTHORITY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 4 of S.L. 1963-622, as amended by S.L. 1979-122,
7 reads as rewritten:

8 "Sec. 4. The Board of County Commissioners of Rockingham County is hereby
9 authorized to annually appropriate from nontax sources, or, if a special tax be
10 authorized for such purpose as provided in Chapter 63 of the General Statutes, from
11 these special tax revenues such sums as may be required for the purposes of carrying
12 out the provisions of this Act and the purposes set forth in Chapter 63 of the General
13 Statutes applicable to the Rockingham County Airport Authority. ~~Provided, that no~~
14 ~~bonds shall be issued and no tax funds shall be expended under the provisions of this~~
15 ~~Act without prior approval by a vote of the people of Rockingham County. The~~
16 Rockingham County Airport Authority may erect and construct buildings, hangars,
17 shops, and other improvements and facilities, not inconsistent with or in violation of the
18 agreements applicable to and the grants under which the real property of the airport is
19 held; to lease these improvements and facilities for a term or terms not to exceed 20
20 years; to borrow money for use in making and paying for these improvements and
21 facilities, with the approval of the Rockingham County Commissioners, secured by and
22 on the credit only of the lease agreements in respect to these improvements and
23 facilities, and to pledge and assign the leases and lease agreements as security for the
24 authorized loans."

25 SECTION 2. This act is effective when it becomes law.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 1640 A BILL TO BE ENTITLED AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, ☒ which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

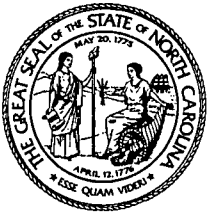
☐ With an indefinite postponement report, with a Minority Report attached.

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

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and .
the bill is ordered enrolled.



HOUSE BILL 1640: Town of Duck Watercraft and Beautification

BILL ANALYSIS

Committee: House Local Government I
Date: July 30, 2002
Version: H1640-CSRW-68 [v.5]

Introduced by: Rep. Culpepper
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1640 makes two changes affecting the Town of Duck:*

--the bill adds the Town to a group of municipalities authorized to regulate and control swimming, personal watercraft operation, surfing, and littering in the Atlantic Ocean and other waterways adjacent to the Town; and

--the bill designates the Town as the governing board of the existing Duck Area Beautification District.

BILL ANALYSIS:

Currently, eighteen coastal municipalities are authorized to adopt ordinances to regulate and control swimming, personal watercraft operation, surfing, and littering in the Atlantic Ocean and other waterways adjacent to the municipalities.

Section 1 of House Bill 1640 would add the Town of Duck to the group of municipalities authorized to regulate those activities, effective upon ratification.

Sections 2 through 5 of the bill make amendments to the law governing the existing Duck Area Beautification District, effective January 1, 2003.

The Duck Area Beautification District, created in 1984, is governed by the Dare County Board of Commissioners, and is authorized to levy a property tax for the purpose of placing power lines underground and to build and maintain sidewalks.

House Bill 1640 would replace the Dare County Board of Commissioners with the Town Board of the Town of Duck (incorporated in 2001) as the governing Board of the Duck Area Beautification District.

H1640-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 1640

PROPOSED COMMITTEE SUBSTITUTE H1640-CSRW-68 [v.5]

7/22/2002 4:55:19 PM

Short Title: Town of Duck Watercraft and Beautification.

(Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY
AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL
WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN
AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN
WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL
JURISDICTION AND TO DESIGNATE THE TOWN COUNCIL OF THE TOWN
OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA
BEAUTIFICATION DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-176.2(b) reads as rewritten:

"(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Cape
Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil
Hills, Kitty Hawk, Long Beach, Manteo, Nags Head, Ocean Isle Beach, Southern
Shores, Sunset Beach, Topsail Beach, Wrightsville Beach, and Yaupon Beach, and the
City of Southport only."

SECTION 2. Section 4 of Chapter 991 of the 1983 Session Laws, Regular
Session 1984, reads as rewritten:

"Sec. 4. District Established; Tax Levy. If a majority of the qualified voters
voting in an election called under Section 1 of this act vote in favor of creating the Duck
Area Beautification District and authorizing the levy and collection of an ad valorem tax
in the district, the Dare County, Board of Commissioners shall, upon receipt of a
certified copy of the election results, adopt a resolution creating the Duck Area
Beautification District and shall file a copy of the resolution with the clerk of superior
court of Dare County. ~~Upon establishing the Duck Area Beautification District, the
Dare County Board of Commissioners~~ The Town Council of the Town of Duck may
annually levy an ad valorem tax on all taxable property in the district in an amount the
board considers necessary to provide for the installation of underground power lines,

1 not to exceed ten cents (10c) for each one hundred dollars (\$100.00) taxable valuation
2 of property. The proceeds of this tax shall be used only to provide for the underground
3 installation of power lines in the district."

4 **SECTION 3.** Section 5 of Chapter 991 of the 1983 Session Laws, Regular
5 Session 1984, reads as rewritten:

6 "Sec. 5. Nature of District; Governing Body. If created, the Duck Area
7 Beautification District shall be a body politic and corporate and shall have the power to
8 provide for the installation of underground power lines and do all acts reasonably
9 necessary to fulfill this purpose. The ~~Dare County Board of Commissioners~~ Town
10 Council of the Town of Duck shall serve, ex officio, as the governing body of the
11 district, and the officers of the board of county commissioners shall likewise serve as
12 the officers of the governing body of the district. A simple majority of the governing
13 body constitutes a quorum, and approval by a majority of those present is sufficient to
14 determine any matter before the governing body, if a quorum is present."

15 **SECTION 4.** Section 4 of S.L. 1993-610 reads as rewritten:

16 "Sec. 4. Governing Body. - All matters relative to the construction and
17 maintenance of the sidewalks shall be decided by the ~~Dare County Board of~~
18 ~~Commissioners~~ Town Council of the Town of Duck, which is the governing body of
19 the Duck Area Beautification District as provided in Chapter 991 of the 1983 Session
20 Laws."

21 **SECTION 5.** Any Duck Area Beautification District tax levied by the Dare
22 County Board of Commissioners pursuant to Chapter 991 of the 1983 Session Laws,
23 Regular Session 1984, for the 2002 and prior tax years shall continue to be valid on and
24 after the effective date of this act.

25 **SECTION 6.** Section 2 through 5 of this act become effective January 1,
26 2003. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1640

Short Title: Town of Duck/Regulate Personal Watercraft. (Local)

Sponsors: Representative Culpepper.

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

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY
AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL
WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN
AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN
WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL
JURISDICTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 176.2 (b) reads as rewritten:

"(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Cape
Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil
Hills, Kitty Hawk, Long Beach, Manteo, Nags Head, Ocean Isle Beach, Southern
Shores, Sunset Beach, Topsail Beach, Wrightsville Beach, and Yaupon Beach, and the
City of Southport only."

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

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I**.

☐ Committee Substitute for

S.B. 1133 A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

☒ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.

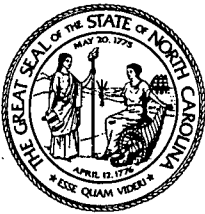
☐ With an indefinite postponement report, with a Minority Report attached.

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

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.



SENATE BILL 1133: Rutherfordton ABC Distribution

BILL ANALYSIS

Committee: House Local Government I
Date: July 24, 2002
Version: 1st Edition

Introduced by: Senator Dalton
Summary by: R. Erika Churchill
Committee Staff

SUMMARY: *Senate Bill 1133 modifies the purposes for which the local distribution of ABC revenues must be used by reducing certain amounts and making a new allocation to the Rutherford Opportunity Center.*

CURRENT LAW and BILL ANALYSIS: An ABC board must distribute its gross receipts as provided by statute. The term "gross receipts" means all revenues of a local board, including proceeds from the sale of alcoholic beverages, investments, interests on deposits, and any other source. Proceeds remaining after deducting the statutorily required amounts must be distributed to the general fund of the city or county for which the board is established, unless a different distribution is provided for by law.

The charter for the Town of Rutherfordton provides for a different distribution of its portion of the Town of Rutherfordton ABC Board's gross receipts. Currently the proceeds are distributed as follows:

- Rutherford County Department of Mental Health 5%
- Rutherford County Board of Education: 25
- Town of Rutherfordton Parks & Recreation 20
- Town of Rutherfordton Police Department 25
- Town of Rutherfordton, general fund 25
- 100%**

The distribution of the 25% allocated to the Rutherford County Board of Education is detailed in the charter, as specified below. **Senate Bill 1133 would reduce the allocation to three of the schools in order to provide a 3% allocation to the Rutherford Opportunity Center, an alternative school. Distributions and the proposed change are in the following table:**

Rutherford County Board of Education capital outlay for:	Current Law (S.L. 2001-188)	SB 1133
➤ Rutherfordton-Spindale High School	12.5%	11%
➤ Rutherfordton Elementary School	6.25%	5.5%
➤ Rutherfordton-Spindale Middle School	6.25%	5.5%
➤ Rutherford Opportunity Center	0	3%

EFFECTIVE DATE: The bill is effective when it becomes law.

S1133-SMST-001

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

1

SENATE BILL 1133

Short Title: Rutherfordton ABC Distribution.

(Local)

Sponsors: Senator Dalton.

Referred to: Finance.

June 3, 2002

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF
RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2001-188 reads as rewritten:

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

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

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

1 his preference. The cost of conducting the election shall be appropriated from the
2 General Fund of the Town of Rutherfordton.

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

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

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

27 Five percent (5%) to the Rutherford County Department of Mental Health to be
28 specifically used for alcohol and drug rehabilitation programs.

29 ~~Twelve and one-half percent (12.5%)~~ Eleven percent (11%) to the Rutherford
30 County Board of Education for specific use in meeting capital outlay needs at
31 Rutherfordton-Spindale High School.

32 ~~Six and one-quarter percent (6.25%)~~ Five and one-half percent (5.5%) to the
33 Rutherford County Board of Education for specific use in meeting the capital outlay
34 needs at Rutherfordton Elementary School.

35 ~~Six and one-quarter percent (6.25%)~~ Five and one-half percent (5.5%) to the
36 Rutherford County Board of Education for specific use in meeting the capital outlay
37 needs at Rutherfordton-Spindale Middle School.

38 Three percent (3%) to the Rutherford County Board of Education for specific use in
39 meeting the capital outlay needs of Rutherford Opportunity Center.

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

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

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

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

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

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

18 **SECTION 2.** This act is effective when it becomes law.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I**.

- ☐ Committee Substitute for
S.B. 1371 A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 707 OF THE
1963 SESSION LAWS RELATED TO CURRENT EXPENSE EXPENDITURES FROM
LOCAL FUNDS FOR THE SCOTLAND COUNTY SCHOOLS.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



SENATE BILL 1371: Scotland County School Funding

BILL ANALYSIS

Committee: House Local Government I
Date: July 30, 2002
Version: 1st Edition

Introduced by: Rep. Yongue
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 1371 changes the definition of "current expense expenditures" for the Scotland County Schools.*

CURRENT LAW: Current local law, enacted in 1963, requires the Scotland County Board of Commissioners to appropriate current expense expenditures per student from local funds that are no less than the average current expense expenditures per student from local funds throughout the State.

BILL ANALYSIS: Senate Bill 1371 supercedes the State average current expense expenditure requirement of the 1963 local act, and replaces it with a dollar amount for FY 02-03 current expense expenditures per student, and a formula based on that dollar amount for the current expense expenditures per student level in future years.

Senate Bill 1371 also authorizes the Scotland County Board of Commissioners and the Scotland County Board of Education to set a different level of current expense expenditures in extraordinary economic circumstances.

Senate Bill 1371 would become effective when it becomes law.

S1371-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 1371*

Short Title: Scotland County School Funding.

(Local)

Sponsors: Senators Purcell; and Plyler.

Referred to: State and Local Government.

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTER 707 OF THE 1963 SESSION LAWS RELATED
TO CURRENT EXPENSE EXPENDITURES FROM LOCAL FUNDS FOR THE
SCOTLAND COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 707 of the 1963 Session Laws is amended by adding
the following new sections:

"Sec. 9.1. For the 2002-2003 fiscal year only, current expense expenditures from
local funds for the Scotland County Schools shall be eight million seven hundred
thousand dollars (\$8,700,000) and said sum shall be appropriated by the Scotland
County Board of Commissioners from local funds, including both general and
supplemental tax revenues, and not including fines and forfeitures or restricted use sales
taxes authorized by Article 40 or 42 of Chapter 105 of the General Statutes.

Sec. 9.2. Beginning with the 2003-2004 fiscal year, the base amount of funding for
current expense expenditures from local funds shall include the previous years' level of
current expense expenditures (for example, eight million seven hundred thousand
dollars (\$8,700,000) in 2002-2003), multiplied by the average percentage change in
current expense school expenditures for the most recent available fiscal year for
low-wealth counties in North Carolina (all local expenditures shall include local current
expense expenditures incurred by charter schools within the appropriate districts), as
determined by the Superintendent of Public Instruction or that person's designee. The
resulting product shall then be multiplied by a ratio consisting of the Average Daily
Membership used to distribute State funding for the succeeding fiscal year as provided
by the Department of Public Instruction, divided by the Average Daily Membership
used to distribute funding for the current fiscal year, as determined by the
Superintendent of Public Instruction, or that person's designee. The resulting number
shall be added to or subtracted from the previous year's amount of current expense
expenditures from local funds. This sum shall be the required level of current expense

1 funding to be appropriated by the Board of Commissioners from any local sources,
2 including both general and supplemental tax revenues, and not including fines and
3 forfeitures or restricted use sales taxes authorized by Article 40 or 42 of Chapter 105 of
4 the General Statutes.

5 Sec. 9.3. Notwithstanding the provisions of Sections 9.1 and 9.2 of this act, the
6 Scotland County Board of Commissioners and the Scotland County Board of Education
7 may, in extraordinary economic circumstances, jointly set a level of current expense
8 expenditures for a fiscal year. This deviation from Sections 9.1 and 9.2 of this act shall
9 be valid only if approved by resolution of both boards."

10 **SECTION 2.** The remainder of Chapter 707 of the 1963 Session Laws is not
11 changed by this act except to the extent any previously enacted provisions for the
12 establishment and funding of current expense expenditures are inconsistent with the
13 provisions of this act.

14 **SECTION 3.** This act is effective when it becomes law.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **Local Government I**.

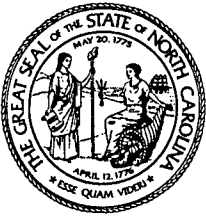
☒ Committee Substitute for
S.B. 1392 A BILL TO BE ENTITLED AN ACT TO REDUCE THE REQUIRED
STORAGE PERIOD FOR UNCLAIMED PROPERTY HELD BY LAW ENFORCEMENT
IN MECKLENBURG COUNTY.

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

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.



SB 1392: Mecklenburg Unclaimed Property.

BILL ANALYSIS

Committee: House Local Government I
Date: July 30, 2002
Version: Second Edition

Introduced by: Senator Clodfelter
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would allow the County of Mecklenburg to sell unclaimed property in the possession of the Sheriff or police department after a period of 60 days.*

CURRENT LAW: G.S. 15-12 provides a process for the sale of unclaimed property in the possession of local law enforcement. The property must remain in the possession 180 days from the time it comes into the possession of the sheriff or police department, and be unclaimed by the person entitled to the property. The sheriff or police department then must publish a notice of sale with a brief description of the property to be sold at least 30 days prior to the sale. If the property remains unclaimed 30 days after the notice of sale, the sheriff or police department may sell the property at public auction for cash to the highest bidder. Proceeds, less expenses of the sale, are to be paid to the local board of education.

BILL ANALYSIS: The bill would allow the Sheriff or police department to notice a sale of unclaimed property after a period of 60 days. The time period for storage of the unclaimed property is reduced from 180 days to 60 days for Mecklenburg County only. The remaining provisions regarding sale of unclaimed property are not changed.

EFFECTIVE DATE: The act would become effective when it becomes law and applies to property received by the sheriff or police department on or after that date.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

2

**SENATE BILL 1392
Judiciary I Committee Substitute Adopted 7/11/02**

Short Title: Mecklenburg Unclaimed Property.

(Local)

Sponsors:

Referred to:

June 13, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE THE REQUIRED STORAGE PERIOD FOR UNCLAIMED
3 PROPERTY HELD BY LAW ENFORCEMENT IN MECKLENBURG COUNTY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15-12(a) reads as rewritten:

6 "(a) Unless otherwise provided herein, whenever such articles in the possession of
7 any sheriff or police department have remained unclaimed by the person who may be
8 entitled thereto for a period of ~~180~~ 60 days after such seizure, confiscation, or receipt
9 thereof in any other manner, by such sheriff or police department, the said sheriff or
10 police department in whose possession said articles are may cause to be published one
11 time in some newspaper published in said county a notice to the effect that such articles
12 are in the custody of such officer or department, and requiring all persons who may
13 have or claim any interest therein to make and establish such claim or interest not later
14 than 30 days from the date of the publication of such notice or in default thereof, such
15 articles will be sold and disposed of. Such notice shall contain a brief description of the
16 said articles and such other information as the said officer or department may consider
17 necessary or advisable to reasonably inform the public as to the kind and nature of the
18 article about which the notice relates."

19 **SECTION 2.** This act applies only to Mecklenburg County.

20 **SECTION 3.** This act is effective when it becomes law and applies to
21 property received by the sheriff or police department on or after that date.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

1

SENATE BILL 1392*

Short Title: Mecklenburg Unclaimed Property.

(Local)

Sponsors: Senator Clodfelter.

Referred to: Judiciary I.

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE REQUIRED STORAGE PERIOD FOR UNCLAIMED
PROPERTY HELD BY LAW ENFORCEMENT IN MECKLENBURG COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15-12(a) reads as rewritten:

"(a) Unless otherwise provided herein, whenever such articles in the possession of any sheriff or police department have remained unclaimed by the person who may be entitled thereto for a period of ~~180~~ 60 days after such seizure, confiscation, or receipt thereof in any other manner, by such sheriff or police department, the said sheriff or police department in whose possession said articles are may cause to be published one time in some newspaper published in said county a notice to the effect that such articles are in the custody of such officer or department, and requiring all persons who may have or claim any interest therein to make and establish such claim or interest not later than 30 days from the date of the publication of such notice or in default thereof, such articles will be sold and disposed of. Such notice shall contain a brief description of the said articles and such other information as the said officer or department may consider necessary or advisable to reasonably inform the public as to the kind and nature of the article about which the notice relates."

SECTION 2. This act applies only to Mecklenburg County.

SECTION 3. This act becomes effective July 1, 2002, and applies to property received by the sheriff or police department on or after that date.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

August 20, 2002

The House Committee on Local Government I met on Tuesday, August 20, 2002, in Room 415 of the Legislative Office Building at 11:00 a.m. The following members were present: Chairman Dedmon, Representatives Buchanan, Decker, Gibson, Hill, Kiser, McAllister, and Saunders. Erika Churchill and Kristen Crosson, Staff Counsel, were in attendance. A Visitor Registration and Agenda are attached and made part of these minutes.

The Chairman called the meeting to order and introduced the Sergeant at Arms Staff, Charles Williams, James Womack, Walter Spell, and Earl Tharrington. The following bills were considered:

SB 1312, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 106A-432. Senator Rand, bill sponsor, was not present. Representative Hurley was recognized to explain the bill. Representative Saunders moved for adoption of the committee substitute; the motion passed and it was properly before the committee for discussion. Representative Hurley explained that SB 1312 would add residential buildings in community development target areas to those buildings which the City of Fayetteville can declare to be unsafe under G.S. 106A-426(b). Representative McAllister then moved for a favorable report to the committee substitute, unfavorable as to the original bill. The motion carried.

SB 1146, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES. Senator Allran, bill sponsor, was not present. Representative Hilton was recognized to explain the bill. SB 1146 would allow the Cities of Conover, Newton, and Claremont and the Towns of Maiden and Swansboro to annex satellite areas without meeting one of the five standards required for voluntary satellite annexation. The proposed committee substitute adds the City of Southport. The named cities and towns would not have to meet the standard that limits the size area within the satellite corporate limits. Representative Gibson then spoke in favor of the bill. Representative Buchanan moved for a favorable report to the committee substitute, unfavorable as to the original bill and re-refer the bill to the Committee on Finance. The motion carried.

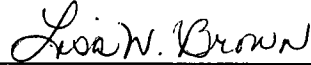
SB 1336, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM. Senator Clodfelter, bill sponsor, was not present. Representative Earle was recognized to explain the bill. SB 1336 would authorize the City of Charlotte to establish a race and gender neutral small business enterprise program to promote the development of small businesses in the Charlotte area. After much discussion, Representative Saunders moved for a favorable report to the committee substitute, unfavorable as to the original bill. The motion carried.

HB595, AN ACT RELATING TO THE 84TH HOUSE DISTRICT. Representative Decker, bill sponsor, was recognized to explain the bill and offered a committee substitute. Chairman Dedmon announced that it was nearing time to end the meeting and HB 595 would have to be heard at a later date.

There being no further business, the committee adjourned at 11:57.



Representative Andy Dedmon
Chair



Lisa W. Brown, Clerk

Attachments:

Visitor Registration
Agenda
SB 1312 & Summary
SB 1146 & Summary
SB 1336 & Summary
HB 595

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I

August 20, 2002

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Letitia Withman

NC State Watch

Abali English

Charlotte Chamber

Bond Campbell

City of Charlotte

Rob Desautels

State watch

Andy Lomcock T

NC LHM

R. Paul Williams

NCHBA

Alice Barland

EC

Paul Woodruff

Fay observer

Ethelene Davis

Electric City

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

AUGUST 20, 2002

ROOM 415 LOB

11:00 a.m.

WELCOME AND OPENING REMARKS

**Representative Andy Dedmon, Chairman
Local Government I**

DISCUSSION/ACTION ON BILLS:

**SB 1312 – FAYETTEVILLE UNSAFE RESIDENTIAL BLDGS.
Sen. Rand**

**SB 1146 – VARIOUS MUNICIPAL SATELLITE ANNEXATIONS
Sen. Allran**

SB 1336 - CHARLOTTE SBE PROGRAM – Sen. Clodfelter

HB 595 - 84th HOUSE DISTRICT LOCAL ACT-2 – Rep. Decker

ADJOURNMENT

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for

S.B. 1312 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432.

☐ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.

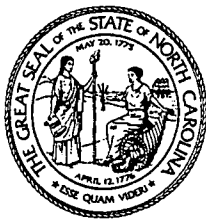
☐ With an indefinite postponement report, with a Minority Report attached.

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

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV _____,) and
the bill is ordered enrolled.



SENATE BILL 1312: Fayetteville/Durham/Spring Lake Res Bldgs

BILL ANALYSIS

Committee: House Local Government I
Date: August 20, 2002
Version: S1312-CSST-108v2

Introduced by: Senator Harris
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *Senate Bill 1312 would add residential buildings in community development target areas to those buildings which the City of Fayetteville can declare to be unsafe under G.S. 160A-426(b).*

CURRENT LAW: During the 2000 Session, the General Assembly enacted legislation authorizing cities to condemn, demolish, and place a lien on vacant and dilapidated non-residential property in a community development target area. A nonresidential building in a community development target area may be declared unsafe if it is both of the following:

1. Appears to be vacant or abandoned.
2. Appears to be in such dilapidated condition as to do one or more of the following:
 - a. to cause or contribute to blight, disease, vagrancy, fire or safety hazard,
 - b. to be a danger to children, or
 - c. to tend to attract persons intent on criminal activities or other activities that constitute a public nuisance.

If the nonresidential building is declared unsafe, the city must affix a notice of the unsafe character of the building to the structure in a conspicuous place on the exterior of the building. The city then has the option of removing or demolishing the building and placing a lien on the property for the cost incurred, in lieu of initiating other appropriate action to prevent, restrain, correct or abate violations.

BILL ANALYSIS: Senate Bill 1312 would add residential buildings to those buildings within community development target areas that may be declared unsafe in the City of Fayetteville.

EFFECTIVE DATE: This bill would become effective when it becomes law.

S1312-SMST-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S

D

SENATE BILL 1312

State and Local Government Committee Substitute Adopted 7/24/02
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1312-CSST-108 [v.2]

8/19/2002 11:00:48 AM

Short Title: Fayetteville/Durham/Spring Lake Res Bldgs.

(Local)

Sponsors:

Referred to:

June 11, 2002

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITIES OF DURHAM AND FAYETTEVILLE AND
THE TOWN OF SPRING LAKE TO DECLARE RESIDENTIAL BUILDINGS IN
COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE
OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S.
160A-432.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-426 reads as rewritten:

"§ 160A-426. Unsafe buildings condemned.

(a) Residential Building and Nonresidential Building or Structure. – Every building that shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(b) Residential Building and Nonresidential Building or Structure. – In addition to the authority granted in subsection (a) of this section, an inspector may declare a residential building or nonresidential building or structure within a community development target area to be unsafe if it meets both of the following conditions:

(1) It appears to the inspector to be vacant or abandoned.

(2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

1 (c) If an inspector declares a residential building or nonresidential building or
2 structure to be unsafe under subsection (b) of this section, the inspector must affix a
3 notice of the unsafe character of the structure to a conspicuous place on the exterior wall
4 of the building. For the purposes of this section, the term "community development
5 target area" means an area that has characteristics of a development zone under G.S.
6 105-129.3A, a "nonresidential redevelopment area" under G.S. 160A-503(10), or an
7 area with similar characteristics designated by the city council as being in special need
8 of revitalization for the benefit and welfare of its citizens."

9 **SECTION 2.** G.S. 160A-432(b) reads as rewritten:

10 "(b) In the case of a residential building or nonresidential building or structure
11 declared unsafe under G.S. 160A-426, a city may, in lieu of taking action under
12 subsection (a), cause the building or structure to be removed or demolished. The
13 amounts incurred by the city in connection with the removal or demolition shall be a
14 lien against the real property upon which the cost was incurred. The lien shall be filed,
15 have the same priority, and be collected in the same manner as liens for special
16 assessments provided in Article 10 of this Chapter. If the building or structure is
17 removed or demolished by the city, the city shall sell the usable materials of the
18 building and any personal property, fixtures, or appurtenances found in or attached to
19 the building. The city shall credit the proceeds of the sale against the cost of the removal
20 or demolition. Any balance remaining from the sale shall be deposited with the clerk of
21 superior court of the county where the property is located and shall be disbursed by the
22 court to the person found to be entitled thereto by final order or decree of the court."

23 **SECTION 3.** This act applies to the Cities of Durham and Fayetteville and
24 the Town of Spring Lake only.

25 **SECTION 4.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 1312
State and Local Government Committee Substitute Adopted 7/24/02

Short Title: Fayetteville Unsafe Residential Bldgs.

(Local)

Sponsors:

Referred to:

June 11, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO DECLARE
3 RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET
4 AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE
5 BUILDINGS PURSUANT TO G.S. 160A-432.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 160A-426 reads as rewritten:

8 "§ 160A-426. Unsafe buildings condemned.

9 (a) Residential Building and Nonresidential Building or Structure. – Every
10 building that shall appear to the inspector to be especially dangerous to life because of
11 its liability to fire or because of bad condition of walls, overloaded floors, defective
12 construction, decay, unsafe wiring or heating system, inadequate means of egress, or
13 other causes, shall be held to be unsafe, and the inspector shall affix a notice of the
14 dangerous character of the structure to a conspicuous place on the exterior wall of the
15 building.

16 (b) Residential Building and Nonresidential Building or Structure. – In addition
17 to the authority granted in subsection (a) of this section, an inspector may declare a
18 residential building or nonresidential building or structure within a community
19 development target area to be unsafe if it meets both of the following conditions:

20 (1) It appears to the inspector to be vacant or abandoned.

21 (2) It appears to the inspector to be in such dilapidated condition as to
22 cause or contribute to blight, disease, vagrancy, fire or safety hazard,
23 to be a danger to children, or to tend to attract persons intent on
24 criminal activities or other activities that would constitute a public
25 nuisance.

26 (c) If an inspector declares a residential building or nonresidential building or
27 structure to be unsafe under subsection (b) of this section, the inspector must affix a
28 notice of the unsafe character of the structure to a conspicuous place on the exterior wall
29 of the building. For the purposes of this section, the term "community development

1 target area" means an area that has characteristics of a development zone under G.S.
2 105-129.3A, a "nonresidential redevelopment area" under G.S. 160A-503(10), or an
3 area with similar characteristics designated by the city council as being in special need
4 of revitalization for the benefit and welfare of its citizens."

5 **SECTION 2.** G.S. 160A-432(b) reads as rewritten:

6 "(b) In the case of a residential building or nonresidential building or structure
7 declared unsafe under G.S. 160A-426, a city may, in lieu of taking action under
8 subsection (a), cause the building or structure to be removed or demolished. The
9 amounts incurred by the city in connection with the removal or demolition shall be a
10 lien against the real property upon which the cost was incurred. The lien shall be filed,
11 have the same priority, and be collected in the same manner as liens for special
12 assessments provided in Article 10 of this Chapter. If the building or structure is
13 removed or demolished by the city, the city shall sell the usable materials of the
14 building and any personal property, fixtures, or appurtenances found in or attached to
15 the building. The city shall credit the proceeds of the sale against the cost of the removal
16 or demolition. Any balance remaining from the sale shall be deposited with the clerk of
17 superior court of the county where the property is located and shall be disbursed by the
18 court to the person found to be entitled thereto by final order or decree of the court."

19 **SECTION 3.** This act applies to the City of Fayetteville only.

20 **SECTION 4.** This act is effective when it becomes law.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☒ Committee Substitute for

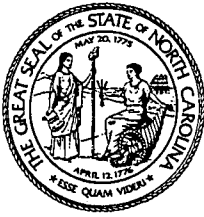
S.B. 1146 A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY
SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES.

- ☐ 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 the House committee substitute bill, unfavorable as to the Senate Committee Substitute Bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.



SENATE BILL 1146: Various Municipal Satellite Annexations

BILL ANALYSIS

Committee: Local Government I
Date: August 20, 2002
Version: PCS for SB 1146
S1146-CSST-101

Introduced by: Senator. Allran
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *Senate Bill 1146 would allow the Cities of Conover, Newton and Claremont and the Towns of Maiden and Swansboro to annex satellite areas without meeting one of the five standards required for voluntary satellite annexation. The proposed committee substitute adds the City of Southport. The named cities and towns would not have to meet the standard that limits the size of the area within the satellite corporate limits.*

CURRENT LAW AND BILL ANALYSIS:

G.S. 160A-58.1 governs the voluntary annexation by a municipality of noncontiguous property. All property owners in the satellite area may petition a city for voluntary annexation of the noncontiguous property if the property meets the following five standards:

1. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
5. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

The cities of Hickory, New Bern, Statesville, Kenly, Troy, Mt. Airy, Mooresville, Marion, Oxford, and Rockingham and the Towns of Calabash, Catawba, Dallas, Godwin, Louisburg, Mocksville, Pembroke, Rutherfordton, and Waynesville have already eliminated the 5th standard. **The PCS for Senate Bill 1146 would add the Cities of Newton, Claremont, Conover, and Southport and the Towns of Maiden and Swansboro to the list of cities and towns that have eliminated the 5th standard.**

Cindy Averette contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 1146
Finance Committee Substitute Adopted 6/27/02
Third Edition Engrossed 7/3/02
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1146-CSST-101 [v.1]

7/10/2002 4:16:38 PM

Short Title: Various Municipal Satellite Annexations.

(Local)

Sponsors:

Referred to:

June 4, 2002

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY
3 VARIOUS MUNICIPALITIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-58.1(b)(5) does not apply to the Cities of
6 Claremont, Concord, Conover, Newton, Sanford, and Southport and the Towns of
7 Maiden, Midland, Swansboro, and Warsaw.

8 SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

3

SENATE BILL 1146
Finance Committee Substitute Adopted 6/27/02
Third Edition Engrossed 7/3/02

Short Title: Various Municipal Satellite Annexations.

(Local)

Sponsors:

Referred to:

June 4, 2002

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY
3 VARIOUS MUNICIPALITIES.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** G.S. 160A-58.1(b)(5) does not apply to the Cities of
6 Claremont, Concord, Conover, Newton, and Sanford, and the Towns of Maiden,
7 Midland, Swansboro, and Warsaw.
8 **SECTION 2.** This act is effective when it becomes law.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☒ Committee Substitute for
S.B. 1336 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE
CITY OF CHARLOTTE TO ESTABLISH A SMALL BUSINESS ENTERPRISE
PROGRAM.
- ☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.



SENATE BILL 1336: Charlotte SBE Program

BILL ANALYSIS

Committee: House Local Government I
Date: August 6, 2002
Version: 2nd Edition

Introduced by: Sen. Clodfelter
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 1336 would authorize the City of Charlotte to establish a race and gender neutral small business enterprise program to promote the development of small businesses in the Charlotte area.*

BILL ANALYSIS: Section 1 of the bill would amend the Charlotte City Charter to authorize the City to establish a race and gender neutral Small Business Enterprise Program.

The stated purpose of the program is to promote the development of small businesses in the Charlotte Metropolitan Statistical Area, and to enhance opportunities for small businesses to participate in city contracts.

The City would be authorized to define a "small business enterprise", and to establish bid and proposal specifications that include subcontracting goals and good faith efforts requirements to enhance participation by small business enterprises. The City would be authorized to utilize program requirements in contract award determinations.

The bill provides that the City's program is intended to supplement existing State law concerning minority business goals in construction contracts.

Section 2 of the bill provides that its provisions are severable; i.e any provisions ruled invalid would not affect the validity of otherwise valid provisions.

Section 3 of the bill provides that it would become effective when it becomes law.

S1336-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 1336
State and Local Government Committee Substitute Adopted 7/24/02

Short Title: Charlotte SBE Program.

(Local)

Sponsors:

Referred to:

June 12, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO
3 ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the City of Charlotte, being Session Law
6 2000-26, is amended by adding a new section in Article III of Chapter 8 to read:

7 "Section 8.88. **Small Business Enterprise Program.**

8 (a) The City may establish a race and gender neutral small business enterprise
9 program to promote the development of small businesses in the Charlotte Metropolitan
10 Statistical Area, and to enhance opportunities for small businesses to participate in City
11 contracts. The City may define the term 'small business enterprise' as appropriate and
12 consistent with the City's contracting practices. The City may establish bid and proposal
13 specifications that include subcontracting goals and good faith efforts requirements to
14 enhance participation by small business enterprises in City contracts. Notwithstanding
15 G.S. 143-129 and G.S. 143-131, the City may consider a bidder's efforts to comply with
16 small business enterprise program requirements in its award of City contracts, and if a
17 bidder is determined to have failed to comply with said requirements, the City may
18 within its discretion, refuse to award a contract to such bidder.

19 (b) The small business enterprise program authorized by this section is intended
20 to supplement and not replace the requirements of G.S. 143-128.2, 143-131, or 143-
21 135.5. Any goals or efforts established to achieve minority and women business
22 participation consistent with said provisions of law shall take precedence over goals for
23 small business enterprise participation established under the program authorized by this
24 section. A small business enterprise program established pursuant to this section shall
25 be deemed consistent with the public policy of the State of North Carolina to promote
26 and utilize small and underutilized business enterprises as set forth in G.S. 143-128.2,
27 143-128.3, and 143-135.5."

28 **SECTION 2.** If any provision of this act or its application is held invalid, the
29 invalidity does not affect other provisions or applications of this act that can be given

1 effect without the invalid provisions or applications, and to this end the provisions of
2 this act are severable.

3 **SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 1336

Short Title: City of Charlotte. (Local)

Sponsors: Senator Clodfelter.

Referred to: Rules and Operations of the Senate.

June 12, 2002

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE CITY OF CHARLOTTE.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. This act relates to the City of Charlotte only.
5 SECTION 2. This act is effective when it becomes law.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 595 A BILL TO BE ENTITLED AN ACT RELATING TO THE 84TH HOUSE DISTRICT.

☐ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV ____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV ____).
- ____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV ____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ RC) (, by EV ____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ RC) (, by EV ____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, ____ RC) (, by EV ____,) and
the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 595
PROPOSED COMMITTEE SUBSTITUTE H595-PCS8366-LBx-159

Short Title: Forsyth County Fire/Rescue Local Act Repeal.

(Local)

Sponsors:

Referred to:

March 14, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL A LOCAL ACT APPLYING TO FORSYTH COUNTY
3 CONCERNING FIRE AND RESCUE DISTRICTS, SO THE GENERAL LAW
4 WILL APPLY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 147 of the 1981 Session Laws is repealed.

7 **SECTION 2.** This act applies to Forsyth County only.

8 **SECTION 3.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 595

Short Title: 84th House District Local Act-2.

(Local)

Sponsors: Representative Decker.

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

March 14, 2001

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 84TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** This act relates only to the 84th House District.
5 **SECTION 2.** This act is effective when it becomes law.

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

October 1, 2002

The House Committee on Local Government I met on Tuesday, October 01, 2002 around the Chamber desk of Chairman Dedmon at 3:25 pm. The following Committee members were present: Chairman Dedmon and Representatives Buchanan, Ellis, Hensley, Kiser, and Setzer.

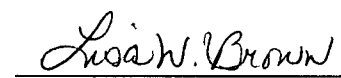
The Chairman called the meeting to order, and the following bill was considered:

SB 1326, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON TO IMPOSE TERM LIMITS ON THE MEMBERS OF THE CITY'S UTILITY COMMISSION. Senator Cunningham, bill sponsor, was not present. Representative Holliman was recognized to explain the bill. Representative Setzer moved to give the bill a favorable report. The motion carried.

There being no further business, the meeting was adjourned.



Representative Andy Dedmon
Chair



Lisa W. Brown, Clerk

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
S.B. 1326 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE
CITY OF LEXINGTON TO IMPOSE TERM LIMITS ON THE MEMBERS OF THE
CITY'S UTILITIES COMMISSION.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The bill/resolution is re-referred to the Committee on ____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on ____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 1326

Short Title: Lexington Utility Commission.

(Local)

Sponsors: Senator Cunningham.

Referred to: State and Local Government.

June 12, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON TO
IMPOSE TERM LIMITS ON THE MEMBERS OF THE CITY'S UTILITIES
COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7.2.B of the Charter of the City of Lexington, being
Chapter 906 of the 1981 Session Laws, as amended, reads as rewritten:

"B. All appointments made thereafter as terms expire shall be for terms of three
years. No member of the Lexington Utilities Commission shall serve for more than two
consecutive full terms without an intervening period of three years. Appointment for the
unexpired portion of a term shall not be considered appointment for a full term."

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

**HOUSE COMMITTEE
ON
LOCAL GOVERNMENT I**

MINUTES

October 2, 2002

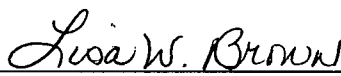
The House Committee on Local Government I met on Wednesday, October 02, 2002 around the Chamber desk of Chairman Dedmon at 11:30 am. The following Committee members were present: Chairman Dedmon, Representatives Buchanan, Ellis, Hill, Kiser, and Setzer. Committee reports are attached and made a part of these minutes.

The Chairman called the meeting to order and announced that all bills left in the Local Government I were to be considered for an indefinite postponement. Representative Kiser moved that the remaining bills were to be given an indefinite postponement and the motion carried.

There being no further business, the meeting was adjourned.



Representative Andy Dedmon
Chair



Lisa W. Brown, Clerk

Attachments:

Committee Reports

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 225 A BILL TO BE ENTITLED AN ACT TO REPEAL THE MOREHEAD CITY
FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.
- ☐ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 595 A BILL TO BE ENTITLED AN ACT RELATING TO THE 84TH HOUSE DISTRICT.

- ☐ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 871 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for
H.B. 872 A BILL TO BE ENTITLED AN ACT AUTHORIZING DURHAM COUNTY TO
ESTABLISH AN INCLUSIONARY HOUSING PROGRAM.

- ☐ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 873 A BILL TO BE ENTITLED AN ACT REPEALING OBSOLETE OR
REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 914 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONE MEMBER OF THE PIEDMONT TRIAD AIRPORT AUTHORITY SHALL BE A RESIDENT OF GUILFORD COUNTY LIVING WITHIN THREE MILES OF THE AIRPORT.

☐ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I**.

☐ Committee Substitute for

H.B. 1485 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES AFTER JULY 1 AND BEFORE JANUARY 1 IF THEY RECEIVE UNANTICIPATED REVENUES.

☐ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1496 A BILL TO BE ENTITLED AN ACT TO ALLOW EMERALD ISLE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.
- ☐ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1500 A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL
GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC
CONTRACTS FOR CITIES AND TOWNS.
- ☐ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1652 A BILL TO BE ENTITLED AN ACT TO REDUCE THE REQUIRED
STORAGE PERIOD FOR UNCLAIMED PROPERTY HELD BY LAW ENFORCEMENT
IN MECKLENBURG 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1655 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CLEVELAND
COUNTY SANITARY BOARD TO SET COMPENSATION FOR ITS MEMBERS.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

☐ Committee Substitute for

H.B. 1730 A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF GREENSBORO TO ENGAGE IN CONDITIONAL ZONING.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

5/13/02

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Andy Dedmon** (Chair/Chairs) for the Committee on **LOCAL GOVERNMENT I.**

- ☐ Committee Substitute for
H.B. 1733 A BILL TO BE ENTITLED AN ACT AN ACT TO AUTHORIZE THE CITY
OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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)

5/13/02

MEMORANDUM

DATE: 9-26-2002

TO: Representative Setzer

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

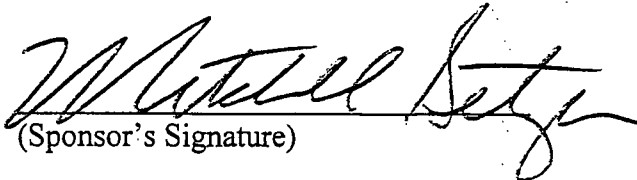
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Setzer
Bill Sponsor

SUBJECT: HB 208, MOORESVILLE TREES (Short Title)

I request that HB 208 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date

MEMORANDUM

DATE: 9-26-2002
TO: Representative Gulley
FROM: Representative Dedmon
SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

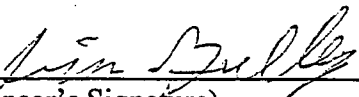
Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon
FROM: Representative Gulley
Bill Sponsor
SUBJECT: HB 498, CHARLOTTE-MECKLENBURG SCHOOL BOARD MEMBERS. (Short Title)

I request that HB 498 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

10-1-02 Date

MEMORANDUM

DATE: 9-26-2002
TO: Representative Gulley
FROM: Representative Dedmon
SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

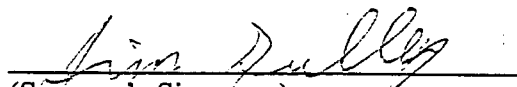
Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon
FROM: Representative Gulley
Bill Sponsor
SUBJECT: HB 501, CHARLOTTE/MECK SCHOOL BOARD TERMS. (Short Title)

I request that HB 501 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

10-1-02 Date

MEMORANDUM

DATE: 9-26-2002
TO: Representative Gulley
FROM: Representative Dedmon
SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

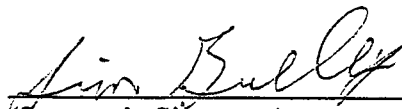
Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon
FROM: Representative Gulley
Bill Sponsor
SUBJECT: HB 502, CHARLOTTE-MECKLENBURG SCHOOL PRIMARY.
(Short Title)

I request that HB 502 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

10-1-02 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Setzer

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

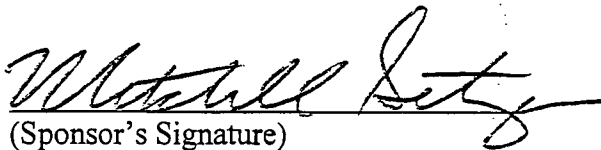
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Setzer
Bill Sponsor

SUBJECT: HB 543, TROUTMAN/LOCAL GOVT. EMP. RETIREMENT SYSTEM. (Short Title)

I request that HB 543 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Alexander

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

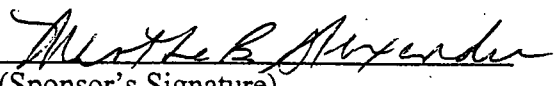
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Alexander
Bill Sponsor

SUBJECT: HB 586, CHARLOTTE AREA SPHERE OF INFLUENCE (Short Title)

I request that HB 586 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

September 26, 2002 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Alexander

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon

FROM: Representative Alexander
Bill Sponsor

SUBJECT: HB 587, MUNICIPAL ETJ ROADWAY IMPROVEMENTS. (Short Title)

I request that HB 587 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

September 26, 2002 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Alexander

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

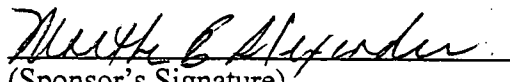
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Alexander
Bill Sponsor

SUBJECT: HB 588, CHARLOTTE STORM DRAIN/ROAD PROJECTS. (Short Title)

I request that HB 588 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

September 26, 2002 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Alexander

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

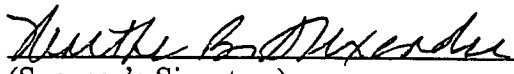
MEMORANDUM

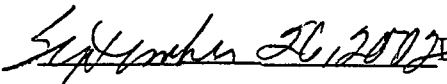
TO: Representative Dedmon

FROM: Representative Alexander
Bill Sponsor

SUBJECT: HB 589, INFRASTRUCTURE REIMBURSEMENT. (Short Title)

I request that HB 589 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Alexander

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

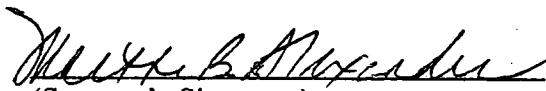
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Alexander
Bill Sponsor

SUBJECT: HB 590, CHARLOTTE HANDICAPPED PARKING ENFORCEMENT. (Short Title)

I request that HB 590 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

September 26, 2002 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Alexander

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

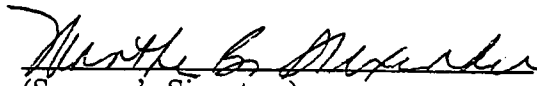
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Alexander
Bill Sponsor

SUBJECT: HB 591, CHARLOTTE CHARTER CLEANUP. (Short Title)

I request that HB 591 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

September 26, 2002 Date

MEMORANDUM

DATE: 9-26-2002
TO: Representative Miller
FROM: Representative Dedmon
SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to: Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon
FROM: Representative Miller
Bill Sponsor
SUBJECT: HB 647, DURHAM FACILITIES FEES. (Short Title)

I request that HB 647 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

September 26, 2002 Date

MEMORANDUM

DATE: 9-26-2002
TO: Representative Ellis
FROM: Representative Dedmon
SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

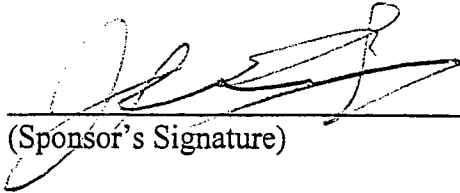
Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon
FROM: Representative Ellis
Bill Sponsor
SUBJECT: HB 749, LIMITS ON TREE REMOVAL. (Short Title)

I request that HB 749 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02

Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Culpepper

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

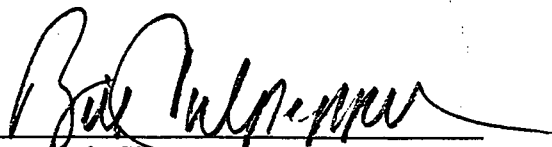
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Culpepper
Bill Sponsor

SUBJECT: HB 802, DARE UTILITY UNDERGROUNDING AMENDMENTS.
(Short Title)

I request that HB 802 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative McMahan

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

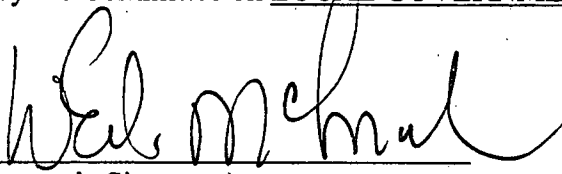
MEMORANDUM

TO: Representative Dedmon

FROM: Representative McMahan
Bill Sponsor

SUBJECT: HB 851, MODIFY MECKLENBURG ROOM TAX USE. (Short Title)

I request that HB 851 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative McMahan

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

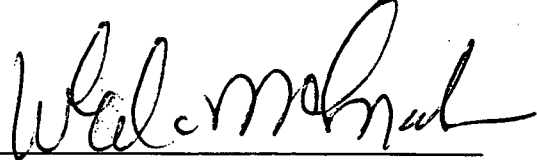
MEMORANDUM

TO: Representative Dedmon

FROM: Representative McMahan
Bill Sponsor

SUBJECT: HB 852, CHARLOTTE LEASES. (Short Title)

I request that HB 852 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative McMahan

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

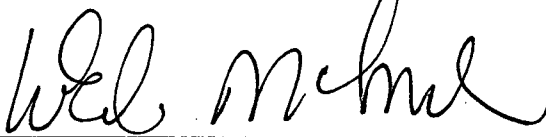
MEMORANDUM

TO: Representative Dedmon

FROM: Representative McMahan
Bill Sponsor

SUBJECT: HB 854, CHARLOTTE PUBLIC CONTRACTS EXEMPTION.
(Short Title)

I request that HB 854 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Hensley

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

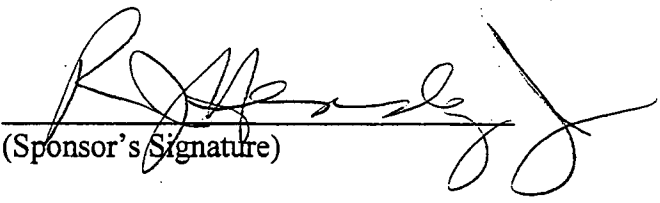
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Hensley
Bill Sponsor

SUBJECT: HB 894, GARNER TREE ORDINANCE-2. (Short Title)

I request that HB 894 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Harrington

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

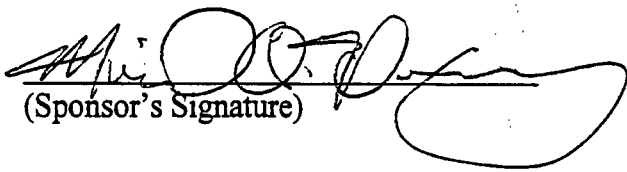
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Harrington
Bill Sponsor

SUBJECT: HB 1037, BUILDING CODE VARIATIONS. (Short Title)

I request that HB 1037 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/30/02

Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Jeffus

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon

FROM: Representative Jeffus
Bill Sponsor

SUBJECT: HB 1219, CITY OF ROCKINGHAM TREES. (Short Title)

I request that HB 1219 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date

MEMORANDUM

DATE: 9-26-2002
TO: Representative Miller
FROM: Representative Dedmon
SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

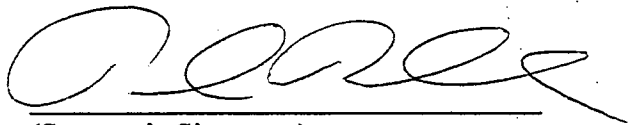
Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon
FROM: Representative Miller
Bill Sponsor
SUBJECT: HB 1237, LANDLORD REGISTRATION. (Short Title)

I request that HB 1237 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

September 26, 2002 Date

MEMORANDUM

DATE: 9-26-2002
TO: Representative Smith
FROM: Representative Dedmon
SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

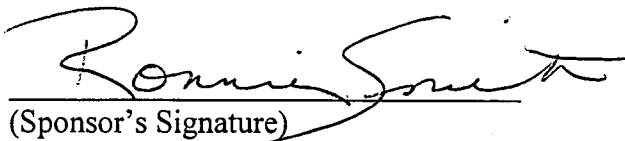
Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon
FROM: Representative Smith
Bill Sponsor
SUBJECT: HB 1496, EMERALD ISLE EROSION CONTROL. (Short Title)

I request that HB 1496 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Davis

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

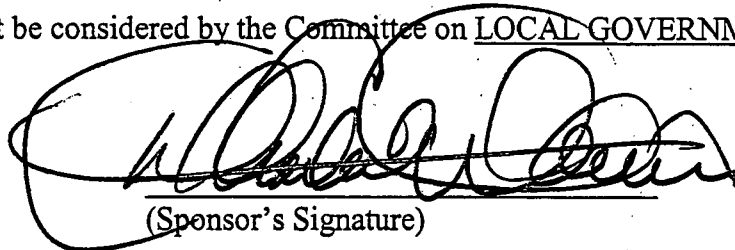
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Davis
Bill Sponsor

SUBJECT: HB 1598, BUIES CREK FIRE/RESCUE DISTRICT. (Short Title)

I request that HB 1598 not be considered by the Committee on LOCAL GOVERNMENT I.



(Sponsor's Signature)

10-1-02 Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Saunders

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

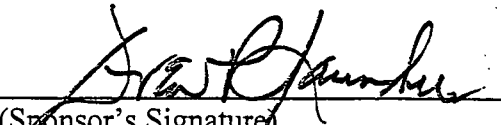
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Saunders
Bill Sponsor

SUBJECT: HB 1658, TEXTBOOK FLEXIBILITY/CHARLOTTE-MECK. SCHOOLS. (Short Title)

I request that HB 1658 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02

Date

MEMORANDUM

DATE: 9-26-2002

TO: Representative Pope

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Dedmon

FROM: Representative Pope
Bill Sponsor

SUBJECT: HB 1667, RALEIGH POLICE JURISDICTION. (Short Title)

I request that HB 1667 not be considered by the Committee on LOCAL GOVERNMENT I.

Rep. Art Pope
(Sponsor's Signature)
by Sue Buehlmann, L.A.

September 27, 2002 Date

Sue Buehlmann (Rep. Pope)

From: Sue Buehlmann (Rep. Pope)
Sent: Monday, July 22, 2002 4:15 PM
To: Rep. Andrew Dedmon
Cc: Alice Falcone (Rep. Ellis); Becky Hedspeth (Sen. Reeves); Bernie David-Yerumo (Sen. Lucas); Carol Resar (Sen. Gulley); Cornelia McMillan (Sen. Miller); Donna Ebron (House Sgt. at Arms); Dorie Monroe (Rep. Eddins); Dot Barber (Rep. Hensley); Emily Bryan, Raleigh Chamber of Commerce; Kathy Davis (Sen. Carrington); Lin Threatt (Rep. Blue); Marc Scruggs (E-mail); Nancy Fox (Rep. Capps); Rep. Art Pope; Rep. Bob Hensley; Rep. Dan Blue; Rep. David Miner; Rep. Jennifer Weiss; Rep. Rick Eddins; Rep. Russell Capps; Rep. Sam Ellis; Sen. Brad Miller; Sen. Eric Reeves; Sen. Jeanne Lucas; Sen. John Carrington; Sen. Wib Gulley; Sue Buehlmann (Rep. Pope); Susan Doty (Rep. Weiss); Susan Harrison; Susan Phillips (Rep. Miner); Tom Vass
Subject: House Bill Sponsor Notification (HB 1667)
Importance: High

Dear Chairman Dedmon:

Please do not schedule HB 1667: Raleigh Police Jurisdiction for a hearing in Local Government I. Some questions and controversy arose after the bill was introduced. If the various parties can reach a consensus, I will request a hearing at that time. Thank you for your consideration.

Rep. Art Pope
61st District
Wake County
July 22, 2002

MEMORANDUM

DATE: 9-26-2002

TO: Representative Saunders

FROM: Representative Dedmon

SUBJECT: Bills Pending in the Committee on LOCAL GOVERNMENT I

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on LOCAL GOVERNMENT I, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2213. This form may not be e-mailed because it requires the sponsor's signature.

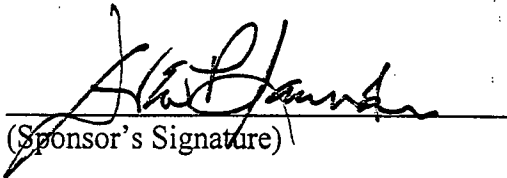
MEMORANDUM

TO: Representative Dedmon

FROM: Representative Saunders
Bill Sponsor

SUBJECT: HB 1695, PURCHASING FLEXIBILITY/CHARLOTTE-MECK.
SCHOOLS. (Short Title)

I request that HB 1695 not be considered by the Committee on LOCAL GOVERNMENT I.


(Sponsor's Signature)

9/26/02 Date