

2001

**HOUSE
LOCAL GOVERNMENT
II**

MINUTES

NORTH CAROLINA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT II COMMITTEE

2001 SESSION

NORTH CAROLINA GENERAL ASSEMBLY

CHAIR

Representative Mary L. Jarrell

VICE-CHAIR

Representative John W. Hurley

STAFF ATTORNEYS

**Esther Manheimer
Frank Folger**

COMMITTEE ASSISTANT

Edna Lee Collar

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



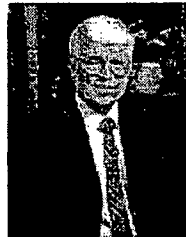
Rep. Jarrell
Chair



Rep. Hurley
Vice-Chair



Rep. Barbee



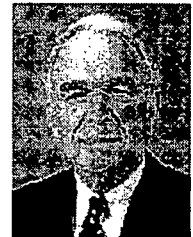
Rep. Capps



Rep. Fox



Rep. Gillespie



Rep. Haire



Rep. Owens



Rep. Rogers



Rep. Walker



Rep. Warren



Rep. West



Rep. Wilson, C.



Rep. Wilson, G.



Rep. Womble

HOUSE COMMITTEE ON LOCAL GOVERNMENT II
2000-2001 Session

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
JARRELL, Mary, Chair	Edna Lee Collar Committee Assistant	733-5749	2219	3
HURLEY, John, Vice-Chair	Melissa Riddle	733-5601	2215	23
BARBEE, Bobby	Rosa Murray	733-5908	1025	52
CAPPS, Russell	Nancy Fox	715-2526	1424	85
FOX, Stanley	Mary Capps	733-5758	2123	46
GILLESPIE, Mitch	Cindy Hobbs	733-5987	1201	111
HAIRE, R. Phillip	Sara Jane Lennard	715-3005	419B	47
OWENS, Bill	Linda A. Johnson	733-0010	632	9
ROGERS, R. Eugene	Sally Gillis	715-3023	416A	35
WALKER, R. Tracy	Barbara Powell	733-5935	1111	107
WARREN, Edith	Nancy Willis	715-3019	417A	28
WEST, Roger	Linda C. Johnson	733-5859	1004	106
WILSON, Connie	Chris Floyd	733-5903	501	97
WILSON, Gene	Rebecca Jones-Cooper	733-7727	1109	51
WOMBLE, Larry	Angeline Mthenjane	733-5777	537	56
MANHEIMER, Esther, Staff Attorney		733-2578	545	
FOLGER, Frank, Staff Attorney		733-2578	545	

North Carolina General Assembly
Through House Committee on
Local Government II

Date: 12/13/2001
Time: 10:12
Page: 001 of 002
Leg. Day: H-179/S-173

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0006	Holmes	MERGE JONESVILLE AND ARLINGTON	*HR Ch. SL 2001-16	02-20-01	03-07-01
H0018	Arnold	PRIVATE SALE/FLOOD HOMES.	*HR Ch. SL 2001-29	02-20-01	03-08-01
H0105	Nesbitt	BUNCOMBE COUNTY PRODUCT DEV. FUND.	*HR Ch. SL 2001-162	02-20-01	02-28-01
H0108	Haire	COUNTIES COLL. DELINQ. TAXES BEFORE RECORD DEEDS	*HR Ch. SL 2001-464	02-20-01	03-08-01
H0163=	Jarrell	FURNITURE MARKET IMPROVEMENT ACT.	*HR Ch. SL 2001-11	02-19-01	03-05-01
H0212	McComas	USE OF NEW HANOVER PARKING PROCEEDS.	HR Ch. SL 2001-9	02-22-01	03-07-01
\$ H0321	Coates	BUDGET TECHNICAL CORRECTIONS.	*HR Ch. SL 2001-72	04-11-01	04-18-01
H0423=	Adams	GREENSBORO/PUBLIC INFORMATION/POLICE DISCIPLINE.	*HR Ch. SL 2001-20	03-12-01	03-22-01
H0516	Pope	WAKE COUNTY SCHOOL CONSTRUCTION PROJECTS.	*HR Ch. SL 2001-44	03-21-01	03-29-01
H0522	Hurley	CUMBERLAND TRANSPORTATION AUTHORITY.	*H Ref To Com On State and Local Government	04-12-01	04-23-01
H0555	Crawford, J.	HALIFAX REGIONAL AIRPORT AUTHORITY-"QUICK TAKE."	*HR Ch. SL 2001-73	03-12-01	03-21-01
H0618	Adams	TAXI SERVICE TO PIEDMONT TRIAD AIRPORT.	*H Ref To Com On Judiciary I	03-14-01	04-18-01
H0636	Owens	ELIZABETH CITY CHARTER REVISED.	*HR Ch. SL 2001-227	04-17-01	04-24-01
H0651	Tolson	GREENVILLE/CHAPEL HILL PRETOWING NOTICES.	*HR Ch. SL 2001-46	03-15-01	03-28-01
H0656	Holmes	YADKIN PROPERTY TRANSFER.	HR Ch. SL 2001-31	03-19-01	03-28-01
H0667	Barbee	NEW LONDON ELECTION CHANGES.	HR Ch. SL 2001-131	03-19-01	04-11-01
H0683	Rogers	PLYMOUTH COUNCIL ELECTION.	HR Ch. SL 2001-51	03-19-01	03-28-01
H0699	Owens	CAMDEN SCHOOL BOARD ELECTION.	HR Ch. SL 2001-24	03-20-01	03-28-01
H0702	Culpepper	DISPOSAL OF WETLANDS MITIGATION CREDITS.	*HR Ch. SL 2001-32	03-20-01	04-05-01
H0703	Gray	WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES.	H Ref To Com On Local Government II	03-20-01	
H0705	Rogers	GREENVILLE SPEED ENFORCEMENT CAMERAS.	H Re-ref Com On Judiciary II	03-20-01	04-03-01
H0719=	Fox	MAYODAN SATELLITE ANNEXATION.	*HR Ch. SL 2001-405	03-22-01	04-05-01
H0768	Owens	CURRITUCK BEACH TRAFFIC ORDINANCES.	*HR Ch. SL 2001-33	03-26-01	04-05-01
H0846=	Davis	HARNETT COUNTY SUBDIVISION DEFINITION.	H Ref To Com On Local Government II	03-29-01	

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

A bold line indicates the bill is an appropriation bill.

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

North Carolina General Assembly
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Local Government II

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2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0856	Preston	ALLOW SEPARATE-/ SINGLE-PRIME CONTRACTS/CARTERET. GREENVILLE HOUSING CODE CASES.	HR Ch. SL 2001-69	03-29-01	04-18-01
H0866	Warren	51ST HOUSE DISTRICT LOCAL ACT-2.	*HR Ch. SL 2001-104	03-29-01	04-11-01
H0886	Cansler	51ST HOUSE DISTRICT LOCAL ACT-2.	HF Reptd Unfav	04-18-01	04-24-01
H0887	Cansler	51ST HOUSE DISTRICT LOCAL ACT -1.	HF Reptd Unfav	04-18-01	04-24-01
H0906=	Weiss	DURHAM TECH. CORR./ EXP ABC BD./SINGLE- PRIME.	*HR Ch. SL 2001-350	04-03-01	04-18-01
H0910=	Weiss	VARIOUS TOWNS CLEARCUTTING.	*HR Ch. SL 2001-191	04-03-01	04-18-01
H0914	Blust	PIEDMONT TRIAD AIRPORT AUTHORITY APPOINTMENT.	H Re-ref Com On Local Government I	03-29-01	04-05-01
H0926	McComas	MODIFY NEW HANOVER ROOM TAX USE.	H Re-ref Com On Finance	03-29-01	04-11-01
S0138	Virginia Foxx	MOUNT AIRY TDA CHANGES.	*HR Ch. SL 2001-7	03-08-01	03-21-01
S0401	William R. Purce	FORSYTH STANLY COUNTY SCHOOLS BIDS.	*HR Ch. SL 2001-99	04-12-01	05-14-01
S0486	Hamilton C. Hort	KERNERSVILLE PRIVATE SALE.	HR Ch. SL 2001-80	04-03-01	04-11-01
S0559	Charles Carter	ASHEVILLE FORCE ACCOUNT LIMIT.	*HR Ch. SL 2001-274	04-26-01	05-02-01
S0559	Charles Carter	ASHEVILLE FORCE ACCOUNT LIMIT.	*HR Ch. SL 2001-274	05-09-01	06-27-01
S0569	Charles W. Alber	ALLOW SINGLE-PRIME CONTRACT/JACKSONVILLE.	H Re-ref Com On Local Government I	04-03-01	04-05-01
S0617=	Wib Gulley	STOVAL ELECTION CHANGES.	*HR Ch. SL 2001-100	04-19-01	05-14-01
S0651	Virginia Foxx	MT. AIRY PLANNING BD./ ETJ.	*HR Ch. SL 2001-101	04-10-01	05-02-01
S0675	Linda Garrou	WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES.	HR Ch. SL 2001-54	04-17-01	05-02-01
S0678	Frank W. Ballanc	GATES ELECTIONS.	*HR Ch. SL 2001-63	04-18-01	05-09-01

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(Name of Committee)

Earle, Beverly, Majority Whip

HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
February 28, 2001
11:00 A.M.

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Committee Chair

CONSIDERATION OF BILLS

**HB 105 PRODUCT DEVELOPMENT FUND FOR BUNCOMBE
COUNTY (Representatives Nesbitt, Cansler, Sherrill, and
Walend)**

**HB 163 FURNITURE MARKET IMPROVEMENT ACT
(Representative Jarrell)**

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
February 29, 2001

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, February 29, 2001, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Barbee, Capps, Gillespie, Haire, Owens, Rogers, Walker, Warren, West, and G. Wilson. Esther Manheimer and Frank Folger, committee counselors, were also in attendance.

Representative Jarrell called the meeting to order and recognized new members of the Committee. Staff and pages were also recognized. A visitor registration sheet is attached and made a part of the minutes.

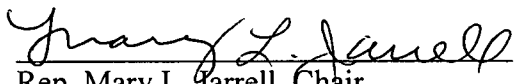
The following bills were considered:

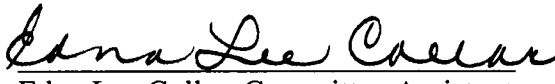
HB 163 – FURNITURE MARKET IMPROVEMENT ACT. Representative Jarrell, sponsor of the bill, called upon Representative Owens to preside while she explained the bill. A House committee substitute was offered. This bill would allow High Point to promote its furniture market and enhance its visitor assistance via revenue generated from two new taxes authorized by this bill: 1) a room occupancy tax; and 2) a furniture showroom privilege license tax. Proposed committee substitute was adopted upon motion by Representative Womble. Motion carried.

Representative Barbee made a motion to give the committee substitute a favorable report, unfavorable to original bill, and be re-referred to Finance. Motion carried.

HB 105 – PRODUCT DEVELOPMENT FUND FOR BUNCOMBE COUNTY. This Bill, sponsored by Representatives Nesbitt, Cansler, Sherrill, and Walend, Authorizes Buncombe County to levy an additional one percent room occupancy and tourism development tax, to modify the purposes for which the room tax may be used, and to make conforming changes. Representative Haire moved for a favorable report and that it be re-referred to Finance. Motion carried.

The meeting adjourned at 11:20 a.m.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 105 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BUNCOMBE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE PURPOSES FOR WHICH THE ROOM TAX MAY BE USED, AND TO MAKE CONFORMING CHANGES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 105

Short Title: Product Development Fund for Buncombe County. (Local)

Sponsors: Representatives Nesbitt, Cansler, Sherrill, and Walend (Primary Sponsors).

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

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE BUNCOMBE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE PURPOSES FOR WHICH THE ROOM TAX MAY BE USED, AND TO MAKE CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. Part VI of Chapter 908 of the 1983 Session Laws, as amended by Section 1 of Chapter 942 of the 1985 Session Laws, reads as rewritten:

"PART VI. BUNCOMBE OCCUPANCY TAX.

"Sec. 17. ~~Levy of Tax. Authorization and Scope.~~ (a) The Board of Commissioners of Buncombe County may ~~by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy and tourism development tax. (b) ~~Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of county commissioners in the resolution levying the tax, which in no case may be earlier than the first day of the second succeeding calendar month after the date of adoption of the resolution.~~

"Sec. 18. ~~Occupancy Tax.~~ The county room occupancy and tourism development tax that may be levied under this Part shall be tax of up to two percent (2%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar place within the county now subject to the three percent (3%) accommodations within the county that are subject to sales tax imposed by the State under G.S. 105-164.4(3). 105-164.4(a)(3). This tax is in addition to any local sales tax. This tax does not apply to gross receipts derived by the following entities from accommodations furnished by them:

- (1) religious organizations;
- (2) educational organization;

(3) any business that offers to rent fewer than five units; and

(4) summer camps.

"Sec. 19. Administration of Tax. A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this act.

~~(a) Any tax levied under this Part is due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.~~

~~(b) Any person, firm, corporation, or association who fails or refuses to file the return required by this Part shall pay a penalty of ten dollars (\$10.00) for each day's omission.~~

~~(c) In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due, in addition to the penalty prescribed in subsection (b), with an additional tax of five percent (5%) for each additional month or fraction thereof until the occupancy tax is paid.~~

~~(d) Any person who willfully attempts in any manner to evade the occupancy tax imposed by this Part or to make a return and who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both.~~

~~"Sec. 20. Collection of Tax. Every operator of a business subject to the tax levied by this Part shall, on and after the effective date of the levy of the tax, collect the two percent (2%) room occupancy tax. This tax shall be collected as part of the charge for the furnishing of any taxable accommodations. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of Buncombe County. The room occupancy tax levied pursuant to this Part shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses in Buncombe County the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

"Sec. 21. Disposition of Taxes Collected. (a) Buncombe County shall remit the net proceeds of the occupancy tax to the county Tourism Development Authority in Buncombe County. "Net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax. The Authority may not use more than ten percent (10%) of the funds distributed to it pursuant to this subsection for administrative expenses of the Authority.

(b) The Authority may expend any funds distributed to it pursuant to subsection (a) of this section only as follows:

(1) Three-fourths of the funds may be used only to further the development of travel, tourism, and conventions in the county through State, national, and international advertising and promotion.

(2) The Authority shall create a Tourism Product Development Fund and, in order to further economic development in the county, shall credit the remainder of the funds to the Tourism Product Development Fund. The purpose of the fund shall be to provide financial assistance for major tourism projects in order to significantly increase patronage of lodging facilities in Buncombe County.

(c) The Authority shall administer and spend the funds in the Tourism Product Development Fund as follows:

(1) The Authority shall create a Product Development Committee to review and evaluate proposals from qualified applicants for tourism capital projects and to make recommendations to the Authority regarding use and disposition of funds derived from the Tourism Product Development Fund. Only upon recommendation of the Product Development Committee, the Authority may award funds to qualified projects in the form of outright grants of money and may guarantee loans and participate in pledges of debt service for these projects. Projects must be located in Buncombe County unless the Commissioners of Buncombe County give specific approval to projects outside the county. Qualified applicants must provide a feasibility study satisfactory to the Product Development Committee demonstrating the project's economic value to the area and the number of estimated new room nights it will generate.

(2) To be a qualified project, a project must be expected to significantly increase patronage of lodging facilities in Buncombe County.

(3) The Authority is not required to exhaust all of the funds generated each year and may accumulate money in order to create a revolving fund to further the purposes of this section. The Authority may not commit for purposes of debt service in excess of thirty-three percent (33%) of net funds received in any one year for a period of time in excess of 10 years. The Authority may not commit for purposes of debt service in excess of ten percent (10%) of net funds received in any one year for any single project.

(4) The Product Development Committee need not be comprised solely of members of the Authority. A majority of the members of the Product Development Committee must be persons who are owners or operators of hotels, motels, or other taxable tourist accommodations.

~~only to further the development of travel, tourism, and conventions in the county through State, national, and international advertising and promotion. The Authority may not use more than ten percent (10%) of the funds distributed to it pursuant to subsection (a) for administrative expenses of the Authority.~~

1 "Sec. 22. Appointment, Duties of Tourism Development Authority. (a) When the
2 board of county commissioners adopts a resolution levying a room occupancy tax
3 pursuant to this Part, it shall also adopt a resolution creating a county Tourism
4 Development Authority, which shall be a public authority under the Local Government
5 Budget and Fiscal Control Act and shall be composed of the following nine members:

- 6 (1) a county commissioner appointed by the board of county
7 commissioners, who shall serve as an ex officio, nonvoting member;
- 8 (2) a member of the Asheville City Council appointed by the board of
9 county commissioners, who shall serve as an ex officio, nonvoting
10 member;
- 11 (3) four owners or operators of hotels, motels, or other taxable tourist
12 accommodations, two of which own or operate hotels, motels, or other
13 accommodations with more than 100 rental units, one of whom shall
14 be appointed by the Asheville City Council and one by the board of
15 county commissioners; and two of which own or operate hotels,
16 motels, or other accommodations with 100 or fewer rental units, one of
17 whom shall be appointed by the Asheville City Council and one by the
18 board of county commissioners;
- 19 (4) three individuals involved in the tourist business who have
20 demonstrated an interest in tourist development and do not own or
21 operate hotels, motels, or other taxable tourist accommodations,
22 appointed as follows: one by the Asheville City Council, one by the
23 Asheville Area Chamber of Commerce, and one by the board of
24 county commissioners.

25 All members of the Authority shall serve without compensation. Vacancies in the
26 Authority shall be filled by the appointing authority of the member creating the
27 vacancy. Members appointed to fill vacancies shall serve for the remainder of the
28 unexpired term for which they are appointed to fill. Members shall serve three-year
29 terms, except the initial members who shall serve the following terms:

- 30 (1) members appointed pursuant to subdivisions (1) and (2) above shall
31 serve one-year terms;
- 32 (2) of the members appointed pursuant to subdivision (3) above, one
33 appointee of the city council and the board of commissioners shall
34 serve a two-year term and one appointee of the city council and the
35 board of commissioners shall serve a three-year term, as designated by
36 the city council and board of county commissioners;
- 37 (3) of the three members appointed pursuant to subdivision (4) above, the
38 appointee of the Asheville City Council shall serve a one-year term,
39 the appointee of the Asheville Area Chamber of Commerce shall serve
40 a two-year term, and the appointee of the board of county
41 commissioners shall serve a three-year term.

42 Members may serve no more than two consecutive terms. The members shall elect a
43 ~~chairman~~, chair, who shall serve for a term of two years. The Authority shall meet at the
44 call of the ~~chairman~~ chair and shall adopt rules of procedure to govern its meetings. The

1 finance officer for Buncombe County shall be the ex officio finance officer of the
2 Authority.

3 (b) The Tourism Development Authority may contract with any person, firm, or
4 agency to advise and assist it in the promotion of travel, tourism, and conventions and
5 may recommend to the board of county commissioners that county staff be employed
6 for this advice and assistance. Any county staff employed under this Part shall be hired
7 and supervised by the Tourism Development Authority, which shall pay the salaries and
8 expenses of this staff.

9 (c) The Tourism Development Authority shall report quarterly and at the close of
10 the fiscal year to the board of county commissioners on its receipts and expenditures for
11 the preceding quarter and for the year in such detail as the board may require.

12 ~~"Sec. 23. Repeal of Levy. (a) The board of county commissioners may by~~
13 ~~resolution repeal the levy of the room occupancy tax in Buncombe County, but no~~
14 ~~repeal of taxes levied under this Part shall be effective until the end of the fiscal year in~~
15 ~~which the repeal resolution was adopted.~~

16 ~~(b) No liability for any tax levied under this Part that attached prior to the date on~~
17 ~~which a levy is repealed shall be discharged as a result of the repeal, and no right to a~~
18 ~~refund of a tax that accrued prior to the effective date on which a levy is repealed shall~~
19 ~~be denied as a result of the repeal.~~

20 ~~"Sec. 23.1. First Additional Tax. In addition to the tax authorized by Sections 17 and~~
21 ~~18-Section 17 of this Part, the Buncombe County Board of Commissioners may levy a~~
22 ~~an additional room occupancy and tourism development tax of one percent (1%) of the~~
23 ~~gross receipts derived from the rental of accommodations taxable under those sections.~~
24 ~~that section. The levy, collection, administration, and repeal of the tax authorized by this~~
25 ~~section, and the use of tax revenue from a tax levied under this section, shall be in~~
26 ~~accordance with Sections 17 through 23 of this Part. Buncombe County may not levy a~~
27 ~~tax under this section unless it also levies a tax under Sections 17 and 18-Section 17 of~~
28 ~~this Part.~~

29 ~~"Sec. 23.2. Second Additional Tax. In addition to the tax authorized by Sections 17~~
30 ~~and 23.1 of this Part, the Buncombe County Board of Commissioners may levy an~~
31 ~~additional room occupancy and tourism development tax of one percent (1%) of the~~
32 ~~gross receipts derived from the rental of accommodations taxable under those sections.~~
33 ~~The levy, collection, administration, and repeal of the tax authorized by this section, and~~
34 ~~the use of tax revenue from a tax levied under this section, shall be in accordance with~~
35 ~~Sections 17 through 23 of this Part. Buncombe County may not levy a tax under this~~
36 ~~section unless it also levies the taxes under Sections 17 and 23.1 of this Part."~~

37 **SECTION 2. G.S. 153A-155 reads as rewritten:**

38 **"§ 153A-155. Uniform provisions for room occupancy taxes.**

39 (a) Scope. – This section applies only to counties the General Assembly has
40 authorized to levy room occupancy taxes.

41 (b) Levy. – A room occupancy tax may be levied only by resolution, after not
42 less than 10 days' public notice and after a public hearing held pursuant thereto. A room
43 occupancy tax shall become effective on the date specified in the resolution levying the

1 tax. That date must be the first day of a calendar month, however, and may not be
2 earlier than the first day of the second month after the date the resolution is adopted.

3 (c) Collection. — Every operator of a business subject to a room occupancy tax
4 shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall
5 be collected as part of the charge for furnishing a taxable accommodation. The tax shall
6 be stated and charged separately from the sales records and shall be paid by the
7 purchaser to the operator of the business as trustee for and on account of the taxing
8 county. The tax shall be added to the sales price and shall be passed on to the purchaser
9 instead of being borne by the operator of the business. The taxing county shall design,
10 print, and furnish to all appropriate businesses and persons in the county the necessary
11 forms for filing returns and instructions to ensure the full collection of the tax. An
12 operator of a business who collects a room occupancy tax may deduct from the amount
13 remitted to the taxing county a discount equal to the discount the State allows the
14 operator for State sales and use tax.

15 (d) Administration. — The taxing county shall administer a room occupancy tax it
16 levies. A room occupancy tax is due and payable to the county finance officer in
17 monthly installments on or before the 15th day of the month following the month in
18 which the tax accrues. Every person, firm, corporation, or association liable for the tax
19 shall, on or before the 15th day of each month, prepare and render a return on a form
20 prescribed by the taxing county. The return shall state the total gross receipts derived in
21 the preceding month from rentals upon which the tax is levied. A room occupancy tax
22 return filed with the county finance officer is not a public record and may not be
23 disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

24 (e) Penalties. — A person, firm, corporation, or association who fails or refuses to
25 file a room occupancy tax return or pay a room occupancy tax as required by law is
26 subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a
27 return for State sales and use taxes. The governing board of the taxing county has the
28 same authority to waive the penalties for a room occupancy tax that the Secretary of
29 Revenue has to waive the penalties for State sales and use taxes.

30 (f) Repeal or Reduction. — A room occupancy tax levied by a county may be
31 repealed or reduced by a resolution adopted by the governing body of the county.
32 Repeal or reduction of a room occupancy tax shall become effective on the first day of a
33 month and may not become effective until the end of the fiscal year in which the
34 resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a
35 liability for a tax that was attached before the effective date of the repeal or reduction,
36 nor does it affect a right to a refund of a tax that accrued before the effective date of the
37 repeal or reduction.

38 (g) This section applies only to Avery, Brunswick, Buncombe, Craven,
39 Currituck, Davie, Granville, Madison, Nash, Person, Randolph, Scotland, and
40 Transylvania Counties."

41 **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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II.**

- ☐ Committee Substitute for
H.B. 163 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HIGH
POINT TO FUND FURNITURE MARKET IMPROVEMENTS.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 163*

Short Title: Furniture Market Improvement Act.

(Local)

Sponsors: Representatives Jarrell; Adams, Alexander, Blust, Bowie, Boyd-McIntyre, Culp, Decker, Jeffus, and Sexton.

Referred to: Local Government II.

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE
MARKET IMPROVEMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Occupancy tax. (a) Authorization and Scope. The High Point City Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.(b) Administration. A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.(c) Use of tax revenue. The City of High Point shall use the net proceeds of the occupancy tax only for furniture market promotion and visitor assistance.

The following definitions apply in this subsection:

- (1) Furniture market promotion and visitor assistance. -- Activities and expenditures to promote the International Home Furnishings Market in the city and to assist visitors who attend it. The term may include advertising and other promotional activities, transportation and parking, housing facilitation, buyer registration, and administration of these activities.
- (2) Net proceeds. -- Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance

officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

SECTION 1.(d) Contracts. The city may contract with a nonprofit agency to carry out the authorized uses of the occupancy tax proceeds.

SECTION 2. City administrative provisions. -- G.S. 160A-215 reads as rewritten:

"§ 160A-215. Uniform provisions for room occupancy taxes.

(a) Scope. -- This section applies only to municipalities the General Assembly has authorized to levy room occupancy taxes. For the purpose of this section, the term "city" means a municipality.

(b) Levy. -- A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. -- Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing city. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing city shall design, print, and furnish to all appropriate businesses and persons in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing city a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. -- The taxing city shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the city finance officer in monthly installments on or before the fifteenth day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the fifteenth day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the city finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. -- A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing city has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

1 (f) Repeal or Reduction. – A room occupancy tax levied by a city may be
2 repealed or reduced by a resolution adopted by the governing body of the city. Repeal or
3 reduction of a room occupancy tax shall become effective on the first day of a month
4 and may not become effective until the end of the fiscal year in which the resolution
5 was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for
6 a tax that was attached before the effective date of the repeal or reduction, nor does it
7 affect a right to a refund of a tax that accrued before the effective date of the repeal or
8 reduction.

9 (g) This section applies only to the Cities of Goldsboro, Greensboro, High Point,
10 Lumberton, Mount Airy, Shelby, and Statesville, to the Towns of Banner Elk,
11 Mooresville, and St. Pauls, and to the municipalities in Brunswick County."

12 **SECTION 3.** Furniture showroom privilege license tax. (a) Levy. The High
13 Point City Council may, by ordinance, after not less than 10 days' public notice and a
14 public hearing held pursuant thereto, levy a privilege license tax on every person
15 engaged in the business of operating a wholesale home furnishings showroom. A tax
16 levied under this section may become effective no earlier than July 1 following its levy.
17 A person is engaged in the business of operating a wholesale home furnishings
18 showroom if the person does either of the following during the tax year:

- 19 (1) Uses or holds out for use as a wholesale home furnishings showroom,
20 on a permanent or temporary basis, his or her own property.
21 (2) Leases or otherwise provides his or her property to another for use as a
22 wholesale home furnishings showroom on a permanent or temporary
23 basis.

24 **SECTION 3.(b)** Administration. The provisions of G.S. 105-33(b) and (h)
25 apply to a tax levied under this section. As used in those provisions, the term "fiscal
26 year" means the city's fiscal year and the term "person" has the meaning provided in
27 G.S. 105-228.90. The city shall adopt regulations to govern the reporting and
28 administration of the tax. The High Point City Council may appoint a body to hear and
29 decide appeals concerning the application and administration of the tax.

30 **SECTION 3.(c)** Tax Base and Rate. The tax authorized by this section is
31 based on the floor surface area of every wholesale home furnishings showroom used or
32 held out for use. In the case of an ongoing business, the tax is based on the floor surface
33 area used or held out for using during the previous fiscal year of the city. In the case of a
34 new business, the tax is based on the floor surface area used or held out for use during
35 the tax year.

36 A tax levied under this section may not exceed fifteen cents (15¢) per square
37 foot, subject to a minimum tax of two hundred fifty dollars (\$250.00) per location.

38 **SECTION 3.(d)** Lien and Penalties. A tax levied under this section becomes
39 a lien on the real property where the wholesale home furnishings showroom is located.
40 The penalties provided in G.S. 105-236 apply to a tax levied under this section.

41 **SECTION 3.(e)** Use of Tax Revenue. The City of High Point shall use the
42 net proceeds of a tax levied under this section only for furniture market promotion and
43 visitor assistance.

44 **SECTION 3.(f).** Definitions. The following definitions apply in this section:

- (1) Floor surface area. -- Gross interior wall space, which may include not only the showroom but also any ancillary areas such as aisles, hallways, stairwells, escalators, elevators, eating and drinking areas, restrooms, and common areas.
- (2) Furnishings merchandise. -- Furniture of any kind, including both home and office furniture, and furnishings accessories and decorative items of any kind. The term may include lamps, lighting fixtures, pictures, wall coverings, art objects, real or artificial plants or flowers, bath fixtures, kitchen appliances, rugs, carpets, floor coverings, giftware, kitchenware, and pottery.
- (3) Furniture market promotion and visitor assistance. -- Activities and expenditures to promote the International Home Furnishings Market in the city and to assist visitors who attend it. The term may include advertising and other promotional activities, transportation and parking, housing facilitation, buyer registration, and administration of these activities.
- (4) Net proceeds. -- Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (5) Wholesale home furnishings showroom. -- Real property used or intended for use for the display of furnishings merchandise for the purpose of sale, or exhibition to solicit orders for sale, to resellers of furnishings.

SECTION 3.(g) Contracts. The city may contract with a nonprofit agency to carry out the authorized uses of the furniture showroom privilege license tax proceeds.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 163*
PROPOSED COMMITTEE SUBSTITUTE H163-CSSO-1 [v.2]

2/27/2001 11:48:50 AM

Short Title: Furniture Market Improvement Act.

(Local)

Sponsors:

Referred to:

February 19, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE
3 MARKET IMPROVEMENTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Occupancy tax. (a) Authorization and Scope. The High
6 Point City Council may levy a room occupancy tax of up to three percent (3%) of the
7 gross receipts derived from the rental of any room, lodging, or accommodation
8 furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is
9 subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in
10 addition to any State or local sales tax. This tax does not apply to accommodations
11 furnished by nonprofit charitable, educational, or religious organizations when
12 furnished in furtherance of their nonprofit purpose.

13 **SECTION 1.(b)** Administration. A tax levied under this section shall be
14 levied, administered, collected, and repealed as provided in G.S. 160A-215. The
15 penalties provided in G.S. 160A-215 apply to a tax levied under this section.

16 **SECTION 1.(c)** Use of tax revenue. The City of High Point shall use the net
17 proceeds of the occupancy tax only for furniture market promotion and visitor
18 assistance.

19 The following definitions apply in this subsection:

20 (1) Furniture market promotion and visitor assistance. -- Activities and
21 expenditures to promote the International Home Furnishings Market in
22 the city and to assist visitors who attend it. The term may include
23 advertising and other promotional activities, transportation and
24 parking, housing facilitation, buyer registration, and administration of
25 these activities.

26 (2) Net proceeds. -- Gross proceeds less the cost to the city of
27 administering and collecting the tax, as determined by the finance
28 officer, not to exceed three percent (3%) of the first five hundred

1 thousand dollars (\$500,000) of gross proceeds collected each year and
2 one percent (1%) of the remaining gross receipts collected each year.

3 **SECTION 1.(d) Contracts.** The city may contract with a nonprofit agency
4 to carry out the authorized uses of the occupancy tax proceeds.

5 **SECTION 2.** City administrative provisions. -- G.S. 160A-215 reads as
6 rewritten:

7 **"§ 160A-215. Uniform provisions for room occupancy taxes.**

8 (a) Scope. – This section applies only to municipalities the General Assembly
9 has authorized to levy room occupancy taxes. For the purpose of this section, the term
10 "city" means a municipality.

11 (b) Levy. – A room occupancy tax may be levied only by resolution, after not
12 less than 10 days' public notice and after a public hearing held pursuant thereto. A room
13 occupancy tax shall become effective on the date specified in the resolution levying the
14 tax. That date must be the first day of a calendar month, however, and may not be
15 earlier than the first day of the second month after the date the resolution is adopted.

16 (c) Collection. – Every operator of a business subject to a room occupancy tax
17 shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall
18 be collected as part of the charge for furnishing a taxable accommodation. The tax shall
19 be stated and charged separately from the sales records and shall be paid by the
20 purchaser to the operator of the business as trustee for and on account of the taxing city.
21 The tax shall be added to the sales price and shall be passed on to the purchaser instead
22 of being borne by the operator of the business. The taxing city shall design, print, and
23 furnish to all appropriate businesses and persons in the city the necessary forms for
24 filing returns and instructions to ensure the full collection of the tax. An operator of a
25 business who collects a room occupancy tax may deduct from the amount remitted to
26 the taxing city a discount equal to the discount the State allows the operator for State
27 sales and use tax.

28 (d) Administration. – The taxing city shall administer a room occupancy tax it
29 levies. A room occupancy tax is due and payable to the city finance officer in monthly
30 installments on or before the fifteenth day of the month following the month in which
31 the tax accrues. Every person, firm, corporation, or association liable for the tax shall,
32 on or before the fifteenth day of each month, prepare and render a return on a form
33 prescribed by the taxing city. The return shall state the total gross receipts derived in the
34 preceding month from rentals upon which the tax is levied. A room occupancy tax
35 return filed with the city finance officer is not a public record and may not be disclosed
36 except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

37 (e) Penalties. – A person, firm, corporation, or association who fails or refuses to
38 file a room occupancy tax return or pay a room occupancy tax as required by law is
39 subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a
40 return for State sales and use taxes. The governing board of the taxing city has the same
41 authority to waive the penalties for a room occupancy tax that the Secretary of Revenue
42 has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. – A room occupancy tax levied by a city may be repealed or reduced by a resolution adopted by the governing body of the city. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to the Cities of Goldsboro, Greensboro, High Point, Lumberton, Mount Airy, Shelby, and Statesville, to the Towns of Banner Elk, Mooresville, and St. Pauls, and to the municipalities in Brunswick County."

SECTION 3. Furniture showroom privilege license tax. (a) Levy. The High Point City Council may, by ordinance, after not less than 10 days' public notice and a public hearing held pursuant thereto, levy a privilege license tax on every person engaged in the business of operating a wholesale home furnishings showroom. A tax levied under this section may become effective no earlier than July 1 following its levy. A person is engaged in the business of operating a wholesale home furnishings showroom if the person does either of the following during the tax year:

- (1) Uses or holds out for use as a wholesale home furnishings showroom, on a permanent or temporary basis, his or her own property.
- (2) Leases or otherwise provides his or her property to another for use as a wholesale home furnishings showroom on a permanent or temporary basis.

SECTION 3.(b) Administration. The provisions of G.S. 105-33(b) and (h) apply to a tax levied under this section. As used in those provisions, the term "fiscal year" means the city's fiscal year and the term "person" has the meaning provided in G.S. 105-228.90. The city shall adopt regulations to govern the reporting and administration of the tax. The High Point City Council may appoint a body to hear and decide appeals concerning the application and administration of the tax.

SECTION 3.(c) Tax Base and Rate. The tax authorized by this section is based on the floor surface area of every wholesale home furnishings showroom used or held out for use. In the case of an ongoing business, the tax is based on the floor surface area used or held out for using during the previous fiscal year of the city. In the case of a new business, the tax is based on the floor surface area used or held out for use during the tax year.

A tax levied under this section may not exceed fifteen cents (15¢) per square foot, subject to a minimum tax of two hundred fifty dollars (\$250.00) per location.

SECTION 3.(d) Lien and Penalties. A tax levied under this section becomes a lien on the real property where the wholesale home furnishings showroom is located. The penalties provided in G.S. 105-236 apply to a tax levied under this section.

SECTION 3.(e) Use of Tax Revenue. The City of High Point shall use the net proceeds of a tax levied under this section only for furniture market promotion and visitor assistance.

1 **SECTION 3.(f).** Definitions. The following definitions apply in this section:

- 2 (1) Floor surface area. -- Gross interior wall space, which may include not
3 only the showroom but also any ancillary areas such as aisles,
4 hallways, stairwells, escalators, elevators, eating and drinking areas,
5 restrooms, and common areas.
- 6 (2) Furnishings merchandise. -- Furniture of any kind, including both
7 home and office furniture, furnishings accessories and decorative items
8 of any kind. The term may include lamps, lighting fixtures, pictures,
9 wall coverings, art objects, artificial plants or flowers, rugs, carpets,
10 floor coverings, giftware, kitchenware, and pottery.
- 11 (3) Furniture market promotion and visitor assistance. -- Activities and
12 expenditures to promote the International Home Furnishings Market
13 in the city and to assist visitors who attend it. The term may include
14 advertising and other promotional activities, transportation and
15 parking, housing facilitation, buyer registration, and administration of
16 these activities.
- 17 (4) Net proceeds. -- Gross proceeds less the cost to the city of
18 administering and collecting the tax, as determined by the finance
19 officer, not to exceed three percent (3%) of the first five hundred
20 thousand dollars (\$500,000) of gross proceeds collected each year and
21 one percent (1%) of the remaining gross receipts collected each year.
- 22 (5) Wholesale home furnishings showroom. -- Real property used or
23 intended for use for the display of furnishings merchandise for the
24 purpose of sale, or exhibition to solicit orders for sale, to resellers of
25 furnishings.

26 **SECTION 3.(g)** Contracts. The city may contract with a nonprofit agency
27 to carry out the authorized uses of the furniture showroom privilege license tax
28 proceeds.

29 **SECTION 4.** This act is effective when it becomes law.
30

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 163*
PROPOSED COMMITTEE SUBSTITUTE H163*-PCS3136-SO-1

Short Title: Furniture Market Improvement Act.

(Local)

Sponsors:

Referred to:

February 19, 2001

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE
3 MARKET IMPROVEMENTS.
4 The General Assembly of North Carolina enacts:
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8 hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax
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11 charitable, educational, or religious organizations when furnished in furtherance of their
12 nonprofit purpose.
13 **SECTION 1.(b)** Administration. A tax levied under this section shall be
14 levied, administered, collected, and repealed as provided in G.S. 160A-215. The
15 penalties provided in G.S. 160A-215 apply to a tax levied under this section.
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8 (a) **Scope.** – This section applies only to municipalities the General Assembly
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12 less than 10 days' public notice and after a public hearing held pursuant thereto. A room
13 occupancy tax shall become effective on the date specified in the resolution levying the
14 tax. That date must be the first day of a calendar month, however, and may not be
15 earlier than the first day of the second month after the date the resolution is adopted.

16 (c) **Collection.** – Every operator of a business subject to a room occupancy tax
17 shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall
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42 has to waive the penalties for State sales and use taxes.

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- (1) Uses or holds out for use as a wholesale home furnishings showroom, on a permanent or temporary basis, his or her own property.
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SECTION 3.(c) Tax base and rate. The tax authorized by this section is based on the floor surface area of every wholesale home furnishings showroom used or held out for use. In the case of an ongoing business, the tax is based on the floor surface area used or held out for using during the previous fiscal year of the city. In the case of a new business, the tax is based on the floor surface area used or held out for use during the tax year.

A tax levied under this section may not exceed fifteen cents (15¢) per square foot, subject to a minimum tax of two hundred fifty dollars (\$250.00) per location.

SECTION 3.(d) Lien and penalties. A tax levied under this section becomes a lien on the real property where the wholesale home furnishings showroom is located. The penalties provided in G.S. 105-236 apply to a tax levied under this section.

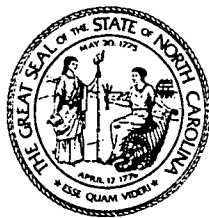
SECTION 3.(e) Use of tax revenue. The City of High Point shall use the net proceeds of a tax levied under this section only for furniture market promotion and visitor assistance.

SECTION 3.(f) Definitions. The following definitions apply in this section:

- (1) Floor surface area. – Gross interior wall space, which may include not only the showroom but also any ancillary areas such as aisles, hallways, stairwells, escalators, elevators, eating and drinking areas, restrooms, and common areas.
- (2) Furnishings merchandise. – Furniture of any kind, including both home and office furniture, furnishings accessories and decorative items of any kind. The term may include lamps, lighting fixtures, pictures, wall coverings, art objects, artificial plants or flowers, rugs, carpets, floor coverings, giftware, kitchenware, and pottery.
- (3) Furniture market promotion and visitor assistance. – Activities and expenditures to promote the International Home Furnishings Market in the city and to assist visitors who attend it. The term may include advertising and other promotional activities, transportation and parking, housing facilitation, buyer registration, and administration of these activities.
- (4) Net proceeds. – Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (5) Wholesale home furnishings showroom. – Real property used or intended for use for the display of furnishings merchandise for the purpose of sale, or exhibition to solicit orders for sale, to resellers of furnishings.

SECTION 3.(g) Contracts. The city may contract with a nonprofit agency to carry out the authorized uses of the furniture showroom privilege license tax proceeds.

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



HOUSE BILL 163: Furniture Market Improvement Act

BILL ANALYSIS

Committee: House Local and Regional
Government II
Date: February 28, 2001
Version: PCS for First Edition H163-
CSSO-1 [v2.]

Introduced by: Representative Jarrell
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would allow High Point to promote its furniture market and enhance its visitor assistance via revenue generated from two new taxes authorized by this bill: 1) a room occupancy tax; and 2) a furniture showroom privilege license tax.*

CHANGES BY THE PROPOSED COMMITTEE SUBSTITUTE: The proposed committee substitute removes certain items from the definition of "furnishings merchandise" in Section 3(f)(2) of the bill. It takes out reference to "real" as applied to plants or flowers, "kitchen appliances," and "bath fixtures."

CURRENT LAW: Room Occupancy Tax - The municipalities of Goldsboro, Lumberton, Mt. Airy, Shelby, Statesville, Banner Elk, Mooresville, and St. Pauls, and the municipalities in Brunswick County are all authorized to levy room occupancy taxes under G.S. §160A-215. The same statute establishes uniform provisions governing the scope, levy, collection, administration, and repeal or reduction of room occupancy taxes and penalties for failure to pay. Among other results, this bill would add High Point to the list of municipalities authorized to levy room occupancy taxes and subject the city to the same uniform provisions.

Furniture Showroom Privilege License Tax - Privilege taxes are authorized and governed by Article 2 of Chapter 105 of the General Statutes, beginning with G.S. 105-33. Under this Article, municipalities are authorized to tax annually "the privilege of carrying on the business, exercising the privilege, or doing the act named." N.C.G.S. § 105-33(a). This bill would allow High Point to levy a tax on those who operate a furniture showroom during the tax year, under the privilege license-taxing authority provides in Article 2 of Chapter 105.

BILL ANALYSIS: Room Occupancy Tax (Sects. 1, 2, and 4) This portion of the bill would authorize High Point, by ordinance, to levy a room occupancy tax on guests of the city who stay in a room, lodging, or accommodation at a hotel, motel, inn or other similar place. The tax may not exceed 3% of gross receipts by the hotel, motel, inn, or similar place and does not apply to accommodations provided by nonprofit charitable, educational or religious organizations when furnished in furtherance of their nonprofit purpose. The uniform provisions for such taxes in G.S. §160A-215 will govern the levy, collection, administration and repeal or reduction of the tax. Proceeds shall only be used to promote the furniture market and visitor assistance. High Point may contract with a nonprofit agency in directing use of the proceeds as authorized.

Furniture Showroom Privilege License Tax (Sects. 3 and 4) - This portion of the bill would authorize High Point, by ordinance, to levy a privilege license tax on every person operating a wholesale home furnishings showroom within the city during the tax year. Provisions in G.S. 105-33(b) and (h) apply to the administration of the tax. High Point is authorized to adopt regulations for reporting and administration of the tax. The tax levied could not exceed a rate of 15 cents (15¢) per square foot of

HOUSE BILL 163

Page 2

showroom floor surface area, as defined in the bill, subject to a minimum tax of two hundred fifty dollars (\$250). Proceeds shall only be used to promote the furniture market and visitor assistance. High Point may contract with a nonprofit agency in directing use of the proceeds as authorized.

EFFECTIVE DATE: Effective when it becomes law.

The International Home Furnishings Market's Economic Impact on North Carolina for 2000

\$312,000,000.00

Three Hundred Twelve Million

Where Market Makes Its Impact

- ◆ \$131 million for Accommodations
- ◆ \$78 million for Food & Entertainment
- ◆ \$53 million for Transportation
- ◆ \$25 million for Retail Purchases
- ◆ \$22 million for State & Local Taxes
(Includes Room Tax Revenue)
- ◆ \$3 million Miscellaneous Services

Decade of Growth

\$312 Million in 1999 124%
\$139 Million in 1989 Increase

Total Attendance		Exhibitors		International Attendance	
Each Market		Each Market		Annual	
80,000 in 1999	43%	2,400 in 1999	50%	11,500 in 1999	423%
55,700 in 1989	Increase	1,600 in 1989	Increase	2,200 in 1989	Increase
Showroom Buildings		Square Footage		Countries Attending	
Each Market		Each Market		Annual	
170 in 1999	13%	8 Million in 1999	33%	108 in 1999	116%
150 in 1989	Increase	6 Million in 1989	Increase	50 in 1989	Increase

The International Home Furnishings Market is North Carolina's largest event, bringing more people, for a longer period of time, over a larger piece of the State's geography than any other event.

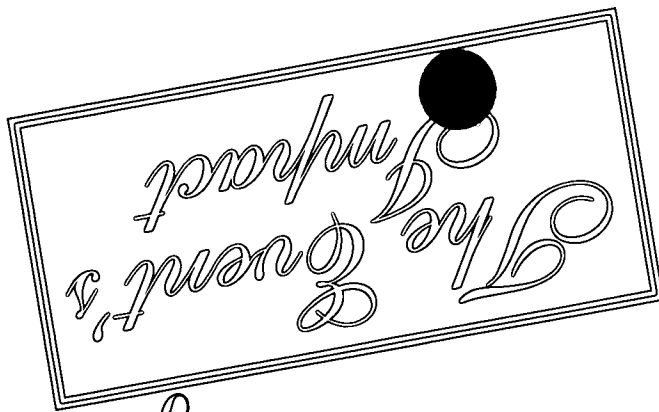
Market's Attendance – An average of 80,000 manufacturers/exhibitors, sales representatives, retail home furnishings buyers, interior designers, architects, exhibitor support personnel, suppliers and news media attend each April and each October Market. It is open to the trade only. Attendance is from 50-U.S. States and more than 108 foreign countries. Annual international attendance is 11,500 participants. International exhibitors represent average of 10% of total exhibitors.

Exhibitors – There were 2,400 manufacturers representing finished goods in casegoods, upholstery, accessories, lighting, bedding and rugs exhibiting at each Market in 1999.

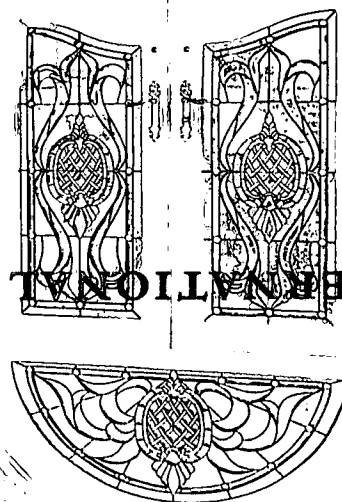
Size – Market uses 8.5 million square feet or 765,000 square meters of permanent showroom space in 170 separate buildings in High Point & Thomasville, North Carolina. That is equivalent to 149 football fields or 107 soccer fields under roof. Each participant has more than 100 square feet or the equivalent of a room 10x10 to stand in without touching anyone else. The International Home Furnishings Market is the largest and most important wholesale home furnishings Market in the world.

History – In 1989 the Southern Furniture Market changed its name to the International Home Furnishings Market. The first Southern Furniture Market was held in High Point in 1909. 1913 was the first year that Market was held twice a year. The 1913 Market used 30,000 square feet in 8 buildings with 100 exhibitors and 400 attendees.

This Economic Impact Statement is based on Market's last full year's figures & the U.S. Department of Labor Consumer Price Index. Figures are not adjusted by any multiplier effect. Figures are exclusive of furniture ordered & jobs sustained in North Carolina's furniture manufacturing industry.



Home Furnishings MARKET



INTERNATIONAL

The International Home Furnishings Market is the largest wholesale home furnishings market in the world. It is where more than 2,400 home furnishings manufacturers permanently display the largest assortment of home furnishings in the world. The Market provides an environment for retail home furnishings dealers, architects and interior designers representing more than 63 distinct channels of distribution to do business. They come to view and to buy at wholesale the finished goods manufactured by the exhibitors. The Market is open only to the trade. The Market is where major manufacturers of casegoods, upholstery, decorative accessories, lighting, rugs, and bedding introduce new merchandise twice annually. The Market uses more than 8.5 million square feet or 765,000 square meters of exhibition space. More than 170 buildings are devoted exclusively to the display of home furnishings.

The Market offers the retail dealer access to the complete line of more manufacturers than can be found anywhere in the world.

The International Home Furnishings Market is held each April and each October in North Carolina. There are concentrations of showroom facilities in High Point and Thomasville. Showrooms are located in these cities in major for lease space buildings, showrooms at the manufacturer's factory, or in free standing showrooms located throughout the Market area. The surrounding communities provide the necessary support facilities such as hotel/motel accommodations, restaurants, transportation, etc., which are required to facilitate the movement of Market participants. The International Home Furnishings Market is sponsored by the International Home Furnishings Marketing Association.

INTERNATIONAL *Home Furnishings* MARKETING
ASSOCIATION, INC.

317 West High Avenue, Post Office Box HP-7
High Point, North Carolina U.S.A. 27261-4860

Telephone 336-869-1000 FAX 336-889-7460

www.furnituremarket.org

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Printed in U.S.A.
500-3M-PKGC's

VISITOR REGISTRATION SHEET

LOCAL GOVT II

Name of Committee

2-28-01

Date _____

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

NAME

FIRM OR AGENCY AND ADDRESS

Amy Hobbs	NCHMA
Carol Lawler	EGHS
Estherine Dine	Electric Cities
Mark Binkley	News & Record
Fred Baggett	City & High Park
Rep. Lennie Canale	
Rep. Ima H. H. H.	
Rep. Palmer Shivers	
J. B. Fisher	Asheville Citizen-Times

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
March 7, 2001
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 6 MERGE JONESVILLE AND ARLINGTON (Rep. Holmes)

HB 18 NASH PRIVATE SALE/FLOOD HOMES (Rep. Arnold)

**HB 108 CERTAIN COUNTIES DELINQUENT TAXES
(Reps. Haire, Carpenter, and West)**

HB 212 USE OF NEW HANOVER PARKING PROCEEDS (Rep. McComas)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
March 7, 2001

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, March 7, 2001, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Barbee, Capps, Fox, Gillespie, Haire, Owens, Walker, Warren, West, G. Wilson and Womble. Esther Manheimer and Frank Folger, committee counselors, were also in attendance.

Representative Jarrell called the meeting to order and recognized the pages, Kirsten Davis and Lauren Hill. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 6 – MERGE JONESVILLE AND ARLINGTON. Representative Holmes, sponsor, explained that this bill would provide for an election for, and if approved by the voters, the merger of the towns of Jonesville and Arlington in Yadkin County to create a new Town of Jonesville. Motion was made for a favorable report by Representative Womble and motion carried.

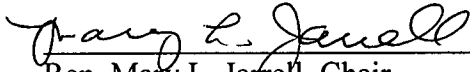
HB 18 – NASH PRIVATE SALE/FLOOD HOMES. Representative Arnold, sponsor, was called upon to explain the bill. Currently, Nash County is administering a buyout of homes flooded as a result of Hurricane Floyd. Under the program, the County buys the homes at the pre-disaster fair market value and the homeowner uses the proceeds of the sale to relocate.

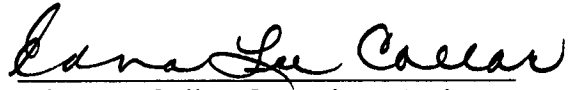
A proposed committee substitute was offered and Representative Owens moved for its adoption. Motion carried. Representative Owens made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 108 – CERTAIN COUNTIES DELINQUENT TAXES. Representative Haire, sponsor, explained this bill which authorizes the commissioners of the Counties of Cherokee, Graham, Haywood, Jackson, Madison, and Swain to pass a resolution requiring the register of deeds in each of these counties to refuse to accept any deed for registration if there are delinquent property taxes owing on the property described in the deed or if there are any taxes that are a lien on the property. The county tax collector must first certify that there are no delinquent taxes owing on the property or any liens on the property. Representative Owens offered amendment (copy attached to Minutes) and moved for its adoption. The motion carried. Representative Womble moved to incorporate the amendment into a committee substitute with a favorable report, unfavorable to original bill. Motion carried.

HB 212 – USE OF NEW HANOVER PARKING PROCEEDS. Representative McComas, sponsor of the bill, explained that this bill would allow the Town of Carolina Beach, the Town of Kure Beach, and the City of Wilmington to use the proceeds from on-street parking in the same manner as off-street proceeds may be used. Representative Owens made a motion for a favorable report. Motion carried.

The meeting adjourned at 11:45 a.m.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 6 A BILL TO BE ENTITLED AN ACT TO MERGE THE TOWNS OF JONESVILLE
AND ARLINGTON.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 6

Short Title: Merge Jonesville and Arlington.

(Local)

Sponsors: Representatives Holmes; and Walker.

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

January 25, 2001

A BILL TO BE ENTITLED

AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Yadkin County Board of Elections shall conduct an election on a date established by it but on or before June 1, 2001, for the purpose of submitting to the qualified voters of the area described in Section 2.1 of the Charter of Jonesville contained in Section 2 of this act, the question of whether the Towns of Jonesville and Arlington shall be merged and their obligations assumed by the Town of Jonesville. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

SECTION 1.(b) In the election, the question on the ballot shall be:

"[] FOR []AGAINST

merger of the Towns of Arlington and Jonesville and the assumption of their obligations by the Town of Jonesville."

SECTION 1.(c) In the election, if a majority of the votes cast in each of the respective Towns of Jonesville and Arlington are "FOR merger of the Towns of Arlington and Jonesville and the assumption of their obligations by the Town of Jonesville" then Sections 2 through 6 of this act become effective as set forth in Section 9 of this act. Otherwise, Sections 2 through 6 of this act do not become effective.

SECTION 2. The following constitutes the Charter of the Town of Jonesville, being the Town of Jonesville of the Towns of Arlington and Jonesville:

"CHARTER OF THE TOWN OF JONESVILLE.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and General Powers.** The inhabitants of the former Town of Jonesville and the inhabitants of the former Town of Arlington are a body corporate and politic under the name of 'The Town of Jonesville' (also referred to as the 'Town'). Under that name they have all powers, duties, rights, privileges and immunities conferred and imposed upon municipal corporations by the general law of the State.

1 "ARTICLE II. CORPORATE BOUNDARIES.

2 "Sec. 2.1. **Town Boundaries.** The corporate limits of the Town of Jonesville consist
3 of all of the territory that was within the corporate limits of the Town of Arlington and
4 all of the territory that was within the corporate limits of the Town of Jonesville on the
5 date of ratification of the act establishing this Charter. An official map of the Town,
6 showing the current boundaries, as they may be changed from time to time in
7 accordance with law, is maintained permanently in the office of the Town Clerk and is
8 available for public inspection. Immediately upon alteration of the corporate limits
9 made pursuant to law, the appropriate changes to the official map shall be made and
10 copies shall be filed in the office of the Secretary of State, the Yadkin County Register
11 of Deeds and the appropriate boards of elections.

12 "ARTICLE III. GOVERNING BODY.

13 "Sec. 3.1. **Mayor and Town Council.** The Mayor and the Town Council constitute
14 the governing body of the Town.

15 "Sec. 3.2. **Town Council; Composition; Terms of Office.** The Council is
16 composed of five members who are elected by all the qualified voters of the Town for
17 terms of four years or until their successors are elected and qualified.

18 "Sec. 3.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the qualified
19 voters of the Town for a term of four years or until a successor is elected and qualified.

20 "ARTICLE IV. ELECTIONS.

21 "Sec. 4.1. **Conduct of Town Elections.** Regular municipal elections shall be held in
22 each odd-numbered year in accordance with the uniform municipal election laws of the
23 State. Elections are conducted on a nonpartisan basis and the results determined using
24 the nonpartisan plurality method as provided in G.S. 163-292.

25 "Sec. 4.2. **Election of Town Council.** In 2001, five members of the council shall be
26 elected. The two persons receiving the highest numbers of votes are elected for
27 four-year terms, and the three persons receiving the next highest numbers of votes are
28 elected to two-year terms. In 2003 and quadrennially thereafter, three council members
29 are elected to four-year terms. In 2005 and quadrennially thereafter, two council
30 members are elected to four-year terms.

31 "Sec. 4.3 **Election of Mayor.** A Mayor shall be elected in 2001 and quadrennially
32 thereafter for a four-year term.

33 "ARTICLE V. ADMINISTRATION.

34 "Sec. 5.1. **Town to Operate Under Council-Manager Plan.** The Town operates
35 under the council-manager form of government in accordance with Part 2 of Article 7 of
36 Chapter 160A of the General Statutes."

37 **SECTION 3.** Upon certification of the results of the election, the governing
38 body of the Town of Jonesville and the governing body of the Town of Arlington shall
39 each choose three persons to serve on the Town Council of the Town of Jonesville from
40 July 1, 2001, until the organizational meeting after the regular 2001 municipal election.
41 The new Town Council shall hold an organizational meeting on July 2, 2001, and shall
42 elect from among its membership a Mayor to serve until the organizational meeting
43 after the regular 2001 municipal election. The membership of the council,

1 notwithstanding Section 3.2 of the Charter as enacted by this act, shall remain at six
2 during that period.

3 **SECTION 4.(a)** All property, real, personal and mixed, including accounts
4 receivable, belonging to the former Town of Arlington or Jonesville shall vest in,
5 belong to, and be the property of the Town of Jonesville. The governing bodies of the
6 Towns of Jonesville and Arlington are authorized and directed to take such actions and
7 to execute such documents as will carry into effect the provisions and the intent of this
8 section.

9 **SECTION 4.(b)** All judgments, liens, rights of liens, and causes of action of
10 any nature in favor of the former Town of Arlington or Jonesville shall vest in and
11 remain and inure to the benefit of the Town of Jonesville.

12 **SECTION 4.(c)** All taxes, assessments, water or sewer charges, and any
13 other charges or fees, owing to the former Town of Arlington or Jonesville shall be
14 owed to and collected by the Town of Jonesville.

15 **SECTION 4.(d)** All actions, suits, and proceedings pending against or having
16 been instituted by the former Town of Arlington or Jonesville shall not be abated by this
17 act or by the merger provided herein, but shall be continued and completed in the same
18 manner as if merger had not occurred, and the Town of Jonesville shall be a party to all
19 such actions, suits, and proceedings in the place and stead of the former Town of
20 Arlington or Jonesville and shall pay or cause to be paid any judgments rendered against
21 the former Town of Arlington or Jonesville in any such actions, suits, or proceedings.
22 No new process need be served in any such action, suit, or proceeding.

23 **SECTION 4.(e)** All obligations of the former Town of Arlington or
24 Jonesville, including outstanding indebtedness, shall be assumed by the Town of
25 Jonesville, and all such are hereby constituted obligations of the Town of Jonesville,
26 and the full faith and credit of the Town of Jonesville shall be deemed to be pledged for
27 the punctual payment of the principal of and interest on all general obligation bonds and
28 bond anticipation notes of the former Town of Arlington or Jonesville, and all the
29 taxable property located in the former Town of Arlington or Jonesville shall be subject
30 to taxation by the Town of Jonesville for such payment.

31 **SECTION 4.(f)** All ordinances of the former Town of Jonesville shall
32 continue in full force in the entire new corporate limits of the Town unless otherwise
33 provided by the governing body of the Town of Jonesville as provided by law, except
34 that franchise ordinances shall not apply within the former corporate limits of the Town
35 of Arlington as long as a franchise ordinance of the Town of Arlington continues to
36 apply. All ordinances of the Town of Arlington, other than franchise ordinances
37 preserved by subsection (g) this section, expire July 2, 2001.

38 **SECTION 4.(g)** All franchises heretofore granted by the former Town of
39 Arlington or Jonesville that are still in force shall continue as valid franchises of the
40 Town of Jonesville for the purposes granted within the area comprising the former
41 Town of Arlington or Jonesville.

42 **SECTION 4.(h)** No person employed by either the former Town of Arlington
43 or Jonesville shall be terminated solely due to the merger provided for in this act.

44 **SECTION 4.(i)** The Town of Arlington is hereby abolished.

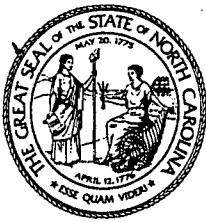
1 **SECTION 4.(j)** All references to the "Town of Jonesville" are references to
2 the Town of Jonesville established under this act.

3 **SECTION 5.** Chapter 365 of the 1901 Session Laws, being the Charter of
4 Jonesville, and the Charter of Arlington as adopted by the Municipal Board of Control,
5 having served the purposes for which they were enacted, or having been consolidated
6 into this act are repealed.

7 **SECTION 6.(a)** This act does not repeal, modify, or in any manner affect any
8 acts validating, confirming, approving, or legalizing official proceedings, actions,
9 contracts, or obligations of any kind of the Town of Jonesville or of the Town of
10 Arlington.

11 **SECTION 6.(b)** The Jonesville Town Council may adopt a budget for the
12 2001-2002 fiscal year on or after July 2, 2002, without following the timetable directed
13 in the Local Government Budget and Fiscal Control Act. The governing boards of the
14 Towns of Arlington and Jonesville may prior to July 1, 2001, jointly adopt a temporary
15 2001-2002 budget for the Town of Jonesville to operate under until adoption of the
16 permanent budget after the merger.

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



HOUSE BILL 6: Merge Jonesville and Arlington

BILL ANALYSIS

Committee: House Local and Regional
Government II
Date: March 6, 2001
Version: First Edition

Introduced by: Representatives Homes and
Walker
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would provide for an election for and, if approved by the voters, the merger of the towns of Jonesville and Arlington in Yadkin County to create a new Town of Jonesville.*

CURRENT LAW: The towns of Jonesville and Arlington are two separate but adjacent towns within Yadkin County. Each is governed separately.

BILL ANALYSIS:

Section 1 – would require the Yadkin County Board of Elections to conduct an election no later than June 1, 2001 for the qualified voters of the towns of Jonesville and Arlington to decide if the two towns should merge to form a new Town of Jonesville (hereinafter "Town"). If a majority of the votes cast in each town favor the merger, Sections 2 – 6 of the bill would be triggered to establish the new Town. If not, Sections 2 - 6 would not become effective.

Section 2 - would create the Charter for the new Town which provides for:

- Incorporation and general powers of the Town;
- The Town boundaries to consist of all the territory of the two towns at the date of ratification;
- The Town to be governed by a mayor and a five-member town council, with staggered four-year terms for the council members;
- The Town to operate under a Council-Manager form of Government, in accordance with Part 2 of Article 7 of Chapter 160A;

Section 3 – would provide for transitional governance of the Town from July 1, 2001 until the organizational meeting after the regular 2001 municipal election.

Section 4 – would provide for:

- Consolidation of all property of the two towns and vesting of that property in the Town;
- All judgments, liens, debts, causes of action, taxes, assessments, charges, fees, lawsuits, or any other rights or obligations, whether in favor of or against the two towns, to remain unaffected by the merger, except to the extent that they would, as a result of the merger, be in the name of the new Town rather than the former towns;
- All ordinances, except franchise ordinances, of the former town of Jonesville to continue in full force and effect unless provided otherwise by the Town's governing body;
- All franchise ordinances of the former Jonesville to apply in the new Town only to the extent that franchise ordinances of the former Arlington would not continue to apply within its boundaries; and all franchises granted within each former town's boundaries to continue as valid franchises;

HOUSE BILL 6

Page 2

- No employees of either former town to be terminated solely because of the merger.
- The former Arlington to be abolished; and the former Charters of Jonesville (Chap. 365 of the 1901 Session Laws) and Arlington, as approved by the Municipal Board of Control, be repealed;
- Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts or obligations of any kind of the former towns to remain unaffected;
- The new Jonesville Town Council to be able to adopt a budget for the 2001-2002 fiscal year on or after July 1, 2001 without following the timetable directed in the Local Government Budget and Fiscal Control Act; and for the governing bodies of the former towns to jointly adopt a temporary budget until adoption of the permanent budget.

EFFECTIVE DATE: 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) **Jarrell** (Chair) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 18 A BILL TO BE ENTITLED AN ACT TO ALLOW NASH COUNTY TO DISPOSE
OF CERTAIN PROPERTY AT 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 18

Short Title: Nash Private Sale/Flood Homes.

(Local)

Sponsors: Representatives Arnold; Fitch, Hall, and Tolson.

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

January 30, 2001

A BILL TO BE ENTITLED
AN ACT TO ALLOW NASH COUNTY TO DISPOSE OF CERTAIN PROPERTY
AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

SECTION 1. This act is for the public purposes of benefiting citizens who were adversely affected by the floods accompanying Hurricane Floyd, promoting economic and community development, and strengthening the tax base.

SECTION 2. Nash County may sell any improvements affixed to or located on real property that it has purchased through the Hazard Mitigation Grant Program related to Hurricane Floyd. These improvements may be sold and are exempt from the restrictions and limitations required to effectuate sales of real or personal property provided for in Article 12 of Chapter 160A of the General Statutes. No dwelling may be sold pursuant to this section unless the following requirements are met:

- (1) The dwelling may be sold only to the verifiable owner of the dwelling at the time of Hurricane Floyd, September 15, 1999, and must initially be reoccupied by the same owner.
- (2) To protect the health and safety of the public, any dwelling to be sold must have been properly repaired in compliance with the North Carolina Building Code as verified by the Nash County Planning and Development Department by issuance of a building permit; subsequent inspections and a certificate of occupancy.
- (3) No dwelling purchased by the County under Phase I of the Hazard Mitigation Grant Program may be sold under this act after July 30, 2001.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

D

**HOUSE BILL 18
PROPOSED COMMITTEE SUBSTITUTE H18-PCS3161-SK-5**

Short Title: Nash Private Sale/Flood Homes.

(Local)

Sponsors:

Referred to:

January 30, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW NASH COUNTY TO DISPOSE OF CERTAIN PROPERTY
AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

SECTION 1. This act is for the public purposes of benefiting citizens who were adversely affected by the floods accompanying Hurricane Floyd, promoting economic and community development, and strengthening the tax base.

SECTION 2. Nash County may sell any improvements affixed to or located on real property that it has purchased through the Hazard Mitigation Grant Program related to Hurricane Floyd. These improvements may be sold and are exempt from the restrictions and limitations required to effectuate sales of real or personal property provided for in Article 12 of Chapter 160A of the General Statutes. No dwelling may be sold pursuant to this section unless the following requirements are met:

(1) The dwelling may be sold only to the verifiable owner of the dwelling at the time of Hurricane Floyd, September 15, 1999, and must initially be reoccupied by the same owner.

(2) The dwelling must have been properly repaired in compliance with the North Carolina Building Code as verified by the Nash County Planning and Development Department by issuance of a building permit, subsequent inspections, and a certificate of occupancy.

(3) The dwelling must be sold on or before July 30, 2001.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

D

**HOUSE BILL 18
PROPOSED COMMITTEE SUBSTITUTE H18-CSSK-5 [v.1]**

3/6/2001 5:02:03 PM

Short Title: Nash Private Sale/Flood Homes.

(Local)

Sponsors:

Referred to:

January 30, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW NASH COUNTY TO DISPOSE OF CERTAIN PROPERTY
3 AT PRIVATE SALE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** This act is for the public purposes of benefiting citizens who
6 were adversely affected by the floods accompanying Hurricane Floyd, promoting
7 economic and community development, and strengthening the tax base.

8 **SECTION 2.** Nash County may sell any improvements affixed to or located
9 on real property that it has purchased through the Hazard Mitigation Grant Program
10 related to Hurricane Floyd. These improvements may be sold and are exempt from the
11 restrictions and limitations required to effectuate sales of real or personal property
12 provided for in Article 12 of Chapter 160A of the General Statutes. No dwelling may be
13 sold pursuant to this section unless the following requirements are met:

14 (1) The dwelling may be sold only to the verifiable owner of the dwelling
15 at the time of Hurricane Floyd, September 15, 1999, and must initially
16 be reoccupied by the same owner.

17 (2) The dwelling must have been properly repaired in compliance with the
18 North Carolina Building Code as verified by the Nash County
19 Planning and Development Department by issuance of a building
20 permit, subsequent inspections, and a certificate of occupancy.

21 (3) The dwelling must be sold on or before July 30, 2001.

22 **SECTION 3.** This act is effective when it becomes law.
23



HB 18: Nash Private Sale/Flood Homes

BILL ANALYSIS

Committee: Local Government II
Date: March 7, 2001
Version: H18-CSSK-5[v.1]

Introduced by: Representatives Arnold, Fitch,
Hall, and Tolson
Summary by: Esther Manheimer
Committee Counsel

Bill Analysis: Currently, Nash County is administering a buyout program of homes flooded as a result of Hurricane Floyd. This program is called the Hazard Mitigation Grant Program and is 75% federally funded and 25% State funded. Under the program, the County buys the homes at the pre-disaster fair market value and the homeowner uses the proceeds of the sale to relocate. There are 30 homes in Nash County eligible for the buyout program and 19 have already sold their home to the County. The home is then removed by the County and disposed of in a landfill.

This bill would allow the County to buy the 11 remaining homes and then sell the homes back to the homeowners without complying with the sale and disposition of property requirements set out in Article 12 of Chapter 160A. The sale may be conducted provided that:

1. The home is sold only to the individual(s) that owned the home at the time of Hurricane Floyd.
2. The home is now in compliance with the NC Building Code.
3. The home is sold by July 30, 2001.

Constitutional Considerations. This bill would allow a small group of homeowners to purchase their homes back from the County while enjoying an exception to the disposition of property requirements. This may be a violation of Art. I, Sec. 32 of the Constitution of North Carolina that states: "No person...is entitled to exclusive...emoluments or privileges from the community but in consideration of public services." However, the courts have held that no violation of this provision occurs when an exemption that benefits a particular group of person is (1) intended to promote the general welfare and (2) the exemption serves the public interest. Town of Emerald Isle ex rel. Smith v. State, 320 N.C. 640 (1987). It could be argued that Hurricane Floyd recovery, such as this local bill, is intended to promote the general welfare and serves a public interest.

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

☐ Committee Substitute for

H.B. 108 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHEROKEE, GRAHAM, HAYWOOD, JACKSON, MADISON, AND SWAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 108

Short Title: Certain Counties Delinquent Taxes.

(Local)

Sponsors: Representatives Haire, Carpenter, and West.

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

February 14, 2001

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"§ 161-31. Tax certification.

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

SECTION 2. This act applies only to Cherokee, Graham, Haywood,
Jackson, Madison, and Swain Counties.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 108
PROPOSED COMMITTEE SUBSTITUTE H108-PCS3162-SK-6

Short Title: Certain Counties Delinquent Taxes.

(Local)

Sponsors:

Referred to:

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CAMDEN, CHEROKEE, CURRITUCK, GRAHAM,
HAYWOOD, JACKSON, MADISON, PASQUOTANK, PERQUIMANS, AND
SWAIN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT
PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

The General Assembly of North Carolina enacts:

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

"§ 161-31. Tax certification.

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

SECTION 2. This act applies only to Camden, Cherokee, Currituck,
Graham, Haywood, Jackson, Madison, Pasquotank, Perquimans, and Swain Counties.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1H. B. No. 108

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

Owens1 moves to amend the bill on page 1, lines 14-15

2 (✓) WHICH CHANGES THE TITLE

3 by rewriting those lines to read:

4 "Section 2. This act applies only to
5 Camden, Cherokee, Currituck, Graham,
6 Haywood, Jackson, Madison, Pasquotank,
7 and Swain Counties."

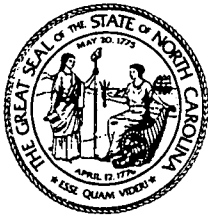
8
9 and on page 1, lines 2-3

10 by rewriting those lines to read:

12 "AN ACT TO AUTHORIZE CAMDEN,
13 CHEROKEE, CURRITUCK, GRAHAM,
14 HAYWOOD, JACKSON, MADISON, PASQUOTANK,
15 PERQUIMANS, AND SWAIN COUNTIES
16 TO REQUIRE THE PAYMENT OF".

17
18
19
SIGNED [Signature]

ADOPTED _____ FAILED _____ TABLED _____



HB 108: Certain Counties Delinquent Taxes

BILL ANALYSIS

Committee: House Local Government II
Date: March 7, 2001
Version: First Edition

Introduced by: Representatives Haire,
Carpenter, and West
Summary by: Esther Manheimer
Committee Counsel

Bill Analysis: This bill authorizes the boards of commissioners of the Counties of Cherokee, Graham, Haywood, Jackson, Madison, and Swain to pass a resolution requiring the register of deeds in each of these counties to refuse to accept any deed for registration if there are delinquent property taxes owing on the property described in the deed or if there are any taxes that are a lien on the property. The county tax collector must first certify that there are no delinquent taxes owing on the property or any or liens on the property.

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

☐ Committee Substitute for

H.B. 212 A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN MUNICIPALITIES
IN NEW HANOVER COUNTY TO USE PROCEEDS FROM ON-STREET PARKING
METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET
PARKING FACILITIES ARE USED.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 212

Short Title: Use of New Hanover Parking Proceeds.

(Local)

Sponsors: Representative McComas.

Referred to: Local Government II.

February 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CERTAIN MUNICIPALITIES IN NEW HANOVER COUNTY
3 TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME
4 MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING
5 FACILITIES ARE USED.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** Section 2 of S.L. 1998-86 reads as rewritten:
8 "Section 2. This act applies to the Town of Wrightsville ~~Beach~~ Beach, the Town of
9 Carolina Beach, the Town of Kure Beach, and the City of Wilmington only."
10 **SECTION 2.** This act is effective when it becomes law.



HB 212: Use of New Hanover Parking Proceeds

BILL ANALYSIS

Committee: House Local Government II
Date: March 7, 2001
Version: First Edition

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

Bill Analysis: Under current law, cities may install **on-street** parking meters and collect the proceeds. The proceeds realized from **on-street** parking meters may only be used to "defray the cost of enforcing and administering traffic and parking ordinances and regulations." G.S. 160A-301(a).

Cities may also charge a fee for the use of **off-street** parking such as city owned lots and garages. "Revenues realized from **off-street** parking facilities may be pledged to amortize bonds issued to finance such facilities, or used for any other public purpose." G.S. 160A-301(b).

This bill would allow the Town of Carolina Beach, the Town of Kure Beach, and the City of Wilmington to use the proceeds from on-street parking meters in the same manner as off-street proceeds may be used. In other words, the parking meter proceeds will no longer be limited to defraying the cost of administering traffic ordinances, and instead will now be available for any public purpose.

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

S.L. 1998-87

H.B. 1595

SESSION LAW 1998-85

AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REQUIRING SPRINKLER SYSTEMS IN CERTAIN BUILDINGS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any provision of the North Carolina Building Code or any general or local law to the contrary, including Chapter 143 of the General Statutes, a city may require, by ordinance, the installation of sprinkler systems in the following types of buildings that are constructed within the city or the city's extraterritorial planning jurisdiction after the effective date of any ordinance adopted by the city: (i) buildings in excess of 50 feet in height, (ii) nonresidential buildings regardless of height, and (iii) residential buildings that have three or more dwelling units regardless of height. The installation of sprinkler systems shall be completed within a reasonable period of time, which shall be provided in any ordinances adopted by the city.

Section 2. This act applies to the Town of Wrightsville Beach only.

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

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

Became law on the date it was ratified.

H.B. 1596

SESSION LAW 1998-86

AN ACT TO ALLOW THE TOWN OF WRIGHTSVILLE BEACH TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 160A-301(a), a city may use the proceeds from parking meters on public streets in the same manner in which proceeds from off-street parking facilities are permitted under G.S. 160A-301(b).

Section 2. This act applies to the Town of Wrightsville Beach only.

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

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

Became law on the date it was ratified.

H.B. 1618

SESSION LAW 1998-87

AN ACT TO GRANT AUTHORITY TO THE CITY OF EDEN TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

[SESSION LAW

General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 733 of the General Statutes, as amended by S.L. 1997-101 reads as rewritten:

Section 2. This act applies to the Cities of Eden and Fayetteville only."

Section 2. This act is effective when it becomes law after being read in the General Assembly read three times and ratified this the 10th day of August, 1998.

Became law on the date it was ratified.

H.B. 1540

SESSION LAW 1998-88

AN ACT TO CONFORM THE CHARTER OF THE CITY OF WEAVER TO GENERAL LAW BY AMENDING THE CHARTER TO FILL THE REMAINDER OF A COUNCIL MEMBER WHEN THE TERM OF A COUNCIL MEMBER WHEN DURING THE FIRST TWO YEARS OF A FOUR-YEAR TERM.

General Assembly of North Carolina enacts:

Section 1. Section 3(c) of the Charter of the City of Weaver, as amended by Chapter 952 of the 1959 Session Laws, as rewritten by Chapter 777 of the 1977 Session Laws, reads as rewritten:

(c) If a vacancy, for any reason, occurs on the day of the regular municipal election, the remaining members shall, within 30 days, after the day of the vacancy as provided herein. If the vacancy occurs on the day of a four-year term, and more than 30 days before the filing period for that office as provided by the regular municipal election, the person appointed to fill the vacancy shall be elected at the next regular statutory organizational meeting of the board of commissioners. If the vacancy occurs on the day of a regular municipal election, a person shall be elected to fill the vacancy at the next regular municipal election. A candidate for commissioner who receives the most votes after the candidates for commissioner who are elected pursuant to subsection (a) of this section is elected to the term to begin on the date of the organizational meeting for no more than the number of full and unexpired terms of the election. A vacancy occurring otherwise shall be filled by the next regular municipal election."

Section 2. This act is effective when it becomes law after being read in the General Assembly read three times and ratified this the 10th day of August, 1998.

Became law on the date it was ratified.

H.B. 1615

SESSION LAW 1998-89

AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO FUND THE ESTABLISHMENT OF TRAILS THROUGHOUT THE COUNTY.

The General Assembly of North Carolina enacts:

§ 160A-301. Parking.

(a) On-Street Parking. - A city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city. When parking is permitted for a specified period of time at a particular location, a city may install a parking meter at that location and require any person parking a vehicle therein to place the meter in operation for the entire time that the vehicle remains in that location, up to the maximum time allowed for parking there. Parking meters may be activated by coins or tokens. Proceeds from the use of parking meters on public streets must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations.

(b) Off-Street Parking. - A city may by ordinance regulate the use of lots, garages, or other facilities owned or leased by the city and designated for use by the public as parking facilities. The city may impose fees and charges for the use of these facilities, and may provide for the collection of these fees and charges through parking meters, attendants, automatic gates, or any other feasible means. The city may make it unlawful to park any vehicle in an off-street parking facility without paying the established fee or charge and may ordain other regulations pertaining to the use of such facilities.

Revenues realized from off-street parking facilities may be pledged to amortize bonds issued to finance such facilities, or used for any other public purpose.

(c) Nothing contained in Public Laws 1921, Chapter 2, Section 29, or Public Laws 1937, Chapter 407, Section 61, shall be construed to affect the validity of a parking meter ordinance or the revenues realized therefrom.

(d) The governing body of any city may, by ordinance, regulate the stopping, standing, or parking of vehicles in specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex, or commercial office complex, or any other privately owned public vehicular area, or prohibit such stopping, standing, or parking during any specified hours, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted. The owner of a vehicle parked in violation of an ordinance adopted pursuant to this subsection shall be deemed to have appointed any appropriate law-enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle.

(1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1941, c. 153, ss. 1, 2; c. 272; 1947, c. 7; 1953, c. 171; 1965, c. 945; 1971, c. 698, s. 1; 1973, c. 426, s. 48; 1979, c. 745, s. 2.)

Local Modification. - City of Fayetteville: 1991 (Reg. Sess., 1992), c. 952; town of Chapel Hill: 2000-97, s. 3; town of Wrightsville Beach: 1998-86.

VISITOR REGISTRATION SHEET

Local & Reg Government 3-7-01

Name of Committee

Date _____

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

NAME _____

FIRM OR AGENCY AND ADDRESS

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Lean M Killian	More F Campbell
Tim Mintes	NC Home Builders Assn
B. Dawson	La. Sen. Luridell
Dames	W. S. Journal
Andy Roman +	NCLM
Rep. Marge Carpenter	General Assembly
Bill Conaway	Dept. of Revenue
Michael Houser	Insider

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
March 21, 2001
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 423	GREENSBORO/PUBLIC INFORMATION/POLICE DISCIPLINE. (Representative Adams)
HB 555	HALIFAX REGIONAL AIRPORT AUTHORITY – “QUICK TAKE.” (Representative Crawford)
SB 138	MOUNT AIRY TDA CHANGES. (Senator Foxx)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
March 21, 2001

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, March 21, 2001, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Barbee, Fox, Owens, Walker, Warren, West, G. Wilson and Womble. Esther Manheimer and Frank Folger, committee counselors, were also in attendance.

Representative Jarrell called the meeting to order and recognized the pages, Patricia Lawrence and Amelia Hodges. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 423 – GREENSBORO/PUBLIC INFO./POLICE DISCIPLINE. Representative Adams, sponsor, explained that this bill would allow the city manager or chief of police of the City of Greensboro to reveal the disposition of a disciplinary charge against a police officer and its supporting facts to the city's Human Relations Commission Complaint Subcommittee and inform the allegedly-aggrieved person or that person's survivor of the disposition, while maintaining the confidentiality of non-public records.

A proposed committee substitute was offered and adopted on motion of Representative Hurley. Motion carried. Representative Womble made a motion to give the committee substitute for HB 423 a favorable report, unfavorable to original bill. Motion carried.

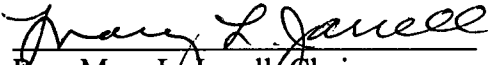
HB 555 – HALIFAX REGIONAL AIRPT. AUTHY.-'QUICK TAKE'. Representative Crawford, sponsor of the bill, explained that this bill would allow the Halifax Regional Airport Authority (the Authority) to condemn property for its use via the "quick take" procedure, in addition to the ordinary condemnation procedures.

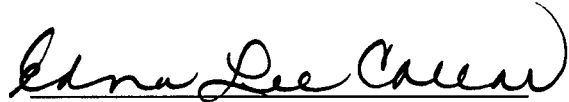
Representative Fox made a motion to give HB 555 a favorable report. Motion carried.

SB 138 – MOUNT AIRY TDA CHANGES. Senator Foxx, sponsor of SB 138, was called on to explain the bill. Under current law, members of the Mount Airy Tourism Development Authority serve three-year terms and are limited to no more than two consecutive terms. This bill would stagger terms of the TDA in different categories.

Representative Owens made a motion for a favorable report. Motion carried.

The meeting adjourned at 11:20.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 423 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 423

Short Title: Greensboro/Public Info./Police Discipline. (Local)

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

Referred to: Highway Safety & Law Enforcement.

March 1, 2001

A BILL TO BE ENTITLED
AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED
PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF
DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-168(c) reads as rewritten:

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

- (1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- (2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (3) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- (5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no

information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

(6) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

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

(8) In order to facilitate citizen review of the police disciplinary process, the city manager or the chief of police, or their designees, may release the disposition of disciplinary charges against a police officer and the facts relied upon in determining that disposition, to the Human Relations Commission Complaint Subcommittee and may release the disposition of the disciplinary charges to the person alleged to have been aggrieved by the officer's actions or to that person's survivor. Commission members shall maintain as confidential all personnel information released to them under this subsection that is not a matter of public record under this section, and any member who violates that confidentiality is guilty of the violations set forth in subsections (e) and (f) of this section. Each member of the Commission shall execute and adhere to a confidentiality agreement that is satisfactory to the city. For purposes of this subdivision, the term "disposition of disciplinary charges" includes determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the Greensboro Police Department."

SECTION 2. The act applies only to the City of Greensboro.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 423
PROPOSED COMMITTEE SUBSTITUTE H423-CSSO-3 [v.1]

3/16/2001 2:58:11 PM

Short Title: Greensboro/Public Info./Police Discipline.

(Public)

Sponsors:

Referred to:

March 1, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED
3 PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF
4 DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-168(c) reads as rewritten:

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

- 10 (1) The employee or his duly authorized agent may examine all portions
11 of his personnel file except (i) letters of reference solicited prior to
12 employment, and (ii) information concerning a medical disability,
13 mental or physical, that a prudent physician would not divulge to his
14 patient.
- 15 (2) A ~~license~~-licensed physician designated in writing by the employee
16 may examine the employee's medical record.
- 17 (3) A city employee having supervisory authority over the employee may
18 examine all material in the employee's personnel file.
- 19 (4) By order of a court of competent jurisdiction, any person may examine
20 such portion of an employee's personnel file as may be ordered by the
21 court.
- 22 (5) An official of an agency of the State or federal government, or any
23 political subdivision of the State, may inspect any portion of a
24 personnel file when such inspection is deemed by the official having
25 custody of such records to be inspected to be necessary and essential to
26 the pursuance of a proper function of the inspecting agency, but no
27 information shall be divulged for the purpose of assisting in a criminal
28 prosecution (of the employee), or for the purpose of assisting in an
29 investigation of (the employee's) tax liability. However, the official

1 having custody of such records may release the name, address, and
2 telephone number from a personnel file for the purpose of assisting in
3 a criminal investigation.

4 (6) An employee may sign a written release, to be placed with his
5 personnel file, that permits the person with custody of the file to
6 provide, either in person, by telephone, or by mail, information
7 specified in the release to prospective employers, educational
8 institutions, or other persons specified in the release.

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

21 (8) In order to facilitate citizen review of the police disciplinary process,
22 the city manager or the chief of police, or their designees, may release
23 the disposition of disciplinary charges against a police officer and the
24 facts relied upon in determining that disposition, to the Human
25 Relations Commission Complaint Subcommittee and may release the
26 disposition of the disciplinary charges to the person alleged to have
27 been aggrieved by the officer's actions or to that person's survivor.
28 Commission members shall maintain as confidential all personnel
29 information released to them under this subsection that is not a matter
30 of public record under this section, and any member who violates that
31 confidentiality is guilty of the violations set forth in subsections (e)
32 and (f) of this section. Each member of the Commission shall execute
33 and adhere to a confidentiality agreement that is satisfactory to the
34 city. For purposes of this subdivision, the term "disposition of
35 disciplinary charges" includes determinations that the charges are
36 sustained, not sustained, unfounded, exonerated, classified as an
37 information file, or classified as any other disciplinary disposition
38 category subsequently adopted by the Greensboro Police Department."

39 **SECTION 2.** The act applies only to the City of Greensboro.

40 **SECTION 3.** This act is effective when it becomes law.
41

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 423
PROPOSED COMMITTEE SUBSTITUTE H423-PCS3238-SO-3

Short Title: Greensboro/Public Info./Police Discipline.

(Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED
PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF
DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

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- (2) A ~~license~~-licensed physician designated in writing by the employee
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examine all material in the employee's personnel file.
- (4) By order of a court of competent jurisdiction, any person may examine
such portion of an employee's personnel file as may be ordered by the
court.
- (5) An official of an agency of the State or federal government, or any
political subdivision of the State, may inspect any portion of a
personnel file when such inspection is deemed by the official having
custody of such records to be necessary and essential to
the pursuance of a proper function of the inspecting agency, but no
information shall be divulged for the purpose of assisting in a criminal
prosecution (of the employee), or for the purpose of assisting in an
investigation of (the employee's) tax liability. However, the official

1 having custody of such records may release the name, address, and
2 telephone number from a personnel file for the purpose of assisting in
3 a criminal investigation.

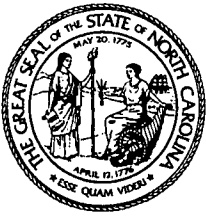
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6 provide, either in person, by telephone, or by mail, information
7 specified in the release to prospective employers, educational
8 institutions, or other persons specified in the release.

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

21 (8) In order to facilitate citizen review of the police disciplinary process,
22 the city manager or the chief of police, or their designees may release
23 the disposition of disciplinary charges against a police officer and the
24 facts relied upon in determining that disposition to the Human
25 Relations Commission Complaint Subcommittee, and may release the
26 disposition of the disciplinary charges to the person alleged to have
27 been aggrieved by the officer's actions or to that person's survivor.
28 Commission members shall maintain as confidential all personnel
29 information released to them under this subdivision that is not a matter
30 of public record under this section, and any member who violates that
31 confidentiality is guilty of the violations set forth in subsections (e)
32 and (f) of this section. Each member of the Commission shall execute
33 and adhere to a confidentiality agreement that is satisfactory to the
34 city. For purposes of this subdivision, the term "disposition of
35 disciplinary charges" includes determinations that the charges are
36 sustained, not sustained, unfounded, exonerated, classified as an
37 information file, or classified as any other disciplinary disposition
38 category subsequently adopted by the Greensboro Police Department."

39 SECTION 2. The act applies only to the City of Greensboro.

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



HOUSE BILL 423:

Greensboro/Public Info./Police Discipline

BILL ANALYSIS

Committee: House Local and Regional Gov't
II
Date: March 20, 2001
Version: First Edition

Introduced by: Representative Adams
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would allow the city manager or chief of police of the City of Greensboro to reveal the disposition of a disciplinary charge against a police officer and its supporting facts to the city's Human Relations Commission Complaint Subcommittee and inform the allegedly-aggrieved person or that person's survivor of the disposition, while maintaining the confidentiality of non-public records.*

CURRENT LAW: G.S. 160A-168 limits disclosure of personnel files and personnel information of city employees. It defines "personnel file" broadly in scope and form and identifies information in a personnel file that is public record, accessible to anyone for inspection and copying during regular business hours. It establishes confidentiality for portions of the file that are not public record and sets out 7 exceptions under which certain parties under certain facts may inspect confidential portions of the file. Under G.S. 160A-168(c)(7), the city manager with concurrence of the city council or the city council (in cities without a manager) may inform any person of, among other things, nonemployment, demotion, suspension or other disciplinary action of a city employee and the reasons for the personnel action but only after the manager or council determines in writing that release is essential to maintain public confidence or the level and quality of city services. The remainder of the statutes provides exception for disclosure for research and statistics, directs cities to develop procedures for employees to object to certain non-public portions of the file, and makes it a Class 3 misdemeanor with a maximum \$500 fine for a public official or employee who knowingly, willfully, and with malice violates the access provisions of the statute and for any unauthorized person to knowingly and willfully examine in its filing place, remove, or copy any confidential portion of a file.

BILL ANALYSIS: This bill would add an additional exception to subsection (c) of 160A-168 to allow the Greensboro city manager or chief of police to inform the city's Human Relations Commission Complaint Subcommittee of the disposition of disciplinary charges against a police officer and the facts upon which that disposition is based. Commission members would have to maintain the confidentiality of file information that is not public record; for violating this provision, persons are subject to Class 3 misdemeanor criminal prosecution as provided in the existing statute. Each Commission member would have to execute a confidentiality agreement satisfactory to the city. The city manager or chief of police would also be authorized to disclose the disposition to the allegedly aggrieved person or that person's survivor.

BACKGROUND: Similar local modifications for Charlotte and Durham have been enacted respectively via S.L.97-305 and S.L.98-142.

EFFECTIVE DATE: 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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 555 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HALIFAX REGIONAL AIRPORT AUTHORITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN USING THE "QUICK TAKE" PROCEDURE.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 555

Short Title: Halifax Regional Airpt. Authy.-"Quick Take". (Local)

Sponsors: Representative Crawford.

Referred to: Local Government II.

March 12, 2001

A BILL TO BE ENTITLED

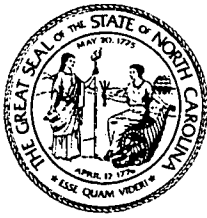
AN ACT TO AUTHORIZE THE HALIFAX REGIONAL AIRPORT AUTHORITY
TO ACQUIRE PROPERTY BY EMINENT DOMAIN USING THE "QUICK
TAKE" PROCEDURE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of S.L. 1997-275 reads as rewritten:

"Section 7. Private property needed by the Airport Authority for any airport, landing
field, or as facilities of an airport or landing field may be acquired by gift or devise, or
may be acquired by private purchase or by the exercise of eminent domain pursuant to
Chapter 40A of the General Statutes. Statutes including the use of the procedures for
immediate possession of property set forth in G.S. 40A-42."

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



BILL ANALYSIS

HOUSE BILL 555: Halifax Regional Airport Authority - "Quick Take"

Committee: House Local and Regional
Government II
Date: March 20, 2001
Version: First Edition

Introduced by: Representative Crawford
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would allow the Halifax Regional Airport Authority (the Authority) to condemn property for its use via the "quick take" procedure, in addition to the ordinary condemnation procedures. Effective when it becomes law.*

CURRENT LAW: Currently, if the Authority seeks to condemn property, title to the property vests and the Authority has a right of possession only after one of the following occurs: the property owners' response to the Authority's condemnation action does not contest the taking but only requests a determination of just compensation; the owners do not respond within 120 days of service of the condemnation action; or the deposit made by the Authority is disbursed by the court in accordance with N.C.G.S. §40A-44. Use of the "quick take" procedure is limited to condemnation:

1. by "local public condemners" for streets and sidewalks work, sewer and drainage systems, programs for drainage of creeks and streams; (N.C.G.S. §40A-3(b)(1),(4), and (7))
2. by cities for electricity, water supply and distribution, wastewater treatment and disposal, gas, solid waste collection and disposal, and cable television;(N.C.G.S. §160A-311(1),(2),(3),(4),(6) and (7))
3. by counties for water, wastewater treatment and disposal, and solid waste collection and disposal;(N.C.G.S. §153A-274(1),(2), and (3))
4. by local board(s) of education for suitable sites for school buildings and other facilities;(N.C.G.S. §115C-517)
5. by water and sewer districts and authorities (N.C.G.S. §40A-3(c)(8),(9),(10), and (12);Chapter 162A)

BILL ANALYSIS: This bill would allow the Halifax Regional Airport Authority to use the "quick take" procedures, as an alternative to the ordinary condemnation procedures, to acquire property for the airport. Under "quick take", unless action for injunctive relief were instituted, title to the property would automatically vest in the Authority and the Authority would have the right of immediate possession to the property upon the filing of the condemnation complaint and deposit of the estimated just compensation.

BACKGROUND: Similar local acts have been enacted in the recent past:

- S.L. 1986-941 – authorized Holly Springs to acquire property for its airport by the N.C.G.S. §40A-42 "quick take" procedure.

HOUSE BILL 555

Page 2

- S.L. 1993-187 – allowed Wrightsville Beach to use the "quick take" proceedings to acquire property for beach erosion control and flood and hurricane protection works.
- S.L. 1993-608 – permit Duplin County to use "quick take" to acquire property for its airport.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for
S.B. 138 A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE
MOUNT AIRY TOURISM DEVELOPMENT AUTHORITY.

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 138

Short Title: Mount Airy TDA Changes.

(Local)

Sponsors: Senators Foxx; and Berger.

Referred to: State and Local Government.

February 14, 2001

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE MEMBERSHIP OF THE MOUNT AIRY TOURISM
DEVELOPMENT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 1997-410 reads as rewritten:

"Section 2. Mount Airy Tourism Development Authority. (a) Appointment and membership. When the board of commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a Mount Airy Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The board of commissioners shall appoint ~~the following~~ eight members to the ~~Authority~~ Authority in the following five classes:

- (1) Two individuals who are owners or operators of taxable tourist accommodations in the city.
- (2) Two ~~residents of the city~~ individuals who have experience in the promotion of travel and tourism.
- (3) Two ~~residents of the city~~ individuals who are members of the Mount Airy Chamber of Commerce, selected by the Mount Airy Chamber of Commerce.
- (4) One member of the board of commissioners.
- (5) The city finance officer, who shall serve as an ex officio, nonvoting member.

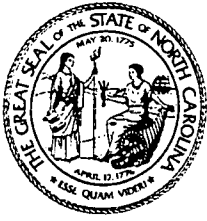
Members of the Authority shall serve without ~~compensation and shall serve for a term of three years~~ compensation. Members in the first three classes shall serve staggered, three-year terms. Two of the initial appointments shall be for one-year terms and two for two-year terms, with the initial terms divided among the first three classes so that the two terms that expire each year are never from the same class. Members in the fourth and fifth classes shall serve one-year terms. Vacancies shall be filled in the same manner as the original appointment. Members appointed to fill vacancies shall

1 serve for the remainder of the unexpired term. An individual may serve as a member in
2 the first three classes for no more than two consecutive terms. The members shall elect a
3 chair annually from among the ~~membership, who shall serve for three~~
4 ~~years-membership~~. The Authority shall meet at the call of the chair and shall adopt rules
5 of procedure to govern its meetings.

6 (b) Duties. The Authority shall expend the net proceeds of the tax levied under
7 this act for the purposes provided in Section 1 of this act. The Authority shall promote
8 travel and tourism in the Mount Airy area. In performing its duties, the Authority may
9 contract with any person, firm, or agency to advise and assist it and may recommend to
10 the board of commissioners that city staff be employed for this advice and assistance.
11 Any city staff employed upon a recommendation of the Authority shall be hired and
12 supervised by the Authority, which shall pay the salaries and expenses of this staff.

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

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



SB 138: Mount Airy Changes

BILL ANALYSIS

Committee: Local Government II
Date: March 21, 2001
Version: First Edition

Introduced by: Senators Foxx and Berger
Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS: The Mount Airy Tourism Development Authority was authorized in 1997 by S.L. 1997-410. Under current law, the eight members of the Mount Airy Tourism Development Authority all serve three-year terms and are limited to no more than two consecutive terms. The eight members are drawn from the following five categories:

1. Two persons who own or operate taxable tourist accommodations in the city.
2. Two residents of the city with experience in travel and tourism promotion.
3. Two residents who are members of the Mount Airy Chamber of Commerce.
4. One member of the Mount Airy Board of Commissioners.
5. The city finance officer.

This bill removes the city residency requirement for categories two and three and staggers the terms of membership of the first three categories. After the initial staggered terms expire, the members in the first three categories will continue to serve three-year terms. The members in the first three categories will continue to be limited to two consecutive terms. The members in categories four and five will no longer serve three-year terms, and, instead, will serve one-year terms. The members in categories four and five will no longer be limited to two consecutive terms, rather, they may serve an unlimited number of terms.

The act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

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

NAME _____

FIRM OR AGENCY AND ADDRESS

Linda Miles

City of Greensboro

Mike Williams

city of Greensboro

DANA DAMICO

Winston Salem Journal

ERIC DYER

Greensboro News & Record

Amy Hobbs

NCHMA

Eddie Caldwell

Hafer Caldwell + Ferrell P.A.

James Andrews

NC State AFL-CIO

Cam Covey

BPM 42

Carol Lawen

EGHS

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
March 28, 2001
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 516	WAKE COUNTY SCHOOL CONSTRUCTION PROJECTS (Rep. Pope)
HB 651	GREENVILLE-PRETOWING NOTICES (Rep. Tolson)
HB 656	YADKIN PROPERTY TRANSFER (Rep. Holmes)
HB 683	PLYMOUTH COUNCIL ELECTION (Rep. Rogers)
HB 699	CAMDEN SCHOOL BOARD ELECTION (Rep. Owens)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
March 28, 2001

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, March 7, 2001, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Capps, Fox, Gillespie, Haire, Owens, Rogers, Walker, Warren, West, and G. Wilson. Esther Manheimer and Frank Folger, committee counselors, were also in attendance.

Representative Jarrell called the meeting to order and recognized the pages, Amanda and Dora Smith of Mitchell County. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 516 – WAKE COUNTY SCHOOL CONSTRUCTION PROJECTS. Representative Pope was recognized to explain the bill which is designed to assist Wake County expediting construction of school facilities. This bill allows the Wake County Board of Education to be exempt from several sections of Chapter 143, Article 8, which is the State public contracts law. Henry Jones, representing construction and trade groups, stated that this bill would work well in Wake County.

A proposed committee substitute was offered and Representative Capps moved for its adoption. Motion carried. Representative Capps made a motion for a favorable report to committee substitute, unfavorable to original bill. Motion carried.

HB 651 – GREENVILLE PRETOWING NOTICES. Representative Tolson, sponsor, was called upon to explain this bill which would allow the City of Greenville to adopt an ordinance requiring privately-owned parking facilities to post a pretowing notice (sign) before the parking facility would be permitted to tow vehicles improperly parked in the parking facility. Under current law, no notice is required. This bill would also allow the City to determine the size and nature of the pretowing sign and to provide for penalties for failure to post the required pretowing sign.

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

HB 656 – YADKIN PROPERTY TRANSFER. Representative Holmes, sponsor, explained that this bill would allow Yadkin County Commissioner Johnny S. Myers to convey property owned by him to the County of Yadkin without being subject to prosecution under G.S. 14-234. Currently, such a transaction would be illegal under G.S. 14-234 due to the existence of a conflict in interest.

Representative Hurley made a motion to give the bill a favorable report. Motion carried.

HB 683 – PLYMOUTH COUNCIL ELECTION. Representative Rogers, sponsor, was called upon to explain HB 683, which would clarify that in the election of the six-member town council of Plymouth, a qualified voter can only vote to elect the two (2) members from the ward in which the voter resides. The intent of the bill is to amend the charter language so that it is clearly in conformity with this method of election already in practice.

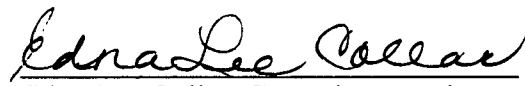
Representative Owens moved for a favorable report. Motion carried.

HB 699 – CAMDEN SCHOOL BOARD ELECTION. Representative Owens, sponsor, was recognized to explain HB 699. This bill would change the manner of election of a representation by the Camden County Board of Election to a non-partisan election for at-large representation conducted at the time of the general election, from a non-partisan election for a modified district-wide representation conducted at the time of the primary elections.

Representative Rogers moved for a favorable report. Motion carried.

The meeting adjourned at 11:45.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 516 A BILL TO BE ENTITLED AN ACT TO ASSIST WAKE COUNTY WITH THE
CONSTRUCTION AND RENOVATION 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 516*
PROPOSED COMMITTEE SUBSTITUTE H516*-PCS2162-SL-1

Short Title: Wake County School Construction Projects.

(Local)

Sponsors:

Referred to:

March 7, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ASSIST WAKE COUNTY WITH THE CONSTRUCTION AND
3 RENOVATION OF PUBLIC SCHOOL FACILITIES.

4 Whereas, Wake County is faced with a critical need for school facilities as a
5 result of unusual growth in student population; and

6 Whereas, the voters of Wake County gave approval in November 2000 to a
7 five hundred million dollar bond referendum to support the construction and renovation
8 of public school facilities in Wake County between 2001 and 2004; and

9 Whereas, the Wake County Board of Education is planning a program of
10 construction and renovation that will include the construction of 14 new school facilities
11 and renovation of 32 existing school facilities between 2001 and 2004; and

12 Whereas, the Wake County Board of Education has substantial professional
13 staff devoted to planning, design, and administration of the construction and renovation
14 of school facilities that will enable the Wake County Board of Education to implement
15 the provisions of this act; and

16 Whereas, the Wake County Board of Education has already completed the
17 design, construction, and renovation of over one billion dollars in school projects over
18 the past 15 years; Now, therefore,

19 The General Assembly of North Carolina enacts:

20 **SECTION 1.** Prequalified Bidders; Solicited Bid List. Notwithstanding G.S.
21 143-129, the Wake County Board of Education ("Board") may prequalify contractors
22 for school facility construction, rebuilding, or renovation contracts and may solicit bids
23 from all prequalified contractors.

24 In prequalifying a contractor for the purposes of this section, the Board may
25 consider the contractor's experience on the type of project to be bid; ability to
26 administer and meet the project schedule; financial strength; safety record and
27 procedures including drug testing procedures; employee training and retention; and the
28 contractor's performance on past or current projects. The Board's consideration of these
29 factors shall be based upon objective information provided in the public record of the

1 prequalification process. The prequalification process shall be conducted quarterly
2 during the fiscal year. Notification of disqualified bidders shall be provided within 14
3 days of the prequalification submittal date. Prequalification submittal dates shall be
4 advertised through public advertising.

5 The Board shall attempt to prequalify and maintain a list of at least five
6 contractors per building trade and shall not award a contract pursuant to this section
7 unless it receives at least three bids from the group of prequalified contractors or act
8 otherwise in accordance with G.S. 143-128(d1). The Board shall award the contract or
9 contracts to the lowest responsible bidder or bidders having already prequalified the
10 bidder or bidders for each project. Notwithstanding the provisions of this section, if the
11 Board does not receive at least three or more proposals for the project pursuant to this
12 section, the Board may award the contract to the lowest responsible bidder even if only
13 one proposal is received. The Board shall establish a written policy containing its
14 prequalification procedures within 90 days following the effective date of this act. The
15 existence of and availability of these procedures shall be contained in each
16 advertisement or solicitation for prequalification submittals or bids.

17 **SECTION 2. Prequalified Construction Management.** Notwithstanding G.S.
18 143-128, 143-129, and 143-132, the Board may contract with a construction manager to
19 assume liability for the completion of a project. The construction manager shall not
20 contract with the Board or any contractor for any individual construction contracts
21 associated with the project.

22 Notwithstanding G.S. 143-129, the Board may prequalify construction
23 managers for a school facility construction, rebuilding, or renovation contract or project
24 and shall solicit bids from all prequalified construction managers.

25 In prequalifying a construction manager for the purposes of this section, the
26 Board may consider each construction manager's relevant experience on the type of
27 project to be bid; ability to administer and meet the project schedule; the company's
28 financial strength; prompt payment record on other past or current Board projects;
29 safety record and procedures including drug testing procedures; employee training and
30 retention; and performance on past or current projects. The Board's consideration of
31 these factors shall be based upon objective information provided in the public record of
32 the prequalification process. The prequalification process shall be conducted quarterly
33 during our fiscal year. Notification of disqualified bidders shall be provided within 14
34 days of the prequalification submittal date. Prequalification submittal dates shall be
35 advertised through public advertising.

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37 construction managers and shall not award a contract pursuant to this section unless it
38 receives at least three bids from the group of prequalified construction managers. The
39 Board shall award the contract or contracts to the lowest responsible bidder having
40 already prequalified the bidder for the project. Notwithstanding the provisions of this
41 section, if the Board does not receive three or more proposals for the project pursuant to
42 this section, the Board may award the contract to the lowest responsible bidder even if
43 only one proposal is received.

1 If the Board contracts with a construction manager who is liable for the
2 completion of the project, that construction manager shall (i) receive bids under the
3 separate-prime system, (ii) award and administer contracts with the construction
4 manager liable to the various separate contractors in accordance with G.S. 143-128(a),
5 143-129, and 143-132, and (iii) otherwise comply with and be subject to Article 8 of
6 Chapter 143 of the General Statutes as if it were a public owner, except as expressly
7 provided by this act.

8 **SECTION 3. Design Plus Construction Management.** Notwithstanding G.S.
9 143-128, 143-129, and 143-132, the Board may use the design plus construction
10 management method of construction as follows:

- 11 (1) The Board shall seek to prequalify and solicit at least five design plus
12 construction management teams, each consisting of an architect and
13 construction manager, to bid on the project and shall receive sealed
14 proposals from at least three of those teams. The request for proposals
15 shall contain a design-criteria package that defines the project scope,
16 including preliminary design and performance specifications, in a
17 manner sufficient to allow the bidders to respond.
- 18 (2) The Board shall interview at least three of the design plus construction
19 management teams that submit proposals. The Board shall award the
20 contract to the best-qualified team, taking into account the time of
21 completion of the project and the cost of the project as the major
22 factors.
- 23 (3) The construction manager shall receive bids under the separate prime
24 system and shall award and administer such contracts in accordance
25 with G.S. 143-128(a), 143-129, and 143-132. The construction
26 manager shall comply with and be subject to Article 8 of Chapter 143
27 of the General Statutes as if it were a public owner, except as expressly
28 provided in this act.

29 **SECTION 4. Other Methods.** Nothing in this act limits the Board's use of
30 any method of contracting already authorized by law under Articles 3D and 8 of
31 Chapter 143 of the General Statutes. Except as expressly provided in this act, the
32 provisions of Article 3D and 8 of Chapter 143 of the General Statutes shall remain in
33 full force and effect.

34 **SECTION 5. Bonds.** Any construction manager contracting with the Board
35 pursuant to this act shall be a "contractor" and that contract shall be a "construction
36 contract" pursuant to G.S. 44A-25. Any such construction manager shall provide
37 payment and performance bonds to the Board in accordance with Article 3 of Chapter
38 44A of the General Statutes.

39 **SECTION 6.** The Wake County Board of Education shall make an annual
40 report to the North Carolina State Building Commission, beginning in January 2002 and
41 continuing in January of each successive year, concerning the comparative costs and
42 effectiveness, efficiency, and economy, if any, achieved by its implementation of this
43 act. The Board shall submit a final report to the Commission in January 2005.

1 **SECTION 7.** This act applies only to the Wake County Board of Education.
2 **SECTION 8.** This act is effective when it becomes law and expires July 1,
3 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 516*

Short Title: Wake County School Construction Projects. (Local)

Sponsors: Representatives Pope; Blue, Capps, Eddins, Ellis, and Miner.

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

March 7, 2001

A BILL TO BE ENTITLED
AN ACT TO ASSIST WAKE COUNTY WITH THE CONSTRUCTION AND
RENOVATION OF PUBLIC SCHOOL FACILITIES.

Whereas, Wake County is faced with a critical need for school facilities as a result of unusual growth in student population; and

Whereas, the voters of Wake County gave approval in November of 2000 to a five hundred million dollar bond referendum to support the construction and renovation of public school facilities in Wake County between 2001 and 2004; and

Whereas, the Wake County Board of Education is planning a program of construction and renovation that will include the construction of 14 new school facilities and renovation of 32 existing school facilities between 2001 and 2004; and

Whereas, the Wake County Board of Education has substantial professional staff devoted to planning, design, and administration of the construction and renovation of school facilities that will enable the Wake County Board of Education to implement the provisions of this act; and

Whereas, the Wake County Board of Education has already completed the design, construction, and renovation of over one billion dollars in school projects over the past 15 years; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. This act facilitates the construction and renovation of public school facilities in Wake County.

SECTION 2. This act applies only to the Wake County Board of Education.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 516*

PROPOSED COMMITTEE SUBSTITUTE H516*-PCS3174-LE-4

Short Title: Wake County School Construction Projects.

(Local)

Sponsors:

Referred to:

March 7, 2001

A BILL TO BE ENTITLED

AN ACT TO ASSIST WAKE COUNTY WITH THE CONSTRUCTION AND
RENOVATION OF PUBLIC SCHOOL FACILITIES.

Whereas, Wake County is faced with a critical need for school facilities as a result of unusual growth in student population; and

Whereas, the voters of Wake County gave approval in November of 2000 to a five hundred million dollar bond referendum to support the construction and renovation of public school facilities in Wake County between 2001 and 2004; and

Whereas, the Wake County Board of Education is planning a program of construction and renovation that will include the construction of 14 new school facilities and renovation of 32 existing school facilities between 2001 and 2004; and

Whereas, the Wake County Board of Education has substantial professional staff devoted to planning, design, and administration of the construction and renovation of school facilities that will enable the Wake County Board of Education to implement the provisions of this act; and

Whereas, the Wake County Board of Education has already completed the design, construction, and renovation of over one billion dollars in school projects over the past 15 years; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Prequalified Bidders; Solicited Bid List. Notwithstanding G.S. 143-129, the Wake County Board of Education ("Board") may prequalify contractors for school facility construction, rebuilding, or renovation contracts and may solicit bids from all prequalified contractors.

In prequalifying a contractor for the purposes of this section, the Board may consider the contractor's experience on the type of project to be bid; ability to administer and meet the project schedule; financial strength; safety record and procedures including drug testing procedures; employee training and retention; and the contractor's performance on past or current projects. The Board's consideration of these factors shall be based upon objective information provided in the public record of the

1 prequalification process. The prequalification process shall be conducted quarterly
2 during the fiscal year. Notification of disqualified bidders shall be provided within 14
3 days of the prequalification submittal date. Prequalification submittal dates shall be
4 advertised through public advertising.

5 The Board shall attempt to prequalify and maintain a list of at least five
6 contractors per building trade and shall not award a contract pursuant to this section
7 unless it receives at least three bids from the group of prequalified contractors or act
8 otherwise in accordance with G.S. 143-128(d1). The Board shall award the contract or
9 contracts to the lowest responsible bidder or bidders having already prequalified the
10 bidder or bidders for each project. Notwithstanding the provisions of this section, if the
11 Board does not receive at least three or more proposals for the project pursuant to this
12 section, the Board may award the contract to the lowest responsible bidder even if only
13 one proposal is received. The Board shall establish a written policy containing its
14 prequalification procedures within 90 days following the effective date of this act. The
15 existence of and availability of these procedures shall be contained in each
16 advertisement or solicitation for prequalification submittals or bids.

17 **SECTION 2. Prequalified Construction Management.** Notwithstanding
18 G.S. 143-128, 143-129, and 143-132, the Board may contract with a construction
19 manager to assume liability for the completion of a project. The construction manager
20 shall not contract with the Board or any contractor for any individual construction
21 contracts associated with the project.

22 Notwithstanding G.S. 143-129, the Board may prequalify construction
23 managers for a school facility construction, rebuilding, or renovation contract or project
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39 Board shall award the contract or contracts to the lowest responsible bidder having
40 already prequalified the bidder for the project. Notwithstanding the provisions of this
41 section, if the Board does not receive three or more proposals for the project pursuant to
42 this section, the Board may award the contract to the lowest responsible bidder even if
43 only one proposal is received.

1 If the Board contracts with a construction manager who is liable for the
2 completion of the project, that construction manager shall (i) receive bids under the
3 separate-prime system, (ii) award and administer contracts with the construction
4 manager liable to the various separate contractors in accordance with G.S. 143-128(a),
5 143-129, and 143-132, and (iii) otherwise comply with and be subject to Article 8 of
6 Chapter 143 of the General Statutes as if it were a public owner, except as expressly
7 provided by this act.

8 **SECTION 3. Design Plus Construction Management.** Notwithstanding
9 G.S. 143-128, 143-129, and 143-132, the Board may use the design plus construction
10 management method of construction as follows:

- 11 (1) The Board shall seek to prequalify and solicit at least five design plus
12 construction management teams, each consisting of an architect and
13 construction manager, to bid on the project and shall receive sealed
14 proposals from at least three of those teams. The request for proposals
15 shall contain a design-criteria package that defines the project scope,
16 including preliminary design and performance specifications, in a
17 manner sufficient to allow the bidders to respond.
- 18 (2) The Board shall interview at least three of the design plus construction
19 management teams that submit proposals. The Board shall award the
20 contract to the best-qualified team, taking into account the time of
21 completion of the project and the cost of the project as the major
22 factors.
- 23 (3) The construction manager shall receive bids under the separate prime
24 system and shall award and administer such contracts in accordance
25 with G.S. 143-128(a), 143-129, and 143-132. The construction
26 manager shall comply with and be subject to Article 8 of Chapter 143
27 of the General Statutes as if it were a public owner, except as expressly
28 provided in this act.

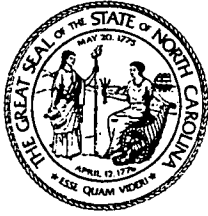
29 **SECTION 4. Other Methods.** Nothing in this act limits the Board's use of
30 any method of contracting already authorized by law under Articles 3D and 8 of
31 Chapter 143 of the General Statutes. Except as expressly provided in this act, the
32 provisions of Article 3D and 8 of Chapter 143 of the General Statutes shall remain in
33 full force and effect.

34 **SECTION 5. Bonds.** Any construction manager contracting with the Board
35 pursuant to this act shall be a "contractor" and that contract shall be a "construction
36 contract" pursuant to G.S. 44A-25. Any such construction manager shall provide
37 payment and performance bonds to the Board in accordance with Article 3 of Chapter
38 44A of the General Statutes.

39 **SECTION 6.** The Wake County Board of Education shall make an annual
40 report to the North Carolina State Building Commission, beginning in January of 2002
41 and continuing in January of each successive year, concerning the comparative costs
42 and effectiveness, efficiency, and economy, if any, achieved by its implementation of
43 this act. The Board shall submit a final report to the Commission in January of 2005.

44 **SECTION 7.** This act applies only to the Wake County Board of Education.

1 **SECTION 8.** This act is effective when it becomes law and expires July 1,
2 2005.



HOUSE BILL 516: Wake County School Construction Projects

BILL ANALYSIS

Committee: House Local Government II
Date: March 28, 2001
Version: H516*-CSSL-1

Introduced by: Representative Pope
Summary by: Kristen Crosson, Esther
Manheimer, Frank Folger
Committee Staff

SUMMARY: *This bill is designed to assist Wake County with expediting construction of school facilities.*

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes is the State public contracts law.

BILL ANALYSIS: This bill allows the Wake County Board of Education (Board) to be exempt from several sections of Chapter 143, Article 8, which is the State public contracts law.

- Section 1 of the bill exempts the Board from G.S. 143-129 to allow the Board to prequalify contractors for school facility construction, rebuilding, or renovation contracts. Under current law, prequalification is not necessary, and separate and independent bidding is required for the four branches of work. The four branches are ventilation, plumbing/gas, electrical, and general work not included in the other branches.
- Section 2 of the bill exempts the Board from G.S. 143-128, 143-129, and 143-132 to allow the Board to contract with a construction manager to assume liability for the completion of a project. The construction manager would be liable to the Board, and the subcontractors would be liable to the construction manager. Under current law, the contractors and subcontractors would be directly liable to the Board.
- Section 3 of the bill exempts the Board from G.S. 143-128, 143-129, and 143-132. The exemption allows the Board to use the design plus construction management method of construction. Under the bill, the Board would prequalify and solicit at least five construction management teams (which consist of an architect and construction manager). Under current law, prequalification is not necessary, and separate and independent bidding is required for the four branches of work. The construction manager will take bids for subcontracting work using the separate-prime system required by G.S. 143-128, 143-129, and 143-132.
- Section 4 of the bill allows the Board to use any method of contracting that is authorized by Articles D3 and 8 of Chapter 143. This is permitted under current law.
- Section 5 of the bill states that construction managers must be bonded, the same as contractors under current law.
- Section 6 requires the Board to make an annual report to the North Carolina State Building Commission regarding the costs, effectiveness, efficiency, and economy achieved by this bill, and requires a final report to the Commission in January 2005.

BACKGROUND: Wake County voters gave approval in November of 2000 to a five hundred million dollar bond referendum to support construction and renovation of public school facilities in Wake County between 2001 and 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 516*
PROPOSED COMMITTEE SUBSTITUTE H516-CSSL-1 [v.1]

3/28/2001 10:15:59 AM

Short Title: Wake County School Construction Projects.

(Local)

Sponsors:

Referred to:

March 7, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ASSIST WAKE COUNTY WITH THE CONSTRUCTION AND
3 RENOVATION OF PUBLIC SCHOOL FACILITIES. .

4 Whereas, Wake County is faced with a critical need for school facilities as a
5 result of unusual growth in student population; and

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7 five hundred million dollar bond referendum to support the construction and renovation
8 of public school facilities in Wake County between 2001 and 2004; and

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10 construction and renovation that will include the construction of 14 new school facilities
11 and renovation of 32 existing school facilities between 2001 and 2004; and

12 Whereas, the Wake County Board of Education has substantial professional
13 staff devoted to planning, design, and administration of the construction and renovation
14 of school facilities that will enable the Wake County Board of Education to implement
15 the provisions of this act; and

16 Whereas, the Wake County Board of Education has already completed the
17 design, construction, and renovation of over one billion dollars in school projects over
18 the past 15 years; Now, therefore,
19 The General Assembly of North Carolina enacts:

20 **SECTION 1. Prequalified Bidders; Solicited Bid List.** Notwithstanding
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22 contractors for school facility construction, rebuilding, or renovation contracts and may
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- 23 (3) The construction manager shall receive bids under the separate prime
24 system and shall award and administer such contracts in accordance
25 with G.S. 143-128(a), 143-129, and 143-132. The construction
26 manager shall comply with and be subject to Article 8 of Chapter 143
27 of the General Statutes as if it were a public owner, except as expressly
28 provided in this act.

29 **SECTION 4. Other Methods.** Nothing in this act limits the Board's use of
30 any method of contracting already authorized by law under Articles 3D and 8 of
31 Chapter 143 of the General Statutes. Except as expressly provided in this act, the
32 provisions of Article 3D and 8 of Chapter 143 of the General Statutes shall remain in
33 full force and effect.

34 **SECTION 5. Bonds.** Any construction manager contracting with the Board
35 pursuant to this act shall be a "contractor" and that contract shall be a "construction
36 contract" pursuant to G.S. 44A-25. Any such construction manager shall provide
37 payment and performance bonds to the Board in accordance with Article 3 of Chapter
38 44A of the General Statutes.

39 **SECTION 6.** The Wake County Board of Education shall make an annual
40 report to the North Carolina State Building Commission, beginning in January of 2002
41 and continuing in January of each successive year, concerning the comparative costs
42 and effectiveness, efficiency, and economy, if any, achieved by its implementation of
43 this act. The Board shall submit a final report to the Commission in January of 2005.

1 **SECTION 7.** This act applies only to the Wake County Board of Education.
2 **SECTION 8.** This act is effective when it becomes law and expires July 1,
3 2005.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 651 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 651

Short Title: Greenville-Pretowing Notices.

(Local)

Sponsors: Representative Tolson.

Referred to: Local Government II.

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO REQUIRE
PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED
FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-301 is amended by adding a new subsection to
read:

"(b1) A city may by ordinance require pretowing notices to be displayed on private
lots, garages, or other parking facilities before vehicles parked there without the
permission of the owner or lessee may be towed or removed. The city may set the size
and nature of the required notices and provide penalties for violating the ordinance."

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 651
PROPOSED COMMITTEE SUBSTITUTE H651-PCS7115-SK-9

Short Title: Greenville Pretowing Notices.

(Local)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO REQUIRE
PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED
FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY. .

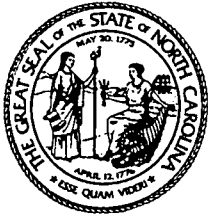
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-301 of the General Statutes is amended by adding a
new subsection to read:

"(b1) A city may by ordinance require that pretowing notices be displayed on lots, garages, or other parking facilities not owned or leased by the city. Pretowing notices shall be displayed before vehicles parked without the permission of the owner or lessee of the lot, garage, or other parking facility not owned or leased by the city, may be towed or removed from that lot, garage, or other parking facility. The city may set the size and nature of the required notices. The city may provide penalties for violation of the ordinance created under this subsection."

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

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



HB 651: Greenville PreTowing Notices.

BILL ANALYSIS

Committee: House Local Government II
Date: March 28, 2001
Version: H651-CSSK-9[v.1]

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

BILL ANALYSIS: HB 651 would allow the City of Greenville to adopt an ordinance requiring privately-owned parking facilities to post a pretowing notice (sign) before the parking facility would be permitted to tow vehicles improperly parked in the parking facility. Under current law, no notice is required. This bill would also allow the City to determine the size and nature of the pretowing sign and to provide for penalties for failure to post the required pretowing sign.

This bill is effective when it becomes law.

§ 160A-301. Parking.

(a) **On-Street Parking.** – A city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city. When parking is permitted for a specified period of time at a particular location, a city may install a parking meter at that location and require any person parking a vehicle therein to place the meter in operation for the entire time that the vehicle remains in that location, up to the maximum time allowed for parking there. Parking meters may be activated by coins or tokens. Proceeds from the use of parking meters on public streets must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations.

(b) **Off-Street Parking.** – A city may by ordinance regulate the use of lots, garages, or other facilities owned or leased by the city and designated for use by the public as parking facilities. The city may impose fees and charges for the use of these facilities, and may provide for the collection of these fees and charges through parking meters, attendants, automatic gates, or any other feasible means. The city may make it unlawful to park any vehicle in an off-street parking facility without paying the established fee or charge and may ordain other regulations pertaining to the use of such facilities.

Revenues realized from off-street parking facilities may be pledged to amortize bonds issued to finance such facilities, or used for any other public purpose.

(c) Nothing contained in Public Laws 1921, Chapter 2, Section 29, or Public Laws 1937, Chapter 407, Section 61, shall be construed to affect the validity of a parking meter ordinance or the revenues realized therefrom.

(d) The governing body of any city may, by ordinance, regulate the stopping, standing, or parking of vehicles in specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex, or commercial office complex, or any other privately owned public vehicular area, or prohibit such stopping, standing, or parking during any specified hours, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted. The owner of a vehicle parked in violation of an ordinance adopted pursuant to this subsection shall be deemed to have appointed any appropriate law-enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1941, c. 153, ss. 1, 2; c. 272; 1947, c. 7; 1953, c. 171; 1965, c. 945; 1971, c. 698, s. 1; 1973, c. 426, s. 48; 1979, c. 745, s. 2.)

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

- ☐ Committee Substitute for
H.B. 656 A BILL TO BE ENTITLED AN ACT TO ALLOW JOHNNY S. MYERS TO
CONVEY CERTAIN PROPERTY TO THE COUNTY OF YADKIN.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a 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 656

Short Title: Yadkin Property Transfer.

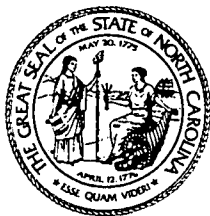
(Local)

Sponsors: Representatives Holmes; and Walker.

Referred to: Local Government II.

March 19, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW JOHNNY S. MYERS TO CONVEY CERTAIN PROPERTY
3 TO THE COUNTY OF YADKIN.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** Notwithstanding G.S. 14-234, Johnny S. Myers may convey to
6 the County of Yadkin some or all of the property owned by him and described in a deed
7 recorded in Book 296, Page 859, Yadkin County Registry.
8 **SECTION 2.** This act is effective when it becomes law.



HB 656: Yadkin Property Transfer

BILL ANALYSIS

Committee: House Local Government II

Date: March 28, 2001

Version: First Edition

Introduced by: Representatives Holmes and Walker

Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS: This bill would allow Yadkin County Commissioner Johnny S. Myers to convey property owned by him to the County of Yadkin without being subject to prosecution under G.S. 14-234. Currently, such a transaction would be illegal under G.S. 14-234 due to the existence of a conflict in interest.

BACKGROUND: The County of Yadkin desires to construct a reservoir and in order to complete the project, the County desires to purchase Commissioner Myers' property because it is located on the site of the reservoir. Similar exceptions to G.S. 14-234 have, in the past, been granted by the General Assembly.

This act is effective when it becomes law.

§ 14-202.1. Taking indecent liberties with children.

CASE NOTES

- I. General Consideration.
III. Evidence.

I. GENERAL CONSIDERATION.

Constitutionality. —

The term "with" contained in this section was not unconstitutionally vague as applied to defendant who exposed himself from behind a sliding glass door to children some 35 feet away. *State v. Nesbitt*, 133 N.C. App. 420, 515 S.E.2d 503 (1999).

Neither the indictments nor the jury verdicts returned thereon were required to specify the acts which constituted the indecent liberties for which the defendant was convicted. *State v. Miller*, — N.C. App. —, 528 S.E.2d 626, 2000 N.C. App. LEXIS 418 (2000).

Youth of Victim as Aggravating Factor.

The trial court improperly used the victim's age as an aggravating factor because the State did not present evidence that "the victim was more vulnerable than other victims because of his age"; merely checking the AOC form is not sufficient to establish this aggravating factor except in cases where the child is of such tender age that the vulnerability is established by consideration of the nature of the crime. *State*

v. Rudisill, — N.C. App. —, 527 S.E.2d 727, 2000 N.C. App. LEXIS 321 (2000).

III. EVIDENCE.

Record contained sufficient evidence that defendant was "with" children, within the meaning of this section, when he used his dogs to encourage children to come to his yard and then exposed himself from within a nearby glass door. *State v. Nesbitt*, 133 N.C. App. 420, 515 S.E.2d 503 (1999).

Evidence Supported Finding of Abuse.

— The trial court's findings of fact regarding child's status as an abused juvenile were supported by clear and convincing evidence where the child testified that her father had shown her a picture of a woman wearing a see-through dress, the child's friend drew a picture in court of what she had seen, i.e. the father's anatomy, a social worker testified that the child had told her that her father had "asked her to touch his penis," and a doctor testified that the child had told her that her father had asked her to look at a "dirty book." *In re Cogdill*, — N.C. App. —, 528 S.E.2d 600, 2000 N.C. App. LEXIS 425 (2000).

§ 14-202.2. Indecent liberties between children.

CASE NOTES

The element "for the purpose of arousing or gratifying sexual desire" may not be inferred solely from the act itself under this section. Without some evidence of the child's maturity, intent, experience, or other factor

indicating his purpose in acting, sexual ambitions must not be assigned to a child's actions. *In re T.S.*, 133 N.C. App. 272, 515 S.E.2d 230 (1999).

SUBCHAPTER VIII. OFFENSES AGAINST PUBLIC JUSTICE.

ARTICLE 31.

Misconduct in Public Office.

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

(a) If any person appointed or elected a commissioner or director to discharge any trust wherein the State or any county, city or town may be in any

manner interested in his own benefit, under no circumstances shall he be making such contract singly or jointly with any person or persons that this section prohibits, or with any banks or banking institutions, or with any utilities regulated in regular course of business, or with any contracting shall on which such public

(b) Nothing in this section shall render unlawful any agency or commission or committee or any needy individuals, or any program of direct or indirect aid from the United States or the State board, agency or commission or any assistance to needy individuals on an inatory basis to any occupation; and any of its employees or qualified providers, and that the remainder of the same amount shall be that, although the making determining he shall take no

(c) No director of any department, agency or otherwise participating in any firm, corporation or partnership during the preceding year, or any director, board member

(c1) The fact that a corporation or partnership is an entity or is an employee make the person making such contract subsection (a) of this section financial association in order for the making or contracting resolution on which

(d) The provision meeting the requirements of any other transaction

(d1) The first official or person having a population of federal census, or the office of a county population of more than census, (iii) any a city board of directors according to the

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

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

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

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

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

(d1) The first sentence of subsection (a) shall not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 7,500 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 7,500 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 7,500 according to the most recent official federal census, (iv) any elected official or

person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 7,500 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 7,500 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if:

- (1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed ten thousand dollars (\$10,000) for medically related services and fifteen thousand dollars (\$15,000) for other goods or services within a 12-month period; and
 - (2) The official entering into the contract or undertaking with the unit or agency does not in his official capacity participate in any way or vote; and
 - (3) The total annual amount of undertakings or contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county; and
 - (4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which undertakes or contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such undertakings or contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.
- (d2) The provision of subsection (d1) shall not apply to contracts required by Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.
- (d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to G.S. 143-215.74 by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met.
- (d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a member of the Commission has an interest provided that the requirements of G.S. 143-717(g) are met.
- (e) Anyone violating this section shall be guilty of a Class 1 misdemeanor. (1825, c. 1269, P.R.; 1826, c. 29; R.C., c. 34, s. 38; Code, s. 1011; Rev., s. 3572; C.S., s. 4388; 1929, c. 19, s. 1; 1969, c. 1027; 1975, c. 409; 1977, cc. 240, 761; 1979, c. 720; 1981, c. 103, ss. 1, 2, 5; 1983, c. 544, ss. 1, 2; 1985, c. 190; 1987, c. 570; 1989, c. 231; 1991 (Reg. Sess., 1992), c. 1030, s. 5; 1993, c. 539, s. 145; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 519, s. 4; 2000-147, s. 6.)

Editor's Note. — Section 14-234.1(c), provides:

"(a) Interpretation of sections of this act providing an alternative method for the enforcement of powers conferred by the act, authorized by the act, and do not derogate any powers conferred by the act and do not derogate any powers conferred by the act."

"(b) References in this act to the provisions of the act or Chapters of the General Statutes intended to be reference to the provisions of the act or Chapters of the General Statutes."

Regarding a possible claim. — Where plaintiff could arise between two members of its authority decides to rescind standing bonds, which

§ 14-234.1. Mi

Section Relevant in Claim. — Where plaintiff the defendant had a fiduciary duty and that he breached it and sustain her burden as to

§ 14-258.1. Fu

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Evidence Held Sufficient to Sustain Case. — showing that the defendant inmate at a local correctional institution gave him

Editor's Note. — Session Laws 2000-147, s. 8(a)-(c), provides:

"(a) Interpretation of Act. — The foregoing sections of this act provide an additional and alternative method for the doing of the things authorized by the act, are supplemental and additional to powers conferred by other laws, and do not derogate any powers now existing.

"(b) References in this act to specific sections or Chapters of the General Statutes are intended to be references to those sections or

Chapters as amended and as they may be amended from time to time by the General Assembly.

"(c) This act, being necessary for the health and welfare of the people of the State, shall be liberally construed to effect its purposes."

Session Laws 2000-147, s. 8(d), contains a severability clause.

Effect of Amendments. — Session Laws 2000-147, s. 6, effective August 2, 2000, added subsection (d4).

OPINIONS OF ATTORNEY GENERAL

Regarding a possible conflict of interest which could arise between an airport authority and two members of its board of directors if the authority decides to refund some of its outstanding bonds, which would likely involve

entering into a contract with a financial institution to underwrite the issuance of such bonds, see opinion of Attorney General to William Owen Cooke, Cooke & Cooke, Attorneys At Law, 1999 N.C.A.G. 20 (6/24/99).

§ 14-234.1. Misuse of confidential information.

CASE NOTES

Section Relevant in Constructive Fraud Claim. — Where plaintiff had to establish that the defendant had a fiduciary relationship with her and that he breached that duty, in order to sustain her burden as to a claim of constructive

fraud, this section was relevant as evidence of the corrupt and possible criminal nature of the acts allegedly perpetrated. *Leftwich v. Gaines*, 134 N.C. App. 502, 521 S.E.2d 717 (1999).

ARTICLE 33.

Prison Breach and Prisoners.

§ 14-258.1. Furnishing poison, controlled substances, deadly weapons, cartridges, ammunition or alcoholic beverages to inmates of charitable, mental or penal institutions or local confinement facilities.

CASE NOTES

Evidence Held Sufficient in Controlled Substance Case. — The State's evidence showing that the defendant's boyfriend was an inmate at a local confinement facility, that defendant gave him a controlled substance

while he was an inmate, and that defendant acted knowingly and intentionally was sufficient to sustain a conviction under this section. *State v. Mitchell*, 135 N.C. App. 617, 522 S.E.2d 94 (1999).

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for
H.B. 683 A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE
PLYMOUTH TOWN COUNCIL ELECTED FROM A WARD ARE VOTED ON ONLY
WITHIN THAT WARD.

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a 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 683

Short Title: Plymouth Council Election.

(Local)

Sponsors: Representative Rogers.

Referred to: Local Government II.

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT MEMBERS OF THE PLYMOUTH TOWN COUNCIL
ELECTED FROM A WARD ARE VOTED ON ONLY WITHIN THAT WARD.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.3 of the Charter of the Town of Plymouth, being
Chapter 325 of the 1995 Session Laws, reads as rewritten:

"Sec. 3.3. **Election of Governing Body.** Six Council members and a Mayor shall be
elected in each regular municipal election. The qualified voters of the Town voting at
large shall elect a Mayor, and the qualified voters in each of the three wards shall elect
two Council ~~members from each of the three wards, members,~~ all to serve for terms of
two years, or until their successors are elected and qualified. In each election, the
candidate for Mayor who receives the largest number of votes cast for Mayor shall be
declared elected, and the two candidates for Council member from each ward who
receive the highest number of votes cast ~~for candidates who reside in the ward wherein~~
in that ward in which they reside shall be declared elected."

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



HOUSE BILL 683: Plymouth Council Election

BILL ANALYSIS

Committee: House Local and Regional
Government II
Date: March 28, 2001
Version: First Edition

Introduced by: Representative Rogers
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would clarify that in the election of the six-member town council of Plymouth, a qualified voter can only vote to elect the two (2) members from the ward in which the voter resides.*

CURRENT LAW: Section 3.3 of the Charter of Plymouth provides for election of two town council members from each of the three wards.

BILL ANALYSIS: Section 1. amends the language in Section 3.3 of the Charter of Plymouth to clarify that only those residing in a particular ward may cast a vote to elect the two town council members from that ward on the town council.

BACKGROUND: The intent of the bill is to amend the charter language so that is clearly in conformity with this method of election already in practice.

EFFECTIVE DATE: Effective when it becomes law.

This bill is subject to the preclearance requirements of Section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c)

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

- ☐ Committee Substitute for
H.B. 699 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF
THE CAMDEN COUNTY BOARD OF EDUCATION IN THE GENERAL ELECTION ON
A NONPARTISAN BASIS.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐.
- ☐ With a favorable report, as amended.
- ☐ With a 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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for
H.B. 699 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF
THE CAMDEN COUNTY BOARD OF EDUCATION IN THE GENERAL ELECTION ON
A NONPARTISAN BASIS.

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a 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 699

Short Title: Camden School Board Election.

(Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

March 20, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE ELECTION OF THE CAMDEN COUNTY
3 BOARD OF EDUCATION IN THE GENERAL ELECTION ON A
4 NONPARTISAN BASIS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. The Camden County Board of Education shall consist of five
7 members who shall serve for terms of four years each.

8 SECTION 2. Each member of the Camden County Board of Education shall
9 be elected on an at-large basis.

10 SECTION 3. Beginning with the election for those members whose terms
11 expire in the year 2002, the elections for the members of the Camden County Board of
12 Education shall be held during the general election. Such elections shall be conducted
13 on a nonpartisan basis, and the results shall be determined on a plurality basis as
14 provided by G.S. 163-292. There shall be no election of the members of the Camden
15 County Board of Education during the primary elections.

16 SECTION 4. The members of the Camden County Board of Education shall
17 each be a resident of Camden County. Each candidate shall file a notice of candidacy
18 with the Board of Elections of Camden County between 12:00 noon on the first business
19 day of July and 12:00 noon on the last business day of July of the year in which the
20 election will be held, which shall give the candidate's name, address, place of residence,
21 and a statement that the candidate desires to be candidate for membership on the said
22 Camden County Board of Education. The Board of Elections of Camden County shall
23 prepare a separate ballot for the election of said members which shall contain the names
24 of the candidates, but shall not refer to any party affiliation in any manner or form. The
25 candidates for membership on the Camden County Board of Education shall be voted
26 on at large by the eligible voters of Camden County, and the Board of Elections of
27 Camden County shall canvas and judicially determine the results of said election and

1 declare the members so elected. The candidates receiving the highest number of votes
2 shall be declared to be elected.

3 **SECTION 5.** All persons so elected shall serve until their successors are
4 elected and qualified, and any vacancy occurring on the Camden County Board of
5 Education by death, resignation, or otherwise shall be filled by the remaining members
6 of the Camden County Board of Education for the unexpired term, but the person
7 appointed to fill such vacancy must be a resident of Camden County.

8 **SECTION 6.** The election of the members of the Camden County Board of
9 Education is governed by Chapter 163 of the General Statutes, insofar as the same may
10 be applicable and not in conflict with the express terms of this act. The Camden County
11 Board of Elections may carry out the terms of this act.

12 **SECTION 7.** Chapter 173 of the 1977 Session Laws is repealed.

13 **SECTION 8.** This act is effective when it becomes law.



HOUSE BILL 699: Camden School Board Election

BILL ANALYSIS

Committee: House Local and Regional
Government II
Date: March 28, 2001
Version: First Edition

Introduced by: Representative Owens
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would change the manner of election of and representation by the Camden County Board of Election (the Board) to a non-partisan election for at-large representation conducted at the time of the general election, from a non-partisan election for a modified district-wide representation conducted at the time of the primary elections.*

CURRENT LAW: Chapter 173 of the 1977 Session Laws governs the current manner of election and representation on the Board. It provides for a non-partisan election of the five-member Board at the time of the primary elections. A resident from each of three township districts is elected to the Board; and two at-large Board members are elected, but the two must reside in different districts from each other. All eligible voters of the county can vote for each seat on the Board. The portions of Chapter 163 of the General Statutes governing primaries govern the election. Newly elected Board members take the oath of office in December.

BILL ANALYSIS: Section 1. would provide four-year terms for the five members of the Board.

Section 2. would provide for at-large election of each member.

Section 3. would provide for non-partisan election of the Board during the general election, beginning in 2002, with results determined on a plurality basis (pursuant to N.C.G.S. §163-292).

Section 4. would require the following requirements and procedures:

- Board member residency within Camden County;
- Notice of candidacy with the Board of Elections in July of the election year;
- Non-partisan separate ballot preparation by the Board of Elections;
- At-large vote by eligible voters with election of candidates with the highest votes;

Section 5. would provide for terms of service and the filling of vacancies on an unexpired term with a resident selected by the remaining Board members.

Section 6. would provide that Chapter 163 of the General Statutes govern the election to the extent not inconsistent with this act, and empower the Board of Elections to carry out the terms of this act.

Section 7. would repeal Chapter 173 of the 1977 Session Laws.

EFFECTIVE DATE: Effective when it becomes law.

This bill is subject to the preclearance requirements of Section 5 of the federal Voting Rights Act of 1965 (42 U.S.C. 1973c).

Sec. 5. The members representing the various districts on the Camden County Board of Education shall be residents of the said districts and shall file with the County Board of Elections of Camden County a notice of candidacy which shall give the candidate's name, address, place of residence and a statement that he desires to be a candidate for membership on the said Camden County Board of Education for the district in which he resides. The election of said members of said board shall be in the primary as heretofore set forth and shall be by nonpartisan election. The Board of Elections of Camden County shall prepare a separate ballot for the election of said members which shall, among other things, contain the name of the candidate, the school district that he desires to represent and shall not contain any reference to party affiliation in any manner or form. The said candidates for membership on the Camden County Board of Education shall be voted on at large by the eligible voters of Camden County, and the Board of Elections of Camden County shall canvass and judicially determine the results of said election and declare the members so elected. The candidates receiving the highest number of votes in any particular district shall be declared to be elected, and there shall be no other election until the regular time above-named and after expiration of terms of office. It is the intent and purpose of this act that said members of the Camden County Board of Education shall be elected in said primary or primaries and there shall be no further election in the general election. All persons so elected shall serve until their successors are elected and qualified, and any vacancy occurring on the Camden County Board of Education by death, resignation or otherwise shall be filled by the remaining members of the Camden County Board of Education for the unexpired term, but the person appointed to fill such vacancy must be from the same district as the person whose death, resignation or removal created the vacancy on said Camden County Board of Education.

Sec. 6. The election of said members of the Camden County Board of Education in the various primary elections as hereinabove provided shall be governed by Chapter 163 of the General Statutes, relating to primaries and elections, insofar as the same may be applicable and not in conflict with the expressed terms of this act: The Camden County Board of Elections is hereby authorized and empowered to create any necessary precincts, to appoint any necessary election officials and to set up and establish all necessary books and records for the conduct of said election in said primary.

Sec. 7. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1977.

H. B. 530

CHAPTER 174

AN ACT TO AMEND CHAPTER 398 OF THE 1973 SESSION LAWS
RELATING TO THE CIVIL SERVICE TEST IN MECKLENBURG
COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 398 of the 1973 Session Laws is hereby amended by deleting therefrom Section 6 in its entirety.

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1977.

H. B. 586

CH'

AN ACT TO PROVIDE FOR THE
OF EQUALIZATION AND F.
COMMISSIONERS OF CUMBER

The General Assembly of North Carolina

Section 1. The Board of C may appoint each year a speci Cumberland County Board of Equ members. The board of county chairman. To be eligible for app resided in Cumberland County f preceding his appointment, and m of real and personal property commissioners. Any vacancy on filled by the board of county co of equalization and review shal for the year for which they are

Sec. 2. After a special Review is appointed in any case, he shall carry out all duties granted to the Reviewer in Subchapter II of Chapter 105 of the General Statutes. If a special board of equalization are appointed in any year, the board, during the year, the board of county commissioners shall carry out all duties granted to it under Subchapter II of Chapter 105 of North Carolina.

Sec. 3. All members of the board shall receive for their services such compensation as the county commissioners. The board shall provide such clerical or other assistance as may be necessary.

Sec. 4. The members of
shall take and subscribe to the s
entering upon their duties.

Sec. 5. The time of meeting of the special board of equalization shall be as provided for in G.S. 105-322.

Sec. 6. This act shall ap:

Sec. 7. This act shall be

In the General Assembly re.

April, 1977.

Board of Education of the all be elected on a nonpartisan terms of four years except for the inafter provided; all appointed didates for the elected positions County Board of Elections not or to the time of the general

the board shall be held in 1978, ie general elections in North the provisions of the General the board so elected shall take ose members appointed by the late as elected members.

Board of Education of the lected by those voters residing ty Administrative Unit. The ition of the Whiteville City eneral Assembly from qualified Whiteville City Administrative hall hold office until his or her

uring the year 1978, the three es shall be elected for terms of e next highest number of votes er, all elected members shall be

mbers in 1978, and at least 10 General Assembly shall appoint er, all appointed members shall appointment shall be made by the time for taking office and

l by death, resignation, removal n, shall be filled within 15 days n appointed shall serve for the ncy. In the event there is a tie erior court judge shall, within e remaining board members do thin 15 days after said vacancy ppoint some person to fill said ; the members appointed by the eral Assembly if the General

ational meeting on the day the up a chairman, a vice-chairman e year, but shall be eligible to

Whiteville City Administrative if any, of the members of said

board by resolution, with said salary not to exceed that of the members of the Columbus County Board of Education.

Sec. 13. This act is applicable only to the Board of Education of the Whiteville City Administrative Unit.

Sec. 14. Except as otherwise provided herein, the election shall be held and conducted by the county board of elections in accordance with the laws, rules and regulations governing elections for county offices.

Sec. 15. This act shall become effective upon ratification. In the General Assembly read three times and ratified, this the 11th day of April, 1977.

H. B. 490 CHAPTER 173 AN ACT PROVIDING FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE CAMDEN COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. The Camden County Board of Education shall consist of five members who shall serve for terms of four years each, and, for the purposes of electing members of the Camden County Board of Education, Camden County shall be divided into four districts bounded and described as follows:

- District No. 1, South Mills Township.
- District No. 2, Courthouse Township.
- District No. 3, Shiloh Township.
- District No. 4, Camden County at large.

Sec. 2. It is the purpose of this act that there shall be one member elected from the South Mills Township, one member elected from the Courthouse Township, one member elected from the Shiloh Township, and two members elected at large, provided each shall be from different townships, from the district representing Camden County.

Sec. 3. As the Board of Education of Camden County is presently constituted, Charles Ralph Sawyer shall represent the South Mills Township, Melvin J. Jeralds shall represent the Courthouse Township, Wilma P. Steele shall represent the Shiloh Township, and Stephen F. Sawyer and W. F. Williams shall represent the at-large positions to be elected from Camden County.

Sec. 4. In the primary to be held in Camden County in 1978, there shall be elected one member of the Camden County Board of Education from the at-large position. In the primary election to be held in Camden County in 1978, there shall be elected three members of the Camden County Board of Education. One of the said members shall be a resident of District No. 1, the South Mills Township, one shall be a representative of District No. 3, the Shiloh Township, and the other shall be a representative of District No. 4. Quadrennially thereafter, as the terms of office of the said members of the Camden County Board of Education shall expire, there shall be elected a sufficient number of members to fill all vacancies occurring by reason of expiration of office. The members so elected in said primary elections shall be residents of the district of the member or members whose terms of office are expiring. The at-large members shall not be from the same township. The said members so elected shall take the oath of office on the next succeeding first Monday in December following their election.

VISITOR REGISTRATION SHEET

Local Mount II
Name of Committee

3/28/01
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Dr. Elaine Yarbrough	Saint Augustine's College
Henry Jones	Attorney - Raleigh
Mike Rennie	Wake City Public Schools
Susan Harmon	WC PSS
Pernell Wells	Saint Augustine's College
Nicole V. Fields	Saint Augustine's College
Burton C. Moore	Saint Augustine's College
Shironda Harris	Saint Augustine's College
1. K. City	Saint Augustine's College
LaTasha Jayman	Saint Augustine's College
Monika Dunham	Saint Augustine's College
WM Davis	STATE CONSTRUCTION OFFICE
Latonia Davis	Saint Augustine's College
Candice Braxton	Saint Augustine's College
Robert Reed	NCAAA
Latavius Polite	Saint Augustine's College
Tommy Brown	Saint Augustine's College
Brandy Gibbs	Saint Augustine's College
Jowanna Mitchell	Saint Augustine's College
Maxine Taylor	St. Augustine's College
Andy Romet	NCLM
Leanne Wunne	NCSBA
Steve Hoffman	NCSBA
Hal Miller	NEECT
Harold Brown	NC Tob Growers Assn
J. Benji	NC Sub Business Cn
Lamont Smith	St. Aug
Lamont Roberts	St. Augustine's College

HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
April 4, 2001
11:00 A.M.

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 702	DISPOSAL OF WETLANDS MITIGATION CREDITS. (Rep. Culpepper)
HB 703	WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES. (Reps. Gray, Decker, Esposito, Oldham, Sexton, and Womble)
HB 705	GREENVILLE SPEED ENFORCEMENT CAMERAS. (Rep. Rogers)
HB 719	STOVALL ELECTION CHANGES. (Rep. Fox)
HB 768	CURRITUCK BEACH TRAFFIC ORDINANCES. (Rep. Owens)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
April 4, 2001

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, April 4, 2001, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Capps, Fox, Gillespie, Haire, Owens, Rogers, Walker, Warren, West, G. Wilson, and Womble. Esther Manheimer and Frank Folger, committee counselors, were also in attendance.

Representative Jarrell called the meeting to order and recognized the page, J. R. Garner of Wake County, committee members and staff. Representative Hurley, Vice Chair, recognized Dr. Susan Cheek and the Political Science class from Methodist College. The class was here to observe committees. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 702 – DISPOSAL OF WETLANDS MITIGATION CREDITS. Representative Culpepper, sponsor, was recognized to explain this bill which would allow Tyrrell County to be exempt from the upset bidding requirements mandate in Article 12 of Chapter 160A in the County's sale of wetland mitigation credits. Article 12 of Chapter 160A governs how cities and counties may dispose of real and personal property. The exemption will allow the County to sell the credits using a private negotiation and sale.

A proposed committee substitute was offered and Representative Hurley moved for its adoption. Motion carried. Representative Owens made a motion for a favorable report to the committee substitute, unfavorable to original bill. Motion carried.

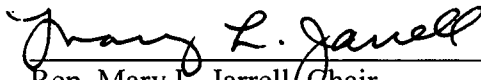
HB 719 – STOVALL ELECTION CHANGES. Representative Fox, sponsor, explained that this bill would lengthen the terms of office of Stovall's town commissioners and mayor to four years (from two years) and would stagger the terms of the commissioners. The changes sought by this bill received the unanimous approval of the Stovall Town Board of Commissioners at their March 12, 2001 meeting. The proponents of the bill hope to provide continuity in leadership of the Town of Stovall and avoid complete turnover in elected officials every two years.

A committee substitute was offered and Representative Owens moved for its adoption. Frank Folger, Staff Attorney, explained that there was an error in the proposed committee substitute. An amendment was offered. Representative Hurley made a motion to adopt the amendment to be rolled into a new committee substitute. Motion carried. Representative Womble then moved for a favorable report to the new committee substitute, unfavorable to original bill. Motion carried.

HB 768 – CURRITUCK BEACH TRAFFIC ORDINANCES. Representative Owens, sponsor of HB 768, was recognized to explain the bill. He explained that this bill would allow Currituck County to enforce an ordinance regulating beach driving the same way as State traffic laws and would update the authorizing legislation to provide that violation of an ordinance adopted pursuant to the act would be a Class 2 misdemeanor.

A committee substitute was offered and Representative Rogers moved to adopt the committee substitute. Motion carried. Frank Folger, Staff Attorney, explained the intent of the bill and how the committee substitute differs from the original bill. Copies of bills are attached. Representative Hurley made a motion to give a favorable report to committee substitute, unfavorable to original bill. Motion carried.

The meeting adjourned at 12:00 noon.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 702 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY
TO DISPOSE OF WETLANDS MITIGATION BANKING CREDITS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 702

Short Title: Disposal of Wetlands Mitigation Credits. (Local)

Sponsors: Representative Culpepper.

Referred to: Local Government II.

March 20, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE TYRRELL COUNTY TO DISPOSE OF WETLANDS
MITIGATION BANKING CREDITS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes and notwithstanding Article 1 of Chapter 158 of the General Statutes, the County of Tyrrell may dispose of any or all of its rights, title, and interest in wetlands mitigation banking credits created under the Wetlands Restoration Program, 33 U.S.C. § 1251, et seq., and its implementing regulations and related acts.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 702

PROPOSED COMMITTEE SUBSTITUTE H702-CSSK-14 [v.1]

4/4/2001 8:29:30 AM

Short Title: Disposal of Wetlands Mitigation Credits.

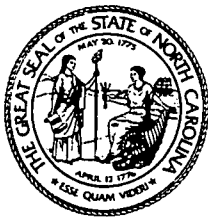
(Local)

Sponsors:

Referred to:

March 20, 2001

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE TYRRELL COUNTY TO DISPOSE OF WETLANDS
3 MITIGATION BANKING CREDITS.
4 The General Assembly of North Carolina enacts:
5 SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General
6 Statutes, the County of Tyrrell may dispose of any or all of its rights, title, and interest
7 in wetlands mitigation banking credits.
8 SECTION 2. This act is effective when it becomes law.



HB 702: Disposal of Wetlands Mitigation Credits

BILL ANALYSIS

Committee: Local Government II
Date: April 4, 2001
Version: H702-CSSK-14[v.1]

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

BILL ANALYSIS: This bill would allow Tyrrell County to be exempt from the upset bidding requirements mandated in Article 12 of Chapter 160A in the County's sale of wetland mitigation credits. Article 12 of Chapter 160A governs how cities and counties may dispose of real and personal property. The exemption will allow the County to sell the credits using a private negotiation and sale.

BACKGROUND: Under federal law, when a developer/builder engages in construction that results in the total or partial destruction of a wetland, the developer/builder must mitigate the negative impact on the wetland using any of the following three options:

1. The developer can mitigate the loss of the wetland himself or herself by purchasing other wetlands and preserving or enhancing those wetlands;
2. The developer can make a payment to the Wetland Restoration Fund administered by the North Carolina Department of Environment and Natural Resources. The Department determines the amount of the payment based on the amount and type of wetlands destroyed or negatively impacted; or
3. The developer can purchase wetland mitigation credits from a wetland mitigation bank. A wetland mitigation bank is an entity that purchases and maintains wetlands. When a developer destroys or otherwise negatively impacts wetlands, he or she may purchase credits in other wetlands that equal the wetlands the developer has destroyed or negatively impacted. When a developer buys credits from the bank, the bank does not transfer title to the wetlands to the developer. Rather, only the credit is transferred. Once the developer destroys or otherwise negatively impacts the wetlands on that site, the credit is used up.

EFFECTIVE DATE: 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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II**.

☐ Committee Substitute for

H.B. 719 A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE
FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL
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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 719*

Short Title: Stovall Election Changes.

(Local)

Sponsors: Representatives Fox; Allen and Crawford.

Referred to: Local Government II.

March 22, 2001

A BILL TO BE ENTITLED

AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 2.2 and 2.3 of the Charter of the Town of Stovall, being Chapter 596 of the 1979 Session Laws, reads as rewritten:

"Section 2.2. Board of Commissioners; Composition; Terms of Office. The Board of Commissioners shall be composed of five members, each of whom shall be elected for terms of ~~two~~ four years in the manner provided by Article III of this Charter; provided, they shall serve until their successors are elected and qualified.

"Section 2.3. Election of the Mayor; Term of Office; Duties. The Mayor shall be elected directly by voters of the Town in the manner provided by Article III of this Charter for a term of ~~two~~ four years; provided, the Mayor shall serve 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 of Commissioners. He shall have the right to vote only if there are equal numbers of votes in the affirmative and the negative on any matter 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."

SECTION 2. Sections 3.1 and 3.2 of the Charter of the Town of Stovall, being Chapter 596 of the 1979 Session Laws, reads as rewritten:

"Section 3.1. Regular Municipal Elections; Conduct and Method of Election. Except as provided in Section 3.2 of this Charter, Regular-regular municipal elections shall be held in the Town every ~~two~~ four years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the Board of Commissioners shall be elected according to the nonpartisan plurality method of election, as provided in G.S. 163-292.

1 "Section 3.2. Election of the Board of Commissioners; Election of Mayor. ~~At the~~
2 ~~regular municipal election in 1979 and every two years thereafter, there shall be elected~~
3 ~~a Mayor and five Commissioners to fill the seats of the Mayor and Commissioners~~
4 ~~whose terms are then expiring. The Commissioners and Mayor shall be elected to four-~~
5 ~~year terms by the qualified voters of the entire Town, except as provided otherwise in~~
6 ~~this section. In 2001, and quadrennially thereafter, a Mayor shall be elected to a four-~~
7 ~~year term. In 2001, for the position of Commissioner, the two persons receiving the~~
8 ~~highest numbers of votes shall be elected to four-year terms and the three persons~~
9 ~~receiving the next highest numbers of votes shall be elected to two-year terms. In 2003,~~
10 ~~and quadrennially thereafter, three persons shall be elected to four-year terms. In 2005,~~
11 ~~and quadrennially thereafter, two persons shall be elected to four-year terms."~~

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 719*
PROPOSED COMMITTEE SUBSTITUTE H719-CSSO-8 [v.1]

3/29/2001 4:10:36 PM

Short Title: Stovall Election Changes.

(Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN
COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE
TERMS.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 2.2 and 2.3 of the Charter of the Town of Stovall,
being Chapter 596 of the 1979 Session Laws, reads as rewritten:

"Section 2.2. Board of Commissioners; Composition; Terms of Office. The Board of
Commissioners shall be composed of five members, each of whom shall be elected for
terms of ~~two~~four years in the manner provided by Article III of this Charter; provided,
they shall serve until their successors are elected and qualified.

"Section 2.3. Election of the Mayor; Term of Office; Duties. The Mayor shall be
elected directly by voters of the Town in the manner provided by Article III of this
Charter for a term of ~~two~~four years; provided, the Mayor shall serve 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 of Commissioners. He shall have the right
to vote only if there are equal numbers of votes in the affirmative and the negative on
any matter 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."

SECTION 2. Sections 3.1 and 3.2 of the Charter of the Town of Stovall,
being Chapter 596 of the 1979 Session Laws, reads as rewritten:

"Section 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. The Mayor and members of the Board of Commissioners shall be
elected according to the nonpartisan plurality method of election, as provided in G.S.
163-292.

1 "Section 3.2. Election of the Board of Commissioners; Election of Mayor. ~~At the~~
2 ~~regular municipal election in 1979 and every two years thereafter, there shall be elected~~
3 ~~a Mayor and five Commissioners to fill the seats of the Mayor and Commissioners~~
4 ~~whose terms are then expiring. The Commissioners and Mayor shall be elected to four-~~
5 ~~year terms by the qualified voters of the entire Town, except as provided otherwise in~~
6 ~~this section. In 2001, and quadrennially thereafter, a Mayor shall be elected to a four-~~
7 ~~year term. In 2001, for the position of Commissioner, the two persons receiving the~~
8 ~~highest numbers of votes shall be elected to four-year terms and the three persons~~
9 ~~receiving the next highest numbers of votes shall be elected to two-year terms. In 2003,~~
10 ~~and quadrennially thereafter, three persons shall be elected to four-year terms. In 2005,~~
11 ~~and quadrennially thereafter, two persons shall be elected to four-year terms."~~

12 **SECTION 3.** This act is effective when it becomes law.
13

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 719*
PROPOSED COMMITTEE SUBSTITUTE H719*-PCS8147-SO-8

Short Title: Stovall Election Changes.

(Local)

Sponsors:

Referred to:

March 22, 2001

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

The General Assembly of North Carolina enacts:

SECTION 1. Sections 2.2 and 2.3 of the Charter of the Town of Stovall, being Chapter 596 of the 1979 Session Laws, reads as rewritten:

"Section 2.2. Board of Commissioners; Composition; Terms of Office. The Board of Commissioners shall be composed of five members, each of whom shall be elected for terms of ~~two~~ four years in the manner provided by Article III of this Charter; provided, they shall serve until their successors are elected and qualified.

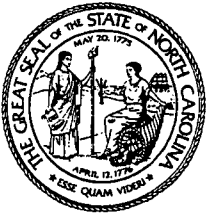
"Section 2.3. Election of the Mayor; Term of Office; Duties. The Mayor shall be elected directly by voters of the Town in the manner provided by Article III of this Charter for a term of ~~two~~ four years; provided, the Mayor shall serve until his successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. He shall have the right to vote only if there are equal numbers of votes in the affirmative and the negative on any matter 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."

SECTION 2. Section 3.2 of the Charter of the Town of Stovall, being Chapter 596 of the 1979 Session Laws, reads as rewritten:

"Section 3.2. Election of the Board of Commissioners; Election of Mayor. ~~At the regular municipal election in 1979 and every two years thereafter, there shall be elected a Mayor and five Commissioners to fill the seats of the Mayor and Commissioners whose terms are then expiring. 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~~

1 highest numbers of votes shall be elected to four-year terms and the three persons
2 receiving the next highest numbers of votes shall be elected to two-year terms. In 2003,
3 and quadrennially thereafter, three persons shall be elected to four-year terms. In 2005,
4 and quadrennially thereafter, two persons shall be elected to four-year terms."

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



HOUSE BILL 719: Stovall Election Changes

BILL ANALYSIS

Committee: House Local and Regional
Government II

Date: April 4, 2001

Version: H719-CSSO-8 [v.1]

Introduced by: Representative Fox

Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would lengthen the regular terms of office of Stovall's town commissioners and mayor to four years (from two years) and would stagger the terms of the commissioners.*

CURRENT LAW: The Charter of the Town of Stovall, in Chapter 596 of the 1979 Session Laws, provides the Mayor and the five members of the Board of Commissioners with two-year terms of office and no staggering of terms.

BILL ANALYSIS: Section 1. would provide the Mayor and Board members with four-year regular terms of office.

Section 2. would provide for staggered elections of the five Board members. Upon completion of the staggering via modified term lengths, three Board members would be elected for four-year terms, beginning in the 2003 election and quadrennially thereafter, and two Board members and the Mayor would be elected for four-year terms, beginning in the 2005 election and quadrennially thereafter.

BACKGROUND: The changes sought by this bill received the unanimous approval of the Stovall Town Board of Commissioners at their March 12, 2001 meeting. The proponents of the bill hope to provide continuity in leadership of the Town of Stovall and avoid complete turnover in elected officials every two years.

EFFECTIVE DATE: 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) Jarrell (Chair/Chairs) for the Committee on Local Government II.

☐ Committee Substitute for

H.B. 768 A BILL TO BE ENTITLED AN ACT TO MAKE VIOLATIONS OF
CURRITUCK COUNTY BEACH DRIVING ORDINANCES ENFORCEABLE IN THE
SAME MANNER AS STATE TRAFFIC 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 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 768

Short Title: Currituck Beach Traffic Ordinances.

(Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VIOLATIONS OF CURRITUCK COUNTY BEACH DRIVING
ORDINANCES ENFORCEABLE IN THE SAME MANNER AS STATE
TRAFFIC STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 1985-875, as amended by S.L. 1998-64,
reads as rewritten:

"**Section 1.** Chapter 153A of the General Statutes is amended by adding a new
section to read:

"§ 153A-139.1. Regulation of motor vehicles at beaches.

(a) A county may by ordinance regulate, restrict, and prohibit the use of dune or
beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven
vehicle specified by the governing body of the county on the foreshore, beach strand,
and the barrier dune system. Violation of any ordinance adopted by the governing body
pursuant to this section is a misdemeanor, punishable by a fine of not more than five
hundred dollars (\$500.00), or by imprisonment for not more than 30 days, or both in the
discretion of the court.

(b) A county shall not prohibit the use of the specified vehicles from the foreshore,
beach strand, and the barrier dune system by commercial fishermen for commercial
activities. Commercial fishermen, however, shall abide by all other regulations or
restrictions duly enacted by counties pursuant to this section.

(c) Notwithstanding G.S. 153A-122, a city may not take any action to limit the
applicability of any ordinance adopted pursuant to this section on land within the county
that is also within the city limits.

(d) For purposes of this section, a violation of any ordinances issued pursuant to
subsection (a) of this section may be enforced in the same manner as a violation of a
provision of Article 3 of Chapter 20 of the General Statutes."

SECTION 2. This act applies to Currituck County only.

1 **SECTION 3.** This act becomes effective October 1, 2001, and applies to
2 offenses committed on or after that date. Prosecutions for offenses committed before
3 the effective date of this act are not abated or affected by this act, and the statutes that
4 would be applicable but for this act remain applicable to those prosecutions.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 768

PROPOSED COMMITTEE SUBSTITUTE H768-CSSO-9 [v.2]

3/30/2001 3:49:18 PM

Short Title: Currituck Beach Traffic Ordinances.

(Local)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VIOLATIONS OF CURRITUCK COUNTY BEACH DRIVING
ORDINANCES ENFORCEABLE IN THE SAME MANNER AS STATE
TRAFFIC STATUTES AND TO MAKE THE VIOLATION PROVISION OF THE
ACT CONSISTENT WITH STRUCTURED SENTENCING.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 875 of the 1985 Session Laws, as
amended by S.L. 1998-64, reads as rewritten:

"**Section 1.** Chapter 153A of the General Statutes is amended by adding a new
section to read:

"§ 153A-139.1. Regulation of motor vehicles at beaches.

(a) A county may by ordinance regulate, restrict, and prohibit the use of dune or
beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven
vehicle specified by the governing body of the county on the foreshore, beach strand,
and the barrier dune system. Violation of any ordinance adopted by the governing body
pursuant to this section is a Class 2 misdemeanor, ~~misdemeanor, punishable by a fine of~~
~~not more than five hundred dollars (\$500.00), or by imprisonment for not more than 30~~
~~days, or both in the discretion of the court.~~

(b) A county shall not prohibit the use of the specified vehicles from the foreshore,
beach strand, and the barrier dune system by commercial fishermen for commercial
activities. Commercial fishermen, however, shall abide by all other regulations or
restrictions duly enacted by counties pursuant to this section.

(c) Notwithstanding G.S. 153A-122, a city may not take any action to limit the
applicability of any ordinance adopted pursuant to this section on land within the county
that is also within the city limits.

(d) For purposes of this section, a violation of any ordinances issued pursuant to
subsection (a) of this section may be enforced in the same manner as a violation of a
provision of Article 3 of Chapter 20 of the General Statutes."

SECTION 2. This act applies to Currituck County only.

1 **SECTION 3.** This act becomes effective October 1, 2001, and applies to
2 offenses committed on or after that date. Prosecutions for offenses committed before
3 the effective date of this act are not abated or affected by this act, and the statutes that
4 would be applicable but for this act remain applicable to those prosecutions.
5

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 768
PROPOSED COMMITTEE SUBSTITUTE H768-PCS8146-SO-9

Short Title: Currituck Beach Traffic Ordinances.

(Local)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VIOLATIONS OF CURRITUCK COUNTY BEACH DRIVING
ORDINANCES ENFORCEABLE IN THE SAME MANNER AS STATE
TRAFFIC STATUTES AND TO MAKE THE VIOLATION PROVISION OF THE
ACT CONSISTENT WITH STRUCTURED SENTENCING.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 875 of the 1985 Session Laws, as
amended by S.L. 1998-64, reads as rewritten:

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

"§ 153A-139.1. Regulation of motor vehicles at beaches.

(a) A county may by ordinance regulate, restrict, and prohibit the use of dune or
beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven
vehicle specified by the governing body of the county on the foreshore, beach strand,
and the barrier dune system. Violation of any ordinance adopted by the governing body
pursuant to this section is a Class 2 misdemeanor, ~~misdemeanor, punishable by a fine of~~
~~not more than five hundred dollars (\$500.00), or by imprisonment for not more than 30~~
~~days, or both in the discretion of the court.~~

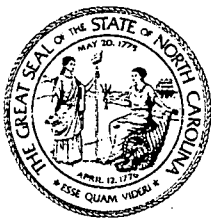
(b) A county shall not prohibit the use of the specified vehicles from the
foreshore, beach strand, and the barrier dune system by commercial fishermen for
commercial activities. Commercial fishermen, however, shall abide by all other
regulations or restrictions duly enacted by counties pursuant to this section.

(c) Notwithstanding G.S. 153A-122, a city may not take any action to limit the
applicability of any ordinance adopted pursuant to this section on land within the county
that is also within the city limits.

(d) For purposes of this section, a violation of any ordinances issued pursuant to
subsection (a) of this section may be enforced in the same manner as a violation of a
provision of Article 3 of Chapter 20 of the General Statutes."

SECTION 2. This act applies to Currituck County only.

1 **SECTION 3.** This act becomes effective October 1, 2001, and applies to
2 offenses committed on or after that date. Prosecutions for offenses committed before
3 the effective date of this act are not abated or affected by this act, and the statutes that
4 would be applicable but for this act remain applicable to those prosecutions.



HOUSE BILL 768: Currituck Beach Traffic Ordinances

BILL ANALYSIS

Committee: House Local and Regional
Government II

Date: April 4, 2001

Version: H768-CSSO-9[v.2]

Introduced by: Representative Owens

Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would allow Currituck County to enforce an ordinance regulating beach driving the same way as State traffic laws and would update the authorizing legislation to provide that violation of an ordinance adopted pursuant to the act would be a Class 2 misdemeanor .*

CURRENT LAW: Currently, Currituck County is authorized to adopt an ordinance to regulate the driving of power-driven vehicles such as dune buggies, jeeps, motorcycles, cars and the like on the beach and dunes. Violation of an ordinance adopted under this authorization is a misdemeanor punishable by a maximum \$500 fine, a maximum imprisonment of 30 days, or both. The county, however, cannot prohibit commercial fisherman from using those vehicles on the beach for commercial activities. Also, no city in Currituck County can limit the applicability of such an ordinance to non-city land within the county.

BILL ANALYSIS: Section 1. would update the provision that presently makes violation of an ordinance adopted under the authorization an unclassified misdemeanor. It would revise subsection (a) of N.C.G.S. §153A-139.1, as enacted in Chapter 875 of the 1985 Session Laws and as amended by S.L. 1998-64, to make violation of such an ordinance a Class 2 misdemeanor, conforming the provision to structured sentencing. It would also provide that violation of an ordinance adopted under the authority granted in the act may be enforced the same way as State traffic statutes are enforced. Such enforcement methods include law enforcement stopping a vehicle, issuing a citation, and making an arrest for a violation.

Section 2. states that this bill applies only to Currituck County.

EFFECTIVE DATE: Effective October 1, 2001 and applicable to offenses committed on or after that date.

VISITOR REGISTRATION SHEET

Name of Committee _____

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Ron Ferrer	DENR - DWQ
Laura DeVos	DENR
Kim Hibbard	NCLM
Michelle Prasnik	Methodist Coll.
Melonde Colvin	Methodist Cal
Allyson Fuller	Southern High School
Jamie Dunbar	NCSU - PS 201
Daniel Blackburn	NCSU - PS 201
Becky Smart	NCSU - PS 201
Cecilia Mendoza	NCSU - PS 201
Brent Alexander	Southern High School - Alamance
W. C. Strain	Burlington Kiwanis - Youth Services
Chris Leaster	NCSU - PS 201
M. Allen Cooke	NCSU - PS 201
Brandon Joyce	NCSU - PS 201
Eileene Braxton	Southern High School - Alamance
PAUL WIEDMER	NCSU - PS 201
Heidi Kost	NCSU - PS 201
Roland Lamb	NCSU - PS 201
Angie McMillan	The Nature Conservancy, NC Chapter
Stacey Hargis	Southern High School - Alamance
Julie Jones	Southern High School - Alamance
Dylan Starr	Southern High School - Alamance
Natalie Aldridge	Southern High School
Shannon Lauer	Southern High School - Alamance
Bo Noah	" "
Tabitha Williams	Southern High School - Alamance
Karen Gibson	Southern High School - Alamance

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

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

NAME _____

FIRM OR AGENCY AND ADDRESS

Kate Atkins

Southern Alliance High School

HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
April 11, 2001
11:00 A.M.

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 667	NEW LONDON ELECTION CHANGES (Reps. Barbee and Gibson) ✓ -
HB 856	ALLOW SEPARATE-/SINGLE-PRIME CONTRACTS/CARTERET (Rep. Preston)
HB 866	GREENVILLE HOUSING CODE CASES (Rep. Warren) ✓ -
HB 926	MODIFY NEW HANOVER ROOM TAX (Rep. McComas) ✓
SB 486	KERNERSVILLE PRIVATE SALE (Sen. Horton) ✓ -

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
April 11, 2001

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, April 11, 2001, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Capps, Haire, Owens, Walker, Warren, West, and G. Wilson. Esther Manheimer and Frank Folger, committee counselors, were also in attendance.

Representative Jarrell called the meeting to order and recognized the pages, Courtney Shaver and Ashton Epps. A visitor registration sheet is attached and made a part of the minutes.

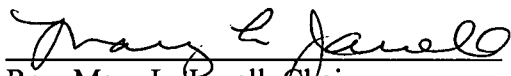
The following bills were considered:

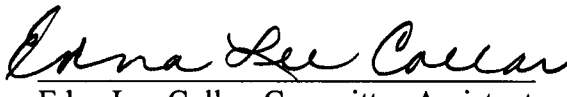
HB 866 – GREENVILLE HOUSING CODE CASES. Representative Warren, sponsor, explain this bill which would authorize the city of Greenville to require, by ordinance, each owner of rental property in the city who does not reside in Pitt County to designate an agent within the county to accept service of process brought for housing code violations. Representative Capps made a motion for a favorable report. Motion carried.

SB 486 – KERNERSVILLE PRIVATE SALE. Senator Horton, sponsor, explained the bill which allows Kernersville to convey by private negotiation and sale three tracts of land by the Mount Gur Cemetery Association, Inc. The sale may be with or without consideration and will be under terms and conditions the Town Board of Alderman deems appropriate. Representative West made a motion for a favorable report. Motion carried.

HB 667 – NEW LONDON ELECTION CHANGES. Representative Gibson, sponsor, explained the bill. Under current law, the Town of New London elects three commissioners and a mayor, and the Town Board of Commissioners may appoint a marshal. HB 667 increases the number of commissioners from three to five. The bill also increases all officers' terms from two years to four years. The bill staggers the terms of the Town Commissioners, beginning with the 2001 election. Representative Warren made a motion for a favorable report. Motion carried.

The meeting adjourned at 11:10.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 667 A BILL TO BE ENTITLED AN ACT INCREASING THE NUMBER OF COMMISSIONERS FOR THE TOWN OF NEW LONDON, EXTENDING THE TERMS OF OFFICE FOR THE TOWN'S COMMISSIONERS AND MAYOR, 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 667

Short Title: New London Election Changes.

(Local)

Sponsors: Representatives Barbee and Gibson.

Referred to: Local Government II.

March 19, 2001

A BILL TO BE ENTITLED

AN ACT INCREASING THE NUMBER OF COMMISSIONERS FOR THE TOWN
OF NEW LONDON, EXTENDING THE TERMS OF OFFICE FOR THE TOWN'S
COMMISSIONERS AND MAYOR, AND STAGGERING THOSE TERMS.

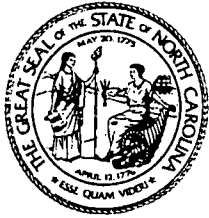
The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of the Charter of the Town of New London, being
Chapter 91 of the 1907 Private Laws, as amended, reads as rewritten:

~~"Sec. 3. The officers of said town shall consist of a mayor, three commissioner and a
marshal, all of which shall be elected at the regular elections to be held as provided by
this act, except the marshal, who shall be appointed by the board of town commissioners
for a term of two years: Provided, that said board of commissioners shall have the right
to revoke said appointment at any time on failure of any marshal to perform the duties
of his office satisfactorily; said marshal to be paid for his services in any lawful way
that said board may see fit. The officers of the town shall consist of a mayor and five
commissioners, and they 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. Section 15 of the Charter of the Town of New London, being
Chapter 91 of the 1907 Private Laws, as amended, is repealed.

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



HB 667: New London Election Changes

BILL ANALYSIS

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

Introduced by: Representatives Barbee and
Gibson
Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS: Under current law, the Town of New London elects three commissioners and a mayor, and the Town Board of Commissioners may appoint a marshal. HB 667 increases the number of commissioners from three to five. The bill also increases all officers' terms from two years to four years. Finally, the bill staggers the terms of the Town Commissioners, beginning with the 2001 election.

BACKGROUND: The Town Board of Commissioners has not appointed a marshal since the 1930's.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 866 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY WITHIN THE CITY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 866

Short Title: Greenville Housing Code Cases.

(Local)

Sponsors: Representative Warren.

Referred to: Local Government II.

March 29, 2001

A BILL TO BE ENTITLED

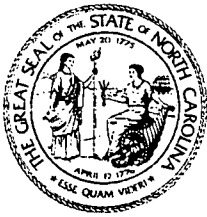
AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE OWNERS
OF RENTAL PROPERTY WITHIN THE CITY TO AUTHORIZE AN AGENT TO
ACCEPT SERVICE OF PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. The City Council may, by ordinance, require that each owner of rental property within the city authorize a person residing in Pitt County to serve as the owner's agent for the purpose of accepting service of process in an action involving a violation of an ordinance adopted under Part 5 or 6 of Article 19 of Chapter 160A of the General Statutes. The owner shall provide, on a form supplied by the city clerk, the authorized agent's name, address, and telephone number. The owner shall notify the city clerk of any changes in the information provided not less than 10 days after the changes have occurred. Nothing in this section requires an owner to designate an agent to accept service of process where the owner of the rental property resides within Pitt County.

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

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



HOUSE BILL 866: Greenville Housing Code Cases

BILL ANALYSIS

Committee: House Local and Regional
Government II
Date: April 11, 2001
Version: First Edition

Introduced by: Representative Warren
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would authorize the city of Greenville to require, by ordinance, each owner of rental property in the city who does not reside in Pitt County to designate an agent within the county to accept service of process in actions brought for housing code violations.*

CURRENT LAW:

BILL ANALYSIS: The bill would authorize Greenville to:

- Adopt an ordinance to require designation of an in-county service of process agent by rental property owners not residing in Pitt County;
- Require the owner to provide on the designation form supplied by the city clerk: the authorized agent's name, address, and telephone number; and
- Notify the city clerk with changes in the provide information within 10 days of the change.

The bill would only apply to Greenville and 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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

S.B. 486 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF
KERNERSVILLE 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S

3

SENATE BILL 486
Corrected Copy 3/20/01
Corrected Copy 3/21/01

Short Title: Kernersville Private Sale.

(Local)

Sponsors: Senators Horton; Bingham and Garrou.

Referred to: State and Local Government.

March 15, 2001

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

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General
6 Statutes, the Town of Kernersville 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 to the Mount Gur Cemetery Association, Inc., under the terms and
9 conditions that the Town Board of Aldermen deem appropriate:

10

11

Tract 1

12

13 Being all of that certain 1.102 acre tract of land lying in Kernersville Township, Forsyth
14 County, North Carolina; and bounded by natural boundaries and/or lands owned by
15 and/or in possession of persons, as follows: on the north by Reeves, Inc., on the east by
16 Mount Gur Cemetery Association, Inc., on the south and west by Auto Spring Co., Inc.,
17 and on the west by T & A Automotive Enterprise, Inc.; said tract being particularly
18 described by courses (according to the North Carolina Grid System) and distances
19 according to a survey and plats prepared by the Town of Kernersville Public Works
20 Department, dated January 12, 1984, and dated January 27, 1984, and other sources
21 cited herein, as follows:

22

23 Commencing at North Carolina Geodetic Station and horizontal control monument
24 "GUR"; said monument having N.C. grid coordinates of North 867,781.850 (feet) and
25 East 1,682,156.642 (feet) as per the North American Datum of 1983; thence the
26 following call taken from recorded plat cited as The Veterans Garden Section 2 as
27 recorded in Plat Book 38 at Page 160 of the Forsyth County Registry; thence North 13

1 Degrees, 47 Minutes, 11 Seconds West a distance of 91.51 feet to a control corner,
2 found existing iron pipe, the northeasterly corner of T & A Automotive Enterprise, Inc.
3 (see Deed Book 1731 Page 3304 of said Registry; see also tax lot 66D of Tax Block
4 5412 of Forsyth County Tax Maps), in the southerly line of Reeves, Inc. (see Deed
5 Book 1756 Page 2445 of said Registry; see also The Garden of the Christus as recorded
6 in Plat Book 23 at Page 95 of said Registry; see also tax lot 64E of said tax block 5412),
7 and being the true point of beginning:
8

9 Thence with said southerly line South 89 Degrees, 29 Minutes, 20 Seconds East a
10 distance of 156.15 feet to a found existing iron pipe; thence crossing tax lot 65B of said
11 tax block 5412 (see deeds to Mount Gur Cemetery Association, Inc., as follows: Deed
12 Book 49 Page 446, Deed Book 152 Page 45, and Deed Book 273 Page 179, all of said
13 Forsyth County Registry) South 3 Degrees, 44 Minutes, 20 Seconds West a distance of
14 333.16 feet to a found existing iron pipe, the northeasterly corner of Auto Spring Co.,
15 Inc. (see Deed Book 2003 Page 1594 of said Registry; see also tax lot 310 of said tax
16 block 5412); thence with said Auto Spring Co., Inc., the following two (2) calls: (1)
17 thence North 84 Degrees, 31 Minutes, 20 Seconds West a distance of 138.0 feet to a
18 found existing iron pipe; (2) thence North 0 Degrees, 31 Minutes, 40 Seconds East,
19 crossing a found existing iron pipe, the southeasterly corner of said T&A Automotive
20 Enterprise, Inc., at 96.28 feet, and continuing with the westerly line of said T&A
21 Automotive Enterprise, Inc., another 224.40 feet, for a total distance of 320.68 feet to
22 the true point of BEGINNING said control corner and found existing iron pipe.
23

24 The above described 1.102 acre tract is generally known and designated as being a
25 westerly portion of tax lot 65B of Forsyth County Tax Maps as presently constituted,
26 and is sometimes referred to as the Pauper's Plot Cemetery.
27

28 Tract 2
29

30 Being all of that 0.47 acre tract of land lying in Kernersville Township, Forsyth County,
31 North Carolina; and bounded by natural boundaries and/or lands owned by and/or in
32 possession of persons as follows: on the west and north by Mount Gur Cemetery
33 Association, Inc., on the east by Grove Street, and on the south by West Bodenhamer
34 Street; said tract being particularly described by courses (according to a survey and plat
35 prepared by the Town of Kernersville Public Works Department, dated April 23, 1985,
36 to which reference is hereby made, as follows:
37

38 Commencing at North Carolina Geodetic Station "Grove 2", said station having North
39 Carolina Grid System coordinates of North 866,695.32 and East 1,682,524.61; thence
40 North 58 deg. 37 min. 41 sec. West a distance of 178.10' to a 1" outside diameter set
41 new iron pipe, flush, at the back of a sidewalk in the northerly margin of West
42 Bodenhamer, being the true point of beginning:
43

1 Thence a new line across the lands of Mount Gur Cemetery Association, Inc. (see Deed
2 Book 1023 Page 661 of the Forsyth County Registry) North 06 deg. 22 min. 20 sec.
3 East a distance of 326.83' to a 1" outside diameter set new iron pipe, flush, in the
4 southerly line of other lands of said Mount Gur Cemetery Association (see Deed Book
5 49 Page 446, Deed Book 152 Page 45, and Deed Book 273 Page 273 Page 179, all of
6 said Registry); thence with said southerly line South 61 deg. 23 min. 30 sec. East a
7 distance of 70.98' to 7/8" outside diameter found existing iron pipe, 9" high, the
8 northwesterly terminus of Grove Street; thence with the westerly line of said Grove
9 Street South 07 deg. 17 min. 31 sec. West a distance of 306.60' to the beginning of a
10 curve concave northwesterly and having a radius of 18', said beginning of curve being
11 the northeasterly corner of that easement from Mount Gur Cemetery Association, Inc.,
12 to the Town of Kernersville (see Deed Book 1287 Page 889 of said Registry); thence
13 with the northerly line of said easement the following two (2) calls: (1) thence along
14 said curve through a central angle of 119 deg. 13 min. 56 sec. (the long chord of said
15 curve bears south 67 deg. 00 min. 22 sec. West a distance of 31.06') to a point in a line
16 tangent within the northerly margin of said West Bodenhamer Street; (2) thence
17 generally following said northerly margin of West Bodenhamer Street north 54 deg. 20
18 min. 29 sec. West a distance of 38.67'; thence a new line crossing the lands of said
19 Mount Gur Cemetery Association, Inc., North 06 deg. 22 min. 20 sec. East a distance of
20 2.91' to the true point of BEGINNING said 1" outside diameter set new iron pipe, flush,
21 at the back of said sidewalk. Being that property as recorded in the Forsyth County
22 Registry Deed Book 1492, at Page 9.

23
24 Tract 3
25

26 Lying and being in Kernersville Township, Forsyth County, North Carolina:
27

28 Being all of that certain 0.164 acre parcel of land formerly known and designated as
29 Grove Street; said 0.164 acre parcel of land is described by courses (according to the
30 North Carolina Grid System) and distances, as follows:
31

32 Commencing at Town of Kernersville horizontal control monument Grove 2, said
33 control monument having N.C. Grid System coordinates of North 866,768,433 (feet)
34 and East 1,682,602,398 (feet) as per the North American Datum of 1983; thence North
35 67 Degrees, 23 Minutes, 35 Seconds West, 76.00 feet, to a point in the northeasterly
36 margin of, and within the right-of-way of, West Bodenhamer Street, at the cusp of a
37 curve, and being the true point of Beginning:
38

39 Thence 18.34 feet along said curve, to the right, of radius 18.00 feet, a chord bearing
40 and distance of North 21 Degrees, 50 Minutes, 00 Seconds West, 17.56 feet, to a point
41 in the westerly line of the Town of Kernersville (see Deed Book 1356 Page 1390 of the
42 Forsyth County Registry); thence with said westerly line North 7 Degrees, 22 Minutes,
43 10 Seconds East, 341.07 feet, to a 7/8" outside diameter found existing iron pipe, flush,
44 set over a 5/8" outside diameter found existing solid iron, 14: subsurface, corner to Mt.

1 Gur Cemetery Association, Inc. (see Deed Book 49 Page 446 of said Registry; see Deed
2 Book 152 Page 45 of said Registry; see Deed Book 273 Page 179 of said Registry; see
3 also tax lot 65B of tax block 5412 of Forsyth County Tax Maps as presently
4 constituted); thence with said Mt. Gur Cemetery Association, Inc., South 89 Degrees,
5 36 Minutes, 45 Seconds West, 20.45 feet, to a 7/8" set new iron pipe, flush, the
6 northeasterly corner of now or formerly the Town of Kernersville (see Deed Book 1492
7 Page 9 of said Registry); thence with the easterly line of said now or formerly The
8 Town of Kernersville South 7 Degrees, 18 Minutes, 15 Seconds West, 306.71 feet, to a
9 7/8" outside diameter set new iron pipe, flush, at the beginning of a curve; thence 37.44
10 feet along said curve, to the right, of radius 18.00 feet, a chord bearing and distance of
11 South 67 Degrees, 00 Minutes, 35 Seconds West, 31.05 feet, to a point in said
12 northeasterly margin of, and within the right-of-way of, said West Bodenhamer Street;
13 thence within said right-of-way South 53 Degrees, 09 Minutes, 35 Seconds East, 63.48
14 feet, to the true point of Beginning.

15
16 Save and except the following described 0.0026 acre parcel of land, described as
17 follows:

18
19 Lying and being in Kernersville Township, Forsyth County, North Carolina:

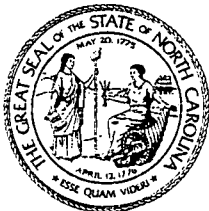
20
21 Being all of that certain 0.026 acre parcel of land formerly known and designated as
22 being a southerly portion of Grove Street; said 0.026 acre parcel of land is described by
23 courses (according to the North Carolina Grid System) and distances, as follows:

24
25 Commencing at Town of Kernersville horizontal control monument Grove 2, said
26 control monument having N.C. Grid System coordinates of North 866,768,433 (feet)
27 and East 1,682,602,398 (feet) as per the North American Datum of 1983; thence North
28 67 Degrees, 23 Minutes, 35 Seconds West, 76.00 feet, to a point in the northeasterly
29 margin of, and within the right-of-way of, West Bodenhamer Street, at the cusp of a
30 curve, and being the true point of Beginning:

31
32 Thence 18.34 feet along said curve, to the right, of radius 18.00 feet, a chord bearing
33 and distance of North 21 Degrees, 50 Minutes, 00 Seconds West, 17.56 feet, to a point
34 in the westerly line of the Town of Kernersville (see Deed Book 1356 Page 1390 of the
35 Forsyth County Registry); thence with said westerly line North 7 Degrees, 22 Minutes,
36 10 Seconds East, 50.24 feet; thence a new line crossing said Grove Street South 54
37 Degrees, 15 Minutes, 00 Seconds West, 27.28 feet, to a 7/8" outside diameter set new
38 iron pipe, flush, in the easterly line of now or formerly the Town of Kernersville (see
39 Deed Book 1495 Page 9 of said Registry) at the beginning of a curve; thence 37.44 feet
40 along said curve, to the right, of a radius 18.00 feet a chord bearing and distance of
41 South 67 Degrees, 00 Minutes, 35 Seconds West, 31.05 feet, to a point in said
42 northeasterly margin of, and within the right-of-way of, said West Bodenhamer Street;
43 thence within said of right-of-way South 53 Degrees, 09 Minutes, 35 Seconds East,
44 63.48 feet, to the true point of Beginning.

1

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



SENATE BILL 486: Kernersville Private Sale

BILL ANALYSIS

Committee: House Local and Regional
Government II

Date: April 11, 2001

Version: Third Edition

Introduced by: Senator Horton

Summary by: Frank W. Folger
Committee Counsel

SUMMARY: This bill allows Kernersville to convey by private negotiation and sale three tracts of land to the Mount Gur Cemetery Association, Inc. The sale may be with or without consideration and will be under terms conditions the Town Board of Alderman deems appropriate.

CURRENT LAW: General Statutes Chapter 160A, Article 12 contains the law regarding the sale and disposition of property by municipalities. G.S. 160A-266 lists and provides the limitations regarding the five property disposition methods. They are: (1) private negotiation and sale; (2) advertisement for sealed bids; (3) negotiated offer, advertisement, and upset bid; (4) public auction; and (5) exchange. G.S. 160A-267 contains requirements for council action specifically related to the private sale property disposition method.

BILL ANALYSIS: Section 1. would exclude the Town of Kernersville from the property disposition requirements in Article 12 of Chapter 160A of the General Statutes in conveying to the Mt. Gur Cemetery Ass'n, Inc. three specifically-described tracts adjacent to Ass'n property. It would allow the town, via terms deemed appropriate by the town's board of aldermen, to convey the tracts by private negotiation and sale, with or without consideration (something in return).

Section 2. would make the act effective when it becomes law

Al Andrews, Counsel to the Senate State and Local Government Committee, contributed to this summary.

VISITOR REGISTRATION SHEET

LOCAL & REG GOVERNMENT II

Name of Committee

4-11,2001

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Carol Lawler

CGHS

Jim HUBBS

NCHMA

Alice Garland

Electricities

John Phelps

NCLM

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
APRIL 18, 2001
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 321	35th DISTRICT LOCAL ACT. (Rep. Coates)
HB 522	CUMBERLAND COUNTY LOCAL ACT-1. (Rep. Hurley)
HB 618	TAXI SERVICE TO PIEDMONT TRIAD AIRPORT. (Rep. Adams)
HB 856	ALLOW SEPARATE-/SINGLE-PRIME CONTRACTS/CARTERET. (Rep. Preston)
HB 906	DURHAM CHARTER TECHNICAL CORRECTIONS. (Rep. Weiss)
HB 910	CARY CLEAR CUTTING. (Rep. Weiss)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
April 18, 2001

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, April 18, 2001, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Barbee, Capps, Fox, Owens, Walker, Warren, West, G. Wilson, and Womble. Esther Manheimer and Frank Folger, committee counselors, were also in attendance.

Representative Jarrell called the meeting to order and recognized the page, Elizabeth Dougherty of Buncombe County, committee members and staff. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 618 – TAXI SERVICE TO PIEDMONT TRIAD AIRPORT. Representative Adams, sponsor, was recognized to explain HB 618. This bill would allow the municipalities of Greensboro, High Point, and Winston-Salem to authorize expanded service to taxicabs between the three municipalities and the airport. Representative Adams stated that this bill is supported by the Guilford Delegation and restores equity and fair play. Currently, the only taxi service authorized to do business at the Piedmont Triad International Airport Authority is Airport Express. Don Vaughn, Greensboro City Council; Mrs. Estelle Keck, Founder Keck Taxi; and Don Angel, Chair of TDA, Winston-Salem, spoke in favor of the bill.

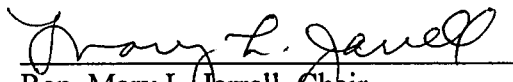
HB 321 – 35TH DISTRICT LOCAL ACT. Representative Coates, sponsor, explained the bill which exempts the City of Salisbury from the 10% requirement contained in the statutes regulating a municipality's voluntary annexation of a non-contiguous area. A proposed committee substitute was offered and Representative Womble moved for its adoption. Motion carried. Representative Hurley made a motion for a favorable report to proposed committee substitute, unfavorable to original bill. Motion carried.

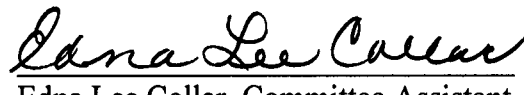
HB 906 – DURHAM CHARTER TECHNICAL CORRECTIONS. Representative Weiss, sponsor, explained that this bill would make a technical correction in Section 122 in Chapter VIII, Fair Housing, the Durham city charter to rectify a drafting error. Representative Hurley made a motion to give HB 906 a favorable report. Motion carried.

HB 910 – CARY CLEAR CUTTING. Representative Weiss, sponsor, explained that HB 910 authorizes the Towns of Cary, Garner, and Spencer to regulate by ordinance the removal and preservation of existing trees and shrubs on public and private property within the municipality and its extraterritorial planning jurisdiction. Bruce Thompson, Town of Cary, stated that this is a collaborative effort with the NC Home Builders Association and that they support the bill. A proposed committee substitute was offered and Representative Womble moved for its adoption. Motion carried. Representative Womble made a motion for a favorable report to committee substitute, unfavorable to original bill. Motion carried.

HB 522 – CUMBERLAND COUNTY LOCAL ACT-1. Representative Hurley, sponsor, was recognized to explain the bill which would authorize a Regional Transportation Authority for Cumberland County, Fayetteville, Hope Mills, and Spring Lake. A proposed committee substitute was offered and Representative Womble moved for its adoption. Motion carried. Representative Womble made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

The meeting adjourned at 11:50 A.M.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 321 A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH 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

1

HOUSE BILL 321

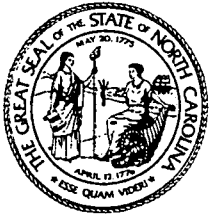
Short Title: 35th House District Local Act. (Local)

Sponsors: Representative Coates.

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

February 28, 2001

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 35TH HOUSE DISTRICT.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** This act relates only to the 35th House District.
5 **SECTION 2.** This act is effective when it becomes law.



HOUSE BILL 321: Salisbury Annexations

BILL ANALYSIS

Committee: House Local Government II
Date: April 18, 2001
Version: H321-CSLMx-12 [v.1]

Introduced by: Representative Hurley
Summary by: Esther Manheimer and
Kristen Crosson
Committee Staff

SUMMARY: *HB 321 exempts the City of Salisbury from the 10% requirement contained in the statutes regulating a municipality's voluntary annexation of a non-contiguous area.*

CURRENT LAW: Under current law, G.S. 160A-58.1 requires that a city must receive a valid petition signed by all of the owners of real property in a non-contiguous (or satellite) area before that non-contiguous area can be annexed by that city. A noncontiguous area proposed for annexation must meet five standards before being annexed. The fifth standard, at issue in this bill and contained in G.S. 160A-58.1(b)(5), limits the size of the non-contiguous area to be annexed. The satellite area to be annexed must be no larger than 10% of the primary corporate limits when added to existing satellite corporate limits.

BILL ANALYSIS: HB 321 exempts the City of Salisbury from being limited to annexing satellite areas (in total) that do not exceed 10% of the total corporate limit.

This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 321
PROPOSED COMMITTEE SUBSTITUTE H321-CSLMx-12 [v.1]

4/4/2001 4:16:24 PM

Short Title: Salisbury Annexations.

(Local)

Sponsors:

Referred to:

February 28, 2001

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE
3 CITY OF SALISBURY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-58.1(b)(5) does not apply to the City of Salisbury.

6 SECTION 2. This act is effective when it becomes law.
7
8

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

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

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

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

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

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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 522 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 522

Short Title: Cumberland County Local Act-1.

(Local)

Sponsors: Representative Hurley.

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

March 8, 2001

A BILL TO BE ENTITLED
AN ACT RELATING TO THE COUNTY OF CUMBERLAND.
The General Assembly of North Carolina enacts:
SECTION 1. This act relates to Cumberland County only.
SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 522
PROPOSED COMMITTEE SUBSTITUTE H522-PCS5206-SO-19

Short Title: Cumberland Transportation Authority.

(Local)

Sponsors:

Referred to:

March 8, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A REGIONAL TRANSPORTATION AUTHORITY FOR
CUMBERLAND COUNTY, THE CITY OF FAYETTEVILLE, THE TOWN OF
HOPE MILLS, AND THE TOWN OF SPRING LAKE.

The General Assembly of North Carolina enacts:

SECTION 1. There is created a Regional Transportation Authority for
Cumberland County, the City of Fayetteville, the Town of Hope Mills, and the Town of
Spring Lake which shall have the authority and those powers set forth in Articles 26 and
27 of Chapter 160A of the General Statutes, not inconsistent herewith.

SECTION 2. G.S. 160A-602 reads as rewritten:

"§ 160A-602. Definition of territorial jurisdiction of Authority.

(a) An authority may be created for any area of the State that, at the time of
creation of the authority, meets the following criteria:

(1) The area consists of three counties:

(2) At least one of those counties contains at least part of a County
Research and Production Service District established pursuant to Part 2
of Article 16 of Chapter 153A of the General Statutes; and

(3) The other two counties each:

a. Contain at least one unit of local government that is designated
by the Governor of the State of North Carolina as a recipient
pursuant to Section 9 of the Urban Mass Transportation Act of
1964, as amended; and

b. Are adjacent to at least one county that contains at least part of
a County Research and Production Service District established
pursuant to Part 2 of Article 16 of Chapter 153A of the General
Statutes.

(b) An authority may be created for any county that, at the time of creation of the
authority, meets the following criteria:

- (1) Has a population of at least 275,000 according to the most recent decennial federal census;
- (2) Has at least eight incorporated municipalities;
- (3) Has one or more federal military enclaves; and
- (4) Is a Mass Transportation Act recipient.

An authority created under this subsection has a territorial jurisdiction that includes that county and an area within 15 miles of that county's boundaries."

SECTION 3. G.S. 160A-632 reads as rewritten:

"§ 160A-632. Definition of territorial jurisdiction of Authority.

(a) An authority may be created for the area of any Metropolitan Planning Organization of the State that, at the time of creation of the authority, meets the following criteria, such area being the initial territorial jurisdiction of the Authority:

- (1) The area consists of all or part of five counties, all five counties of which form a contiguous territory;
- (2) At least two of those counties are contiguous to each other and each have a population of 250,000 or over; and
- (3) The other three counties each have a population of 100,000 or over.

(b) An authority may be created for any county that, at the time of creation of the authority, meets the following criteria:

- (1) Has a population of at least 275,000 according to the most recent decennial federal census;
- (2) Has at least eight incorporated municipalities;
- (3) Has one or more federal military enclaves; and
- (4) Is a Mass Transportation Act recipient.

An authority created under this subsection has a territorial jurisdiction that includes that county and an area within 15 miles of that county's boundaries."

SECTION 4. G.S. 160A-605 is amended by adding a new subsection to read:

"(g) An authority created under G.S. 160A-602(b) would be governed by a seven member board of trustees, two to be appointed by the Fayetteville City Council, two to be appointed by the Cumberland County Board of Commissioners, one to be appointed by the Town of Spring Lake, one to be appointed by the Hope Mills Board of Commissioners, and one at-large representative appointed by Fort Bragg, N.C., who shall all be voting members and residents of the appointing jurisdiction except for the at-large member, who shall reside within the territorial jurisdiction of the authority. There shall be an additional ex officio, nonvoting member who shall reside within the territorial jurisdiction of the authority, to be appointed by the North Carolina Secretary of Transportation."

SECTION 5. G.S. 160A-635 is amended by adding a new subsection to read:

"(g) An authority created under G.S. 160A-632(b) would be governed by a seven member board of trustees, two to be appointed by the Fayetteville City Council, two to be appointed by the Cumberland County Board of Commissioners, one to be appointed

1 by the Town of Spring Lake, one to be appointed by the Hope Mills Board of
2 Commissioners, and one at-large representative appointed by Fort Bragg, N.C., who
3 shall all be voting members and residents of the appointing jurisdiction except for the
4 at-large member, who shall reside within the territorial jurisdiction of the authority.
5 There shall be an additional ex officio, nonvoting member who shall reside within the
6 territorial jurisdiction of the authority, to be appointed by the North Carolina Secretary
7 of Transportation."

8 **SECTION 6.** G.S. 160A-606(a) reads as rewritten:

9 "(a) ~~Six~~ A majority of the members of the Board of Trustees shall constitute a
10 quorum for the transaction of business. Except as provided by G.S. 160A-605(a)(4),
11 each member shall have one vote."

12 **SECTION 7.** The powers, duties, functions, and authority of the Regional
13 Transportation Authority created by this act shall be generally consistent with the
14 powers, duties, functions, and authority of a Regional Transportation Authority created
15 under the Regional Public Transportation Authority Act, Article 26 of Chapter 160A of
16 the General Statutes and the Regional Transportation Authority Act, Article 27 of
17 Chapter 160A of the General Statutes except as may be amended herein, and any
18 decision on funding of the activities of the Regional Transportation Authority created
19 herein shall require a majority vote of all the voting members of the Regional
20 Transportation Authority.

21 **SECTION 8.** Sections 4 through 7 of this act apply only to Cumberland
22 County, the City of Fayetteville, the Town of Spring Lake, and the Town of Hope Mills.

23 **SECTION 9.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 522
PROPOSED COMMITTEE SUBSTITUTE H522-CSSO-19 [v.3]

4/17/2001 8:44:16 PM

Short Title: Cumberland Transportation Authority.

(Local)

Sponsors:

Referred to:

March 8, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A REGIONAL TRANSPORTATION AUTHORITY FOR
CUMBERLAND COUNTY, THE CITY OF FAYETTEVILLE, THE TOWN OF
HOPE MILLS, AND THE TOWN OF SPRING LAKE.

The General Assembly of North Carolina enacts:

SECTION 1. There is created a Regional Transportation Authority for
Cumberland County, the City of Fayetteville, the Town of Hope Mills, and the Town of
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creation of the authority, meets the following criteria:

(1) The area consists of three counties:

(2) At least one of those counties contains at least part of a County
Research and Production Service District established pursuant to Part 2
of Article 16 of Chapter 153A of the General Statutes; and

(3) The other two counties each:

a. Contain at least one unit of local government that is designated
by the Governor of the State of North Carolina as a recipient
pursuant to Section 9 of the Urban Mass Transportation Act of
1964, as amended; and

b. Are adjacent to at least one county that contains at least part of
a County Research and Production Service District established
pursuant to Part 2 of Article 16 of Chapter 153A of the General
Statutes.

(b) An authority may be created for any county that, at the time of creation of the
authority, meets the following criteria:

- (1) Has a population of at least 275,000 according to the most recent decennial federal census;
- (2) Has at least eight incorporated municipalities;
- (3) Has one or more federal military enclaves; and
- (4) Is a Mass Transportation Act recipient.

An authority created under this subsection has a territorial jurisdiction that includes that county and an area within 15 miles of that county's boundaries."

SECTION 3. G.S. 160A-632 reads as rewritten:

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(a) An authority may be created for the area of any Metropolitan Planning Organization of the State that, at the time of creation of the authority, meets the following criteria, such area being the initial territorial jurisdiction of the Authority:

- (1) The area consists of all or part of five counties, all five counties of which form a contiguous territory;
- (2) At least two of those counties are contiguous to each other and each have a population of 250,000 or over; and
- (3) The other three counties each have a population of 100,000 or over.

(b) An authority may be created for any county that, at the time of creation of the authority, meets the following criteria:

- (1) Has a population of at least 275,000 according to the most recent decennial federal census;
- (2) Has at least eight incorporated municipalities;
- (3) Has one or more federal military enclaves; and
- (4) Is a Mass Transportation Act recipient.

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SECTION 5. G.S. 160A-635 is amended by adding a new subsection:

"(g) An authority created under G.S. 160A-632(b) would be governed by a seven member board of trustees, two to be appointed by the Fayetteville City Council, two to be appointed by the Cumberland County Board of Commissioners, one to be appointed by the Town of Spring Lake, one to be appointed by the Hope Mills Board of Commissioners, and one at-large representative appointed by Fort Bragg, N.C., who

1 shall all be voting members and residents of the appointing jurisdiction except for the
2 at-large member, who shall reside within the territorial jurisdiction of the authority.
3 There shall be an additional ex officio, nonvoting member to be appointed by the North
4 Carolina Secretary of Transportation, who shall reside within the territorial jurisdiction
5 of the authority."

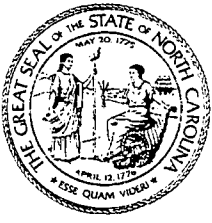
6 **SECTION 6.** G.S. 160A-606(a) reads as rewritten:

7 "(a) ~~Six~~ A majority of the members of the Board of Trustees shall constitute a
8 quorum for the transaction of business. Except as provided by G.S. 160A-605(a)(4),
9 each member shall have one vote."

10 **SECTION 7.** The powers, duties, functions, and authority of the Regional
11 Transportation Authority created by this act shall be generally consistent with the
12 powers, duties, functions, and authority of a Regional Transportation Authority created
13 under the Regional Public Transportation Authority Act (Chapter 160A, Article 26) and
14 the Regional Transportation Authority Act (Chapter 160A, Article 27) except as may be
15 amended herein, and any decision on funding of the activities of the Regional
16 Transportation Authority created herein shall require a majority vote of all the voting
17 members of the Regional Transportation Authority.

18 **SECTION 8.** Sections 4 through 7 of this act apply only to Cumberland
19 County, the City of Fayetteville, the Town of Spring Lake, and the Town of Hope Mills.

20 **SECTION 9.** This act is effective when it becomes law.



HOUSE BILL 522: Cumberland Transportation Authority

BILL ANALYSIS

Committee: House Local and Regional
Government II

Date: April 18, 2001

Version: H522-CSSO-19

Introduced by: Representative Hurley

Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would authorize a Regional Transportation Authority for Cumberland County, Fayetteville, Hope Mills, and Spring Lake*

BILL ANALYSIS: Section 1 would create a Regional Transportation Authority (the Authority) for Cumberland County, the City of Fayetteville, the Town of Hope Mills, and the Town of Spring Lake with authority and powers as set forth in Articles 26 (Regional Public Transportation Authority) and 27 (Regional Transportation Authority) of Chapter 160A of the General Statutes not inconsistent with the act.

Sections 2 and 3 would amend definitional provisions in Articles 26 and 27 to permit creation of the proposed Authority. These amendments apply generally rather than locally. The circumstances in the amendment narrowly allow for the proposed Authority.

Sections 4 and 5 would provide in parallel provisions of Articles 26 and 27 for governance of the Authority by a 7-member board of trustees with the following representation: 2 appointed by the Fayetteville City Council, 2 appointed by the Cumberland County Board of Commissioners, 1 appointed by the Town of Spring Lake, 1 appointed by the Hope Mill Board of Commissioners, and 1 at-large representative appointed by Fort Bragg, N.C. Residency in the represented area would be required. All members would be voting members. It would have 1 additional ex officio nonvoting member, a resident of the Authority's territorial jurisdiction, appointed by the North Carolina Secretary of Transportation

Section 6 would provide that a majority of members constitute a quorum.

Section 7 would provide that the powers, duties, functions and authority of the Authority be consistent with the powers, duties, functions, and authority of transportation authorities created under Articles 26 and 27, except as amended in this act. It would require that any decision on the funding of activities of the Authority require a majority vote of all voting members of the Authority.

Section 8 makes Sections 4 through 7 of the act only applicable to Cumberland County, the City of Fayetteville, the Town of Hope Mills, and the Town of Spring Lake.

The act would be effective upon becoming law.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 618 A BILL TO BE ENTITLED AN ACT TO PROVIDE MUNICIPALITIES WITH
ADDITIONAL AUTHORITY TO REGULATE AND CONTROL DRIVERS AND
OPERATORS OF TAXICABS OPERATING BETWEEN CITIES OR TOWNS AND TO
THE PIEDMONT TRIAD INTERNATIONAL 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 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 618

Short Title: Taxi Service to Piedmont Triad Airport. (Local)

Sponsors: Representatives Adams; and Jeffus.

Referred to: Local Government II.

March 14, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE MUNICIPALITIES WITH ADDITIONAL AUTHORITY TO
3 REGULATE AND CONTROL DRIVERS AND OPERATORS OF TAXICABS
4 OPERATING BETWEEN CITIES OR TOWNS AND TO THE PIEDMONT
5 TRIAD INTERNATIONAL AIRPORT.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 20-37 reads as rewritten:

8 "§ 20-37. **Limitations on issuance of licenses.**

9 There shall be no driver's license issued within this State other than that provided
10 for in this Article, nor shall there be any other examination required: Provided, however,
11 that cities and towns shall have the power to license, regulate and control drivers and
12 operators of taxicabs within the city or town limits and to regulate and control operators
13 of taxicabs operating between the city or town to points, not incorporated, within a
14 radius of five miles of said city or town.

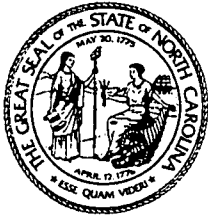
15 Cities and towns may authorize expanded service to taxicabs that transport any
16 person from one city or town to another city or town or to the Piedmont Triad
17 International Airport. Expanded service means any time a party requests taxi service
18 inside the corporate limits of the city where the taxicab driver has a certificate of
19 convenience and necessity to a destination inside the corporate limits of another city
20 where the taxicab driver does not have a certificate of convenience and necessity or to
21 the Piedmont Triad International Airport. The taxicab driver is permitted to accept a
22 request from any party requesting taxi service back to the city of origination."

23 SECTION 2. G.S. 160A-304 is amended by adding a new subsection to
24 read:

25 "(c) A city may by ordinance authorize expanded service in accordance with G.S.
26 20-37."

27 SECTION 3. This act applies to the cities of Greensboro, High Point, and
28 Winston-Salem only.

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



HB 618: Taxi Service to Piedmont Triad Airport

BILL ANALYSIS

Committee: Local Government II
Date: April 18, 2001
Version: First Edition

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

BILL ANALYSIS:

Current Law. Under current law (G.S. 20-37), municipalities may license and regulate taxicab drivers and operators within the municipality and within a five-mile radius of the regulating municipality. This means that if a taxicab driver transports a fair from the municipality in which the driver is licensed to another municipality, the driver may not pick up a new fair in the destination municipality because the driver is not licensed in that municipality. The same is true for fairs taken to the Piedmont Triad International Airport. The only taxi service authorized to do business at the Piedmont Triad International Airport Authority is Airport Express, which has a contract with the Airport Authority.

Bill Summary. This bill would allow the municipalities of Greensboro, High Point, and Winston-Salem to authorize expanded service to taxicabs between the three municipalities and the airport. This will mean that taxicab drivers or operators licensed by any one of the three municipalities, who receive a request to transport a fair from the municipality in which the driver is licensed to one of the other two municipalities or the airport, may pick up new fairs in the other two municipalities or at the Piedmont Triad International Airport.

Effective Date. 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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for
H.B. 856 A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY TO
ENTER INTO SEPARATE-PRIME CONTRACTS OR A SINGLE-PRIME CONTRACT IN
THE RENOVATION OF THE FORMER A&P SHOPPING CENTER IN MOREHEAD
CITY FOR THE CARTERET COUNTY HEALTH AND HUMAN SERVICES BUILDING.

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a 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 856

Short Title: Allow Separate-/Single-Prime Contracts/Carteret. (Local)

Sponsors: Representatives Preston; and Smith.

Referred to: Local Government II.

March 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CARTERET COUNTY TO ENTER INTO SEPARATE-PRIME
3 CONTRACTS OR A SINGLE-PRIME CONTRACT IN THE RENOVATION OF
4 THE FORMER A&P SHOPPING CENTER IN MOREHEAD CITY FOR THE
5 CARTERET COUNTY HEALTH AND HUMAN SERVICES BUILDING.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** Authority to Seek Bids Under Separate-Prime or
8 Separate-Prime and Single-Prime Systems. – Notwithstanding G.S. 143-128 or any
9 other provisions of law, Carteret County may seek bids for the renovation of the former
10 A&P Shopping Center in Morehead City for the Carteret County Health and Human
11 Services Building under the separate-prime contract system or both the separate-prime
12 and single-prime contract systems.

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

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

25 **SECTION 1.(c)** Minimum Number of Bids Required. – The county shall not
26 open any bid solicited under this act unless it receives at least three competitive bids
27 from reputable and qualified contractors regularly engaged in their respective

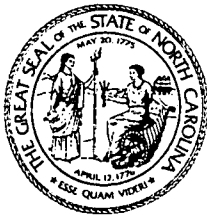
1 businesses. In calculating the number of bids required, either a full set of separate-prime
2 bids or one single-prime bid shall constitute a bid.

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

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

18 **SECTION 1.(d)** Applicability of General Statutes. – All provisions of
19 Article 8 of Chapter 143 of the General Statutes that are not inconsistent with this act
20 shall apply to the county.

21 **SECTION 2.** This act is effective when it becomes law and expires July 1,
22 2002.



HOUSE BILL 856: Allow Separate-/Single-Prime Contracts/Carteret

BILL ANALYSIS

Committee: House Local and Regional
Government II

Date: April 11, 2001

Version: First Edition

Introduced by: Representative Preston

Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would allow Carteret County to receive contract bids for renovating the former A&P Shopping Center in Morehead City either under the separate-prime system or combination separate-prime and single-prime system and to contract to the lowest responsible bidder under the same, excepting this project from the building contract bid-submitting mandates under N.C.G.S. §143-128.*

CURRENT LAW: For public building projects contracts over \$500,000, the public entity (State, municipality, or county) under the general rule must seek separate and independent bids for the following branches of work to be performed:

- Heating, ventilating, and air conditioning;
- Plumbing
- Electrical
- General – work related to erection, construction, alteration or repair not already covered by the three previous categories

This is called the separate-prime contract system.

For building projects of \$500,000 or less, the entity may use the single-prime contract system alone or in conjunction with the separate-prime contract system. Under the single-prime contract system, bids for the entire project are received from a single contractor whose bid includes the names of each subcontractor for each of the four categories of work for which the separate-prime system requires separate, independent bids.

BILL ANALYSIS: Section 1(a). would except Carteret County regarding the former A&P Shopping Center renovation from restrictions on the choice of a separate-prime or single-prime contract system for the project.

Section 1(b). would require the county, if using the separate-prime system, to award the contract to the lowest responsible bidder, considering quality, performance and time; would require the county, if using the single-prime and separate-prime system, to award the contract to the lowest responsible bidder under either system, considering quality, performance and time; and would allow the county, in determining which system to award the contract under, to consider the cost of construction oversight, time for completion of the project, safety concerns regarding removal of asbestos and lead paint, and other factors it deems appropriate.

Section 1(c). would require the county to receive three competitive bids from reputable and qualified contractors regularly engaged in their respective businesses before any bids could be opened; would define bids in relation to whether it is a separate-prime bid or a single prime bid; but would not require the county, if receiving both single-prime and separate-prime bids to receive at least

HOUSE BILL 856

Page 2

one full set of separate-prime bids or even one bid from a general contractor under the separate-prime system. The separate-prime bid deadline would have to be three hours before the single-prime bid deadline, and a subcontractor to the general contractor under the single prime system who also submits a bid under the separate-prime system would be prohibited from providing a higher bid amount under the single-prime system. If the county failed to receive the minimum number of bids after advertising, the county would have to advertise again. If the county still failed to receive the minimum number of bids, it would be able to let the contract to the lowest responsible bidder that submitted a bid, even if only one bid were submitted.

Section 1.(d) would provide that the statutory provisions dealing with public contracts in Article 8 of Chapter 143 apply to the extent they are not inconsistent with the act.

Section 2. would make it effective when it becomes law and provide a sunset of July 1, 2002.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for
H.B. 906 A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION
TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES
EXEMPTIONS FROM THE CITY'S FAIR HOUSING 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 906

Short Title: Durham Charter Technical Corrections. (Local)

Sponsors: Representatives Weiss; and Luebke.

Referred to: Judiciary II.

March 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE
3 CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS
4 FROM THE CITY'S FAIR HOUSING ORDINANCE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 122(5)b. of the Charter of the City of Durham, being
7 Chapter 671 of the 1975 Session Laws, as amended, is further amended by deleting the
8 phrase "not less than sixty (60) days" and substituting the phrase "not more than sixty
9 (60) days."

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



HOUSE BILL 906: Durham Charter Technical Corrections

BILL ANALYSIS

Committee: House Local and Regional
Government II
Date: April 18, 2001
Version: First Edition

Introduced by: Representative Weiss
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would make a technical correction in Section 122 in Chapter VIII, Fair Housing, in the Durham city charter to rectify a drafting error.*

BILL ANALYSIS: The bill would replace "not less than sixty (60) days" with "not more than sixty (60) days" in Section 122(5)b. of the Charter of the City of Durham, as amended. The language is part of a provision that allows for certain exemptions under authorized fair housing ordinances. Specifically, the language is drawn from a provision requiring allowance for temporary residence of persons less than 45 years of age in covenants, conditions and restrictions, other documents, or written policy of a bona fide senior citizen or retirement community that discriminates based on age. As written, the "temporary residence" would have to be a minimum of 60 days. The intent was "temporary residence" to be a maximum of 60 days.

The act would be 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) Jarrell (Chair/Chairs) for the Committee on Local Government II.

☐ Committee Substitute for

H.B. 910 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY
TO PROHIBIT THE CLEAR CUTTING OF TREES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 910*

Short Title: Cary Clear Cutting.

(Local)

Sponsors: Representative Weiss (By Request).

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

March 29, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF CARY TO PROHIBIT THE CLEAR CUTTING OF TREES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) A municipality may by ordinance prohibit the clear cutting of trees from property, including property zoned for residential use.

SECTION 1.(b) Before adopting an ordinance authorized by Section 1 of this act, the governing board of the municipality shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. 160A-364.

SECTION 2. This act applies to the Town of Cary only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 910*
PROPOSED COMMITTEE SUBSTITUTE H910*-PCS2231-SL-2

Short Title: Cary, Garner, and Spencer Clear-Cutting.

(Local)

Sponsors:

Referred to:

March 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE TOWNS OF CARY, GARNER, AND SPENCER TO
3 LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO
4 DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN
5 TREES DURING THE DEVELOPMENT PROCESS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** A municipality may adopt ordinances to regulate the
8 removal and preservation of existing trees and shrubs prior to development within a
9 perimeter buffer zone of up to 65 feet along roadways and property boundaries adjacent
10 to developed properties and up to 32 feet along property boundaries adjacent to
11 undeveloped properties. All such buffer zones shall be measured from the outside
12 boundary of any property, including property zoned for residential and nonresidential
13 use. The purpose of such ordinances shall be to protect existing trees and shrubs for use
14 as future buffers.

15 **SECTION 1.(b)** Ordinances adopted pursuant to this act shall be limited to
16 situations where undeveloped property is planned or zoned for residential or
17 nonresidential use in accordance with adopted municipal plans and zoning regulations.
18 Such ordinances shall include reasonable provisions for access onto and within the
19 subject property.

20 **SECTION 1.(c)** Notwithstanding any limitations contained in Section 1(a), a
21 municipality may adopt ordinances to regulate the preservation and removal of
22 significant specimen or "champion" trees on sites being planned for new development.
23 Specific standards for identifying and designating such trees, including species and size,
24 shall be incorporated as part of any such ordinance.

25 **SECTION 1.(d)** Any ordinance adopted pursuant to this act shall exclude
26 normal forestry activities on property taxed under the present use value standard or
27 conducted pursuant to a forestry management plan prepared or approved by a forester
28 registered pursuant to Chapter 89B of the General Statutes. Notwithstanding the
29 provisions of this subsection, a municipality may deny a building permit or refuse to

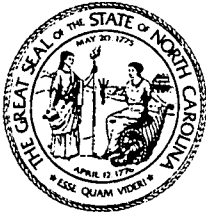
1 approve a site or subdivision plan for a period of five years if the applicant has caused
2 all the perimeter buffer trees which should have been protected to be removed from the
3 tract of land for which the permit or plan approval is sought or if the applicant bought
4 the land from another within two years of the removal of all the perimeter buffer trees
5 which should have been protected.

6 **SECTION 2.** Before adopting an ordinance authorized by Section 1 of this
7 act, the governing board of the municipality shall hold a public hearing on the proposed
8 ordinance. Notice of the public hearing shall be given in accordance with G.S.
9 160A-364.

10 **SECTION 3.** Nothing in this act shall be construed to limit or be limited by
11 any provisions of S.L. 2000-108 or any other existing laws or ordinances.

12 **SECTION 4.** This act shall apply only to the Towns of Cary, Garner, and
13 Spencer and to property located within the municipality's corporate limits and
14 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General
15 Statutes.

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



HOUSE BILL 910: Cary, Garner, and Spencer Clear Cutting

BILL ANALYSIS

Committee: House Local Government II
Date: April 18, 2001
Version: H910-CSSL-2[v.6]

Introduced by: Representative Weiss
Summary by: Kristen Crosson, Esther
Manheimer
Committee Staff

SUMMARY: *House Bill 910 authorizes the Towns of Cary, Garner, and Spencer to regulate by ordinance the removal and preservation of existing trees and shrubs.*

CURRENT LAW: The Town of Cary is currently authorized by S.L. 2000-108 (HB 684) to 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. However, this S.L. 2000-108 is limited in its ability to enable Cary to regulate clear cutting.

BILL ANALYSIS: House Bill 910 authorizes the Towns of Cary, Garner, and Spencer to adopt ordinances to regulate the removal and preservation of existing trees and shrubs prior to development within a perimeter buffer zone along roadways and property boundaries adjacent to developed properties and undeveloped properties. The buffer zone where regulation is allowed is 65 feet next to roadways and developed properties, and 32 feet next to undeveloped properties. The properties regulated by this act include undeveloped property zoned or planned for residential and nonresidential use. Normal forestry activities on property taxed under the present use value standard or using a forestry management plan that was prepared or approved by a forester are exempted from a proposed ordinance. However, the municipality may deny a building permit or refuse to approve a site or subdivision plan for a period of five years. The municipality may take this action if the applicant has caused all the perimeter buffer trees to be removed or if the applicant bought the land within two years of the removal of all the perimeter trees. The ordinance must allow access onto and within the property.

Regardless of the limitations of this act, a municipality may adopt an ordinance to regulate the preservation and removal of "champion" trees on sites planned for new development.

Before adopting ordinances under this act, the governing board of the municipality must hold a public hearing according to G.S. 160A-364.

This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 910*
PROPOSED COMMITTEE SUBSTITUTE H910-CSSL-2 [v.6]

4/18/2001 10:44:08 AM

Short Title: Cary, Garner, and Spencer Clear-Cutting.

(Local)

Sponsors:

Referred to:

March 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE TOWNS OF CARY, GARNER, AND SPENCER TO
3 LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO
4 DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN
5 TREES DURING THE DEVELOPMENT PROCESS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** A municipality may adopt ordinances to regulate the
8 removal and preservation of existing trees and shrubs prior to development within a
9 perimeter buffer zone of up to sixty-five (65) feet along roadways and property
10 boundaries adjacent to developed properties and up to thirty-two (32) feet along
11 property boundaries adjacent to undeveloped properties. All such buffer zones shall be
12 measured from the outside boundary of any property, including property zoned for
13 residential and nonresidential use. The purpose of such ordinances shall be to protect
14 existing trees and shrubs for use as future buffers.

15 **SECTION 1.(b)** Ordinances adopted pursuant to this act shall be limited to
16 situations where undeveloped property is planned or zoned for residential or
17 nonresidential use in accordance with adopted municipal plans and zoning regulations.
18 Such ordinances shall include reasonable provisions for access onto and within the
19 subject property.

20 **SECTION 1.(c)** Notwithstanding any limitations contained in Section 1(a), a
21 municipality may adopt ordinances to regulate the preservation and removal of
22 significant specimen or "champion" trees on sites being planned for new development.
23 Specific standards for identifying and designating such trees, including species and size,
24 shall be incorporated as part of any such ordinance.

25 **SECTION 1.(d)** Any ordinance adopted pursuant to this act shall exclude
26 normal forestry activities on property taxed under the present use value standard or
27 conducted pursuant to a forestry management plan prepared or approved by a forester
28 registered pursuant to Chapter 89B of the General Statutes. Notwithstanding the
29 provisions of this subsection, a municipality may deny a building permit or refuse to

1 approve a site or subdivision plan for a period of five (5) years if the applicant has
2 caused all the perimeter buffer trees which should have been protected to be removed
3 from the tract of land for which the permit or plan approval is sought or if the applicant
4 bought the land from another within two (2) years of the removal of all the perimeter
5 buffer trees which should have been protected.

6 **SECTION 2.** Before adopting an ordinance authorized by Section 1 of this
7 act, the governing board of the municipality shall hold a public hearing on the proposed
8 ordinance. Notice of the public hearing shall be given in accordance with G.S.
9 160A-364.

10 **SECTION 3.** Nothing in this act shall be construed to limit or be limited by
11 any provisions of S.L. 2000-108 or any other existing laws or ordinances.

12 **SECTION 4.** This act shall apply only to the Towns of Cary, Garner, and
13 Spencer and to property located within the municipality's corporate limits and
14 extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General
15 Statutes.

16 **SECTION 5.** This act is effective when it becomes law.
17

VISITOR REGISTRATION SHEET

~~NER~~ Local Govt II

Name of Committee

4/18/01

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

ERIC Dyer News & Record

Timminia NC Home Builders Assn

Jon Carr Jordan Price

Dow Angel Travel Development + Authority W.S.

Karl Krapp City of Winston-Salem

Carol Lauer ECHS

BRAD BASS TOWN OF GARNER

BRUCE THOMPSON PARKER POST ADAMS + BERNSTEIN, LLP

Estherine Davis Electric Cities

Cam Cook BPMHL

Howe Coates NC House

Don Vaughan Member City Council

Frances H. Robinson

Estella E. Keck

Randy Phipps

Mike Ofun NKS AFL CW

Jack Covert Park Pre

Oak Michel SCENIC NC

Damico Winston-Salem Journal

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
April 23, 2001

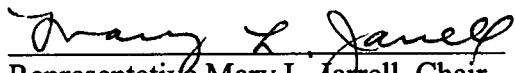
The House Committee on Local Government II met around the chamber desk of the Committee Chair, Representative Jarrell, at 5:30 p.m. on April 23, 2001. The following members were present: Representative Jarrell, Chair; and Representatives Barbee, Gillespie, Owens, Walker, Warren, West, and Womble. A quorum being present, the meeting was called to order.

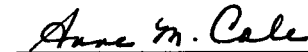
The first bill before the committee was House Bill 636, AN ACT RELATING TO THE CITY OF ELIZABETH CITY, sponsored by Representative Owens. A proposed committee substitute was offered and Representative West moved for its adoption for committee consideration. Motion carried. The Chair explained the committee substitute. Representative Warren moved for a favorable report to the committee substitute and unfavorable to the original bill. Motion carried.

House Bill 886, AN ACT RELATING TO THE 51ST HOUSE DISTRICT, sponsored by former Representative Cansler, present sponsor is Representative Mark Crawford. A committee substitute for the bill was offered and Representative West moved for its adoption for committee consideration. Motion carried. Representative Mark Crawford explained the committee substitute. The committee substitute provides for a moratorium on the extension of extraterritorial planning jurisdiction in Buncombe County. He stated that he was not aware of any opposition from the Buncombe delegation. In response to several questions raised by committee members, Representative Crawford responded that he would be willing to withdraw House Bill 886 and House Bill 887 if it was determined that there was delegation opposition. Esther Manheimer, committee counsel, further explained the bill and advised the committee that the Asheville City Attorney expressed opposition to the committee substitute. Representative Gillespie moved to give a favorable report to the committee substitute and unfavorable to the original bill. A show of hands was taken on the vote; 4 "yes" votes and 3 "no" votes. Motion carried.

House Bill 887, AN ACT RELATING TO THE 51ST HOUSE DISTRICT, sponsored by former Representative Cansler, present bill sponsor is Representative Mark Crawford. A proposed committee substitute was offered and Representative Barbee moved for its adoption for committee consideration. Motion carried. Representative Mark Crawford explained that the committee substitute provides for a moratorium on involuntary annexation in Buncombe County. Representative Gillespie moved to give the committee substitute a favorable report and unfavorable to original bill. The vote was recorded by a show of hands; 5 "yes" votes and 2 "no" votes. After further discussion, Representative Crawford repeated his willingness to withdraw the bills if there was delegation opposition; Representative Owens said he would withdraw his opposition.

The meeting adjourned at 5:55 p.m.


Representative Mary L. Jarrell, Chair


Anne M. Cole, Acting Committee Assistant

Attachments
Committee Substitutes for HB 636, HB 886, HB 887
Committee Report for HB 636

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 636 A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ELIZABETH CITY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 636
PROPOSED COMMITTEE SUBSTITUTE H636-PCS2246-LM-17

Short Title: Elizabeth City Charter Revised.

(Local)

Sponsors:

Referred to:

March 15, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
3 ELIZABETH CITY AND TO REPEAL PRIOR LOCAL ACTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. The Charter of the City of Elizabeth City is revised and
6 consolidated to read as follows:

7 "THE CHARTER OF THE CITY OF ELIZABETH CITY.

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

9 "Section 1.1. **Incorporation.** The City of Elizabeth City, North Carolina, in
10 Pasquotank and Camden Counties and the inhabitants thereof shall continue to be a
11 municipal body politic and corporate, under the name of the 'City of Elizabeth City',
12 hereinafter at times referred to as the 'City.'

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

17 "Section 1.3. **Corporate Limits.** The corporate limits shall be those existing at the
18 time of ratification of this Charter, as set forth on the official map of the City and as
19 they may be altered from time to time in accordance with law. An official map of the
20 city, showing the current municipal boundaries and the boundaries of the wards therein,
21 shall be maintained permanently in the office of the City Clerk and shall be available for
22 public inspection. Upon alteration of the corporate limits or wards pursuant to law, the
23 appropriate changes to the official map shall be made and copies shall be filed in the
24 office of the Secretary of State, the appropriate office of the Register of Deeds, and the
25 appropriate board of elections.

26 "ARTICLE II. GOVERNING BODY.

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

1 "Section 2.2. **City Council; Composition; Terms of Office.** The Council shall be
2 composed of eight members who shall serve terms of two years or until their successors
3 are elected and qualified. Two seats of the eight City Council members shall be
4 apportioned and assigned to each ward. The qualified voters of each ward shall vote for
5 and elect candidates to the two 'ward seats' of the Council so assigned and apportioned
6 to the respective ward. No person may be a candidate for a 'ward seat' unless that person
7 is a resident and qualified voter of the ward for which 'ward seat' that person desires to
8 be elected.

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

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

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

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

25 "Section 2.7. **Compensation; Qualifications for Office.** The compensation and
26 qualifications of the Mayor and members of the Council shall be as provided in general
27 law and in this Charter.

28 "Section 2.8. **Vacancies.** Notwithstanding G.S. 160A-63, vacancies that occur in any
29 elective office of the City shall be filled by election as herein provided:

30 (a) If the vacancy occurs within 90 days before the first date for filing notices of
31 candidacy pursuant to G.S. 163-294.2 for the next regular City election, a successor
32 shall be elected at the next regular City election. The elected successor shall serve the
33 remainder of the unexpired term of the office in which the vacancy occurs.

34 (b) If the vacancy occurs more than 90 days before the first date for filing notices
35 of candidacy pursuant to G.S. 163-294.2 for the next regular City election, a successor
36 shall be elected in a special election to fill the vacancy. In such event, the Council shall
37 meet within 10 days of the event creating the vacancy and shall, by resolution, fix the
38 date on which an election to fill the vacancy shall be held. The date of the special
39 election shall be not less than 45 days and not more than 60 days from the date of the
40 adoption of the resolution. Not less than two legal notices of the special election and the
41 filing period for receipt of notices of candidacy shall be published in a qualified
42 newspaper of general circulation in the City with the period between the first date of

1 publication and the second date of publication to be seven days, excluding the first date
2 of publication but including the second date of publication. The resolution shall set the
3 filing period for notices of candidacy, but same shall not be less than 10 days from, but
4 excluding, the first date of publication of the legal notice of the special election and
5 filing period for receipt of notices of candidacy. The resolution shall also set the runoff
6 date, if necessary, and same shall be not less than 15 days and not more than 21 days
7 from the election. The elected successor in the special election shall serve the remainder
8 of the unexpired term of the office in which the vacancy occurs.

9 (c) If by reason of a vacancy there shall be two seats within any ward to be filled
10 in the same election, the candidates shall declare for the specific seat or office that the
11 candidate is seeking in the notice of candidacy. Each seat shall be a single office and the
12 successor elected as provided in G.S. 163-293(a)(1) and (b)(1).

13 "ARTICLE III. ELECTIONS.

14 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
15 held in each odd-numbered year in accordance with the uniform municipal election laws
16 of North Carolina. Elections shall be conducted on a nonpartisan basis and the results
17 determined using the nonpartisan election and runoff method as provided in G.S.
18 163-293.

19 "Section 3.2. **Wards.** The City shall be divided into four wards, and two seats of the
20 eight Council members shall be apportioned and assigned to each ward. The ward
21 boundaries are those existing at the time of ratification of this Charter, as set forth on
22 the official map of the City and as they may be altered from time to time in accordance
23 with general law.

24 "Section 3.3. **Election of Mayor.** A Mayor shall be elected in each regular
25 municipal election by the qualified voters of the City voting at large.

26 "Section 3.4. **Election of Council.** Eight Council members shall be elected in each
27 regular municipal election. Two Council members shall be elected from each ward by
28 the qualified voters of that ward to fill the offices of the Council members whose terms
29 will expire following the election.

30 "Section 3.5. **Special Elections and Referenda.** Special elections and referenda
31 may be held only as provided by this Charter, general law, or applicable local acts of the
32 General Assembly.

33 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

34 "Section 4.1. **Form of Government.** The City shall operate under the
35 council-manager form of government in accordance with Part 2 of Article 7 of Chapter
36 160A of the General Statutes.

37 "Section 4.2. **City Manager; Appointment; Powers and Duties.** The Council shall
38 appoint a City Manager who shall be responsible for the administration of all
39 departments of the City government. The City Manager shall have all the powers and
40 duties conferred by general law, except as expressly limited by the provisions of this
41 Charter, and the additional powers and duties conferred by the Council, so far as
42 authorized by general law.

1 "Section 4.3. **City Attorney.** The Council shall appoint a City Attorney licensed to
2 practice law in North Carolina. It shall be the duty of the City Attorney to represent the
3 City, advise City officials, and perform other duties as required by law or as the Council
4 may prescribe.

5 "Section 4.4. **City Clerk.** The Manager shall appoint a City Clerk, subject to the
6 confirmation of the Council, to keep a journal of the proceedings of the Council, to
7 maintain official records and documents, to give notice of meetings, and to perform
8 other duties as required by general law or prescribed by the Council.

9 "Section 4.5. **Tax Collector.** Notwithstanding G.S. 105-349, the Manager shall
10 appoint a Tax Collector and any Assistant Tax Collectors, subject to the confirmation of
11 the Council, to collect all taxes owed to the City and to perform those duties specified in
12 G.S. 105-350 and such other duties as required by general law or prescribed by the
13 Council.

14 "Section 4.6. **Other Administrative Officers and Employees.** The Council may
15 authorize other positions to be filled by appointment by the City Manager, subject to the
16 confirmation of the Council, and may organize the City government as deemed
17 appropriate, subject to the requirements of general law.

18 "Section 4.7. **Council-Manager Relationship.** The Council shall hold the City
19 Manager responsible for the proper management of the affairs of the City, and the City
20 Manager shall keep the Council informed of the conditions and needs of the City and
21 shall make reports and recommendations as may be requested by the Council or deemed
22 necessary by the City Manager. The City Manager shall have the authority to appoint,
23 subject to the confirmation of the Council, and remove all officers, department heads,
24 and employees in the administrative service of the City, except the City Attorney. The
25 City Manager shall have direct supervisory authority over all officers, department
26 heads, and employees in the administrative service of the City. Neither the Mayor, the
27 City Council, nor any member of the City Council shall direct the conduct or activities
28 of any City employee, directly or indirectly, except through the City Manager.

29 "Section 4.8. **Settlement of Claims by City Manager.** The Council may authorize
30 the City Manager to settle claims against the City for: (1) personal injuries or damages
31 to property when the amount involved does not exceed the sum of five thousand dollars
32 (\$5,000) and does not exceed the actual loss sustained, including loss of time, medical
33 expenses, and any other expenses actually incurred; and (2) the taking of small portions
34 of private property that are needed for the rounding of corners at intersections of streets,
35 when the amount involved in any such settlement does not exceed five thousand dollars
36 (\$5,000) and does not exceed the actual loss sustained. Settlement of a claim by the City
37 Manager pursuant to this Section shall constitute a complete release of the City from
38 any and all damages sustained by the person involved in such settlement in any manner
39 arising out of the incident, occasion, or taking complained of. All settlements and
40 releases shall be approved in advance by the City Attorney.

41 "ARTICLE V. BIDDING AND PROCUREMENT.

1 "Section 5.1. **Simplified Bid Process.** In addition to any authority granted by
2 general law, the authority of the City to proceed with a simplified competitive bidding
3 process when the entire cost of construction or repairs is five hundred thousand dollars
4 (\$500,000) or less shall continue as provided in S.L. 1999-93 and any subsequent acts.

5 "ARTICLE VI. DISPOSITION OF PROPERTY.

6 "Section 6.1. **Sale or Lease of Real Estate.** In addition to any authority granted by
7 general law, the authority of the City to proceed with the sale or lease of real property
8 owned for the use and benefit of the Industrial Development Commission shall continue
9 as provided in Chapter 129 of the 1979 Session Laws and any subsequent acts.

10 "Section 6.2. **Redevelopment Commission.** In addition to any authority granted by
11 general law, the authority to dispose of redevelopment property at private sale shall
12 continue as authorized in Chapter 427 of the 1979 Session Laws and any subsequent
13 acts.

14 "ARTICLE VII. FINANCE AND TAXATION.

15 "Section 7.1. **Occupancy Tax Authorized.** The City shall be authorized to levy a
16 room occupancy tax as provided in Chapter 175 of the 1987 Session Laws and any
17 subsequent acts.

18 "ARTICLE VIII. AIRPORT AUTHORITY.

19 "Section 8.1. **Airport Authority.** The Elizabeth City-Pasquotank Airport Authority
20 shall continue to be governed by the provisions of Chapter 198 of the 1987 Session
21 Laws, Chapter 860 of the 1989 Session Laws, Chapter 26 of the 1991 Session Laws,
22 and any subsequent acts.

23 "ARTICLE IX. MISCELLANEOUS.

24 "Section 9.1. **Regulation of Waterways.** The City may adopt ordinances to regulate
25 and control the speed of vessels in waterways within its boundaries or within its
26 extraterritorial jurisdiction, as that term is used in Article 19 of Chapter 160A of the
27 General Statutes. If the City adopts ordinances to regulate and control the speed of
28 vessels as herein authorized, the City or its designee shall place and maintain markers in
29 accordance with the Uniform Waterway Marking System and any supplementary
30 standards for the system adopted by the Wildlife Resources Commission. All markers
31 regulating and controlling the speed of vessels shall be buoys or floating signs placed in
32 the water and must be sufficient in number and size as to give adequate warning of the
33 speed limit to the vessels approaching from various directions. This section is
34 enforceable after markers complying with its provisions are placed in the water."

35 **SECTION 2.** The purpose of this act is to review the Charter of the City of
36 Elizabeth City and to consolidate certain acts concerning the property, affairs, and
37 government of the City. It is intended to continue without interruption those provisions
38 of prior acts that are expressly consolidated into this act, so that all rights and liabilities
39 which have accrued are preserved and may be enforced.

40 **SECTION 3.** This act does not repeal or affect any acts concerning the
41 property, affairs of government of public schools, or any acts validating official actions,
42 proceedings, contracts, or obligations of any kind.

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

Chapter 131, Private Laws of 1868-69.

Chapter 189, Public Laws of 1874-75.

Chapter 135, Private Laws of 1895.

Chapter 115, Public Laws of 1899.

Chapter 111, Private Laws of 1901.

Chapter 170, Private Laws of 1901.

Chapter 278, Private Laws of 1901.

Chapter 46, Private Laws of 1903.

Chapter 99, Private Laws of 1903.

Chapter 262, Private Laws of 1903.

Chapter 350, Private Laws of 1905.

Chapter 81, Private Laws of 1907.

Chapter 117, Private Laws of 1907.

Chapter 379, Private Laws of 1907.

Chapter 319, Private Laws of 1909.

Chapter 330, Private Laws of 1909.

Chapter 120, Private Laws of 1911.

Chapter 257, Private Laws of 1913.

Chapter 262, Private Laws of 1913.

Chapter 487, Private Laws of 1913.

Chapter 127, Private Laws of 1913 (Ex. Sess.).

Chapter 341, Private Laws of 1915.

Chapter 299, Public-Local Laws of 1921, as to Elizabeth City only.

Chapter 50, Private Laws of 1921, except section 1.

Chapter 202, Private Laws of 1921.

Chapter 248, Private Laws of 1921.

Chapter 45, Private Laws of 1921 (Ex. Sess.).

Chapter 90, Private Laws of 1921 (Ex. Sess.).

Chapter 240, Public-Local Laws of 1923; as to Elizabeth City only.

Chapter 461, Public-Local Laws of 1923, as to Elizabeth City only.

Chapter 217, Private Laws of 1923.

Chapter 246, Private Laws of 1923.

Chapter 263, Public Laws of 1933, as to Elizabeth City only.

Chapter 232, Private Laws of 1933, as to Elizabeth City only.

Chapter 481, Public-Local Laws of 1939, except section 2.

Chapter 301, Session Laws of 1945.

Chapter 508, Session Laws of 1949.

Chapter 997, Session Laws of 1953.

Chapter 427, Session Laws of 1955.

Chapter 268, Session Laws of 1957.

Chapter 1450, Session Laws of 1957.

Chapter 84, Session Laws of 1959.

Chapter 24, Session Laws of 1963.

Chapter 158, Session Laws of 1963, except section 36.

Chapter 694, Session Laws of 1965.

Chapter 35, Session Laws of 1967.

Chapter 107, Session Laws of 1967.

Chapter 159, Session Laws of 1973.

Chapter 930, Session Laws of 1983 (Reg. Sess. 1984).

Chapter 844, Session Laws of 1985 (Reg. Sess. 1986).

Chapter 295, Session Laws of 1989.

Chapter 174, Session Laws of 1999.

SECTION 5. The Mayor and Council members serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified. Thereafter, those offices shall be filled as provided in Articles II and III of the Charter of the City of Elizabeth City as contained in Section 1 of this act.

SECTION 6. This act does not affect any rights or interests that arose under any provisions repealed by this act.

SECTION 7. All existing ordinances, resolutions, and other provisions of the City of Elizabeth City not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

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

SECTION 9. If any provision of this act or application thereof is held invalid, the invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 10. Whenever a reference is made in this act to a particular provision of the General Statutes and the provision is later amended, suspended, or recodified, 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, suspended, or recodified.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 886
PROPOSED COMMITTEE SUBSTITUTE H886-PCS2227-LB-25

Short Title: Buncombe ETJ Moratorium.

(Local)

Sponsors:

Referred to:

March 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING A MORATORIUM ON EXTENSION OF
3 EXTRATERRITORIAL PLANNING JURISDICTION IN BUNCOMBE
4 COUNTY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. No territory in Buncombe County may be added to the
7 extraterritorial jurisdiction of any municipality pursuant to G.S. 160A-360 until May 1,
8 2004, except with the approval of a resolution adopted by the board of commissioners
9 of that county.

10 SECTION 2. Buncombe County and incorporated municipalities within that
11 county are encouraged to create an intergovernmental commission to study the issue of
12 extraterritorial planning jurisdiction, urban growth, and delivery of government services
13 by the county and incorporated municipalities within that county.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 887
PROPOSED COMMITTEE SUBSTITUTE H887-PCS6243-LB-24

Short Title: Buncombe Annexation Moratorium.

(Local)

Sponsors:

Referred to:

March 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR A MORATORIUM ON INVOLUNTARY
3 ANNEXATION IN BUNCOMBE COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. No territory in Buncombe County may be involuntarily
6 annexed pursuant to Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes
7 until May 1, 2004.

8 SECTION 2. Buncombe County and incorporated municipalities within that
9 county are encouraged to create an intergovernmental commission to study the issue of
10 annexation, urban growth, and delivery of government services by the county and
11 incorporated municipalities within that county.

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

Minutes
House Committee on Local Government II
April 24, 2001

The House Committee on Local Government II met April 24, 2001 in Room 415 at 7:30 a.m. Representative Jarrell called the meeting to order and the following members were present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; and Representatives Haire, Fox, Gillespie, Owens, Rogers, Warren and West.

The Chair recognized Representative West for a motion. Having voted with the prevailing side at the Local Government II meeting on the preceding day, Representative West moved to reconsider the vote on House Bill 886. Motion carried. The bill was properly before the committee. The committee substitute for House Bill 886 provides a moratorium on the extension of extraterritorial planning jurisdiction in Buncombe County.

Andy Romanet, legal counsel for the League of Municipalities, was recognized for comments. Speaking on behalf of the League, Mr. Romanet opposed the bill.

Representative Mark Crawford, bill sponsor, responded that the moratorium was for a three-year period only and that he was representing the wishes of his constituents and asked for the support of the committee.

In response to a question posed by the Chair, Esther Manheimer, committee counsel, confirmed that the City Attorney of Asheville opposed the legislation.

Representative Jarrell called for questions from the committee, bill sponsor and staff. Committee members expressed concern that the passage of this bill would have a rippling effect on other counties to implement similar policy. Representative Hurley moved to give an unfavorable report to the committee substitute and an unfavorable report to the original. Motion carried with one dissenting vote by Representative Gillespie.

Representative Warren was recognized for a motion. Having voted with the prevailing side at the Local Government II meeting on the preceding day, Representative Warren moved to reconsider the vote on House Bill 887. Motion carried. The bill was properly before the committee. The proposed committee substitute for House Bill 887 provides for a moratorium on involuntary annexation in Buncombe County.

Representative Rogers asked about the origin of the bill. The Chair explained that a blank bill introduced by former Representative Lanier Cansler was used for the proposed committee substitute. Staff told the committee that the committee substitute was prepared the past week. Representative Jarrell told the committee that it was her understanding that there was no opposition to the bill and agreed to hold a meeting around her chamber desk on April 23, 2001 at 5:30 a.m. to consider the bill; later learned there was opposition.

Minutes – April 24, 2001
House Committee on Local Government II

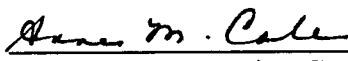
Representative Hurley moved to give an unfavorable report to the committee substitute bill and unfavorable to the original bill. Motion carried with one dissenting vote.

Representative Mark Crawford asked to be recognized. He expressed to the committee his apology if there was misconception about support for or opposition to the bills; it was his understanding there was no opposition. He thanked the committee for its consideration and again stressed that he was representing the will of his people.

The Chair told the committee that, in her opinion, the two bills considered at this meeting did not have enough support to pass on the House floor. Therefore, it was her intent to give the committee another opportunity to review the bills and hear the opposition. That was the reason for the second meeting.

Meeting adjourned at 7:55 a.m.


Representative Mary L. Jarrell
Committee Chair


Anne M. Cole, Acting Committee Assistant

Attachments:

Visitor Registration Sheet
Proposed Committee Substitute for HB 886
Committee Report for HB 886
Proposed Committee Substitute for HB 887
Committee Report for HB 887

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report from standing committee is presented:

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

☐ Committee Substitute for

H.B. 886 A BILL TO BE ENTITLED AN ACT RELATING TO THE 51ST 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 886
PROPOSED COMMITTEE SUBSTITUTE H886-PCS2227-LB-25

Short Title: Buncombe ETJ Moratorium.

(Local)

Sponsors:

Referred to:

March 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING A MORATORIUM ON EXTENSION OF
3 EXTRATERRITORIAL PLANNING JURISDICTION IN BUNCOMBE
4 COUNTY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. No territory in Buncombe County may be added to the
7 extraterritorial jurisdiction of any municipality pursuant to G.S. 160A-360 until May 1,
8 2004, except with the approval of a resolution adopted by the board of commissioners
9 of that county.

10 SECTION 2. Buncombe County and incorporated municipalities within that
11 county are encouraged to create an intergovernmental commission to study the issue of
12 extraterritorial planning jurisdiction, urban growth, and delivery of government services
13 by the county and incorporated municipalities within that county.

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

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report from standing committee is presented:

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

☐ Committee Substitute for

H.B. 887 A BILL TO BE ENTITLED AN ACT RELATING TO THE 51ST 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 887
PROPOSED COMMITTEE SUBSTITUTE H887-PCS6243-LB-24

Short Title: Buncombe Annexation Moratorium.

(Local)

Sponsors:

Referred to:

March 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR A MORATORIUM ON INVOLUNTARY
3 ANNEXATION IN BUNCOMBE COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. No territory in Buncombe County may be involuntarily
6 annexed pursuant to Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes
7 until May 1, 2004.

8 SECTION 2. Buncombe County and incorporated municipalities within that
9 county are encouraged to create an intergovernmental commission to study the issue of
10 annexation, urban growth, and delivery of government services by the county and
11 incorporated municipalities within that county.

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

VISITOR REGISTRATION SHEET

House Local Government II

Name of Committee

April 24, 2001
Date

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Andy Romanuk

NCLM.

Whitney Obriq

OSBPM

ANN LOVE

ovits

Tim Mista

Netline Builders Assn

Mon. Just

SKB

LARRY JESSUP

GRASP

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
May 2, 2001
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

SB 559 ASHEVILLE FORCE ACCOUNT LIMIT. (Senator Carter)

SB 617 STOVALL ELECTION CHANGES. (Senator Gulley) *HOLD*

SB 651 MT. AIRY PLANNING BD./ETJ. (Senator Foxx)

SB 675 WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES. (Senator Garrou)

SB 678 GATES ELECTIONS. (Senator Ballance)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
May 2, 2001

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, May 2, 2001, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Capps, Fox, Owens, Warren, West, G. Wilson, and Womble. Esther Manheimer and Frank Folger, committee counselors, were also in attendance.

Representative Jarrell called the meeting to order and recognized the page, Nathan Fetting of Johnston County, and Sergeants-at-Arms, Ann Lassiter and Bob Fowler. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

SB 559 – ASHEVILLE FORCE ACCOUNT LIMIT. Senator Carter, sponsor, was recognized to explain SB 559. This bill amends G.S. 143-135 to raise the limit of construction projects from \$125,000 to \$300,000 for the City of Asheville only. Additionally, the act would apply only to the construction of a skateboard park on Cherry Street in the City of Asheville. The City would have until June 30, 2003 to complete the project. Representative Fox made a motion to give SB 559 a favorable report. Motion carried.

SB 657 – WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES. Senator Garrou, sponsor, was recognized to explain this bill which gives Forsyth County and the City of Winston-Salem the ability to negotiate the proposals submitted in response to a Request for Proposal for information and telecommunications technology systems and to negotiate a contract price with the proposer who was the most responsive. It also modifies the notification requirements. Representative Womble made a motion to give the bill a favorable report and the motion carried.

SB 651 – MT. AIRY PLANNING BD./ETJ. Senator Foxx, sponsor, explained this bill which would create a planning board and board of adjustment for the City of Mount Airy with appointees from the City of Mount Airy and Surry County upon adoption of an ordinance extending its extraterritorial jurisdiction (ETJ) one mile beyond its corporate limits. Senator Foxx stated that the City of Mount Airy requested this bill. She knows of no controversy regarding the bill. Representative Owens made a motion to give the SB 651 a favorable report. Motion carried.

SB 678 – GATES ELECTIONS. Representative Owens was recognized to explain SB 678 for Senator Ballance. This bill establishes 5 residence districts for the Gates County Board of Education and the Gates County Board of Commissioners. Voters of the entire county elect one member from each district, who must be a resident of that district, to the Board of Education. This bill does not affect the terms of people serving on the Board of Education and County Board of Commissioners.

No action was taken on SB 678. It will be discussed at a future meeting.

The meeting adjourned at 11:30 A.M.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

S.B. 559 A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT
LIMIT OF THE CITY OF ASHEVILLE.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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

2

SENATE BILL 559
State and Local Government Committee Substitute Adopted 4/25/01

Short Title: Asheville Force Account Limit.

(Local)

Sponsors:

Referred to:

March 21, 2001

A BILL TO BE ENTITLED

AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

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

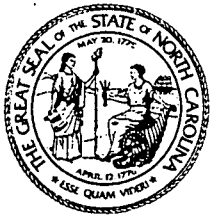
"§ 143-135. Limitation of application of Article.

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars (\$125,000)~~ three hundred thousand dollars (\$300,000) or the total cost of labor on the project does not exceed fifty thousand dollars (\$50,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

SECTION 2.(a) This act applies to the City of Asheville only.

SECTION 2.(b) This act applies only to the construction of a skateboard park on Cherry Street.

SECTION 3. This act is effective when it becomes law and expires June 30, 2003.



SB 559: Asheville Force Account Labor

BILL ANALYSIS

Committee: Local Government II
Date: May 2, 2001
Version: Second Edition

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

SUMMARY:

Under current law (G.S. 142-135), the public competitive bidding process mandated by Article 8 of Chapter 143 is not required for construction projects when (1) the work is performed by employees of the city, county, or State agency concerned, and (2) the total of the project is \$125,000 or less. Senate Bill 559 amends G.S. 143-135 to raise the limit of the project from \$125,000 to \$300,000 for the City of Asheville only. Additionally, the act would apply only to the construction of a skateboard park on Cherry Street in the City of Asheville. The City would have until June 30, 2003 to complete the project.

The act is effective when it becomes law and expires June 30, 2003.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for
S.B. 651 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MEMBERSHIP
AND METHOD OF APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING
BOARD AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF
MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY OF
MOUNT AIRY EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS
CORPORATE LIMITS.

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

2/15/01

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

1

SENATE BILL 651

Short Title: Mt. Airy Planning Bd./ETJ.

(Local)

Sponsors: Senators Foxx; and Berger.

Referred to: Finance.

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE MEMBERSHIP AND METHOD OF
APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING BOARD
AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF
MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY
OF MOUNT AIRY EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS
CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The City of Mount Airy shall create a Planning Board and a
Zoning Board of Adjustment pursuant to Article 19 of Chapter 160A of the General
Statutes upon extending its extraterritorial jurisdiction one mile beyond the corporate
limits by ordinance.

SECTION 1.(b) The Planning Board shall consist of nine members. Five
members of the Planning Board shall be appointed by the Board of Commissioners of
the City of Mount Airy, and four of the members shall be appointed by the Board of
Commissioners of Surry County.

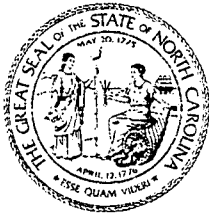
SECTION 1.(c) Three members of the Planning Board shall be appointed
for terms of four years and two members of the Planning Board shall be appointed for
terms of two years by the City of Mount Airy. Two members of the Planning Board
shall be appointed for a term of four years and two members of the Planning Board shall
be appointed for a term of two years by Surry County.

SECTION 1.(d) The Zoning Board of Adjustment shall consist of nine
regular members and two alternate members. Five members of the Zoning Board of
Adjustment shall be appointed by the Board of Commissioners of the City of Mount
Airy, and four members shall be appointed by the Board of Commissioners of Surry
County. One alternate member shall be appointed by the City of Mount Airy, and one
alternate member shall be appointed by Surry County. Members and alternate members
may be reappointed.

1 **SECTION 1.(e)** Three members of the Zoning Board of Adjustment shall be
2 appointed for terms of four years, and two members of the Zoning Board of Adjustment
3 shall be appointed for a term of two years by the City of Mount Airy. Two members of
4 the Zoning Board of Adjustment shall be appointed for four years, and two members of
5 the Zoning Board of Adjustment shall be appointed for a term of two years by Surry
6 County. The alternate members shall be appointed for terms of two years by the City of
7 Mount Airy and Surry County.

8 **SECTION 2.** This act applies to the City of Mount Airy and to Surry County
9 only.

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



SENATE BILL 651: Mt. Airy Planning Bd./ETJ

BILL ANALYSIS

Committee: House Local and Regional Gov. II
Date: May 2, 2001
Version: First Edition

Introduced by: Senators Foxx and Berger
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would create a planning board and board of adjustment for the City of Mount Airy with appointees from both the City of Mount Airy and Surry County upon adoption of an ordinance extending its extraterritorial jurisdiction (ETJ) one mile beyond its corporate limits.*

CURRENT LAW: G.S. 160A-362 provides for proportional representation on city planning agencies when ETJ is exercised. There is an exception for situations where the population affected is proportionally insignificant to the population of the city. It also only provides that the county board of commissioners to appoint representatives on the planning agency and the board of adjustment.

G.S. 160A-388 provides for boards of adjustment and among other provisions, establishes three-year terms.

Joint planning boards are permissible under Article 20, Part 1 of Chapter 160A of the General Statutes.

BILL ANALYSIS: Section 1.(a) would require Mount Airy to create a Planning Board and Zoning Board of Adjustment upon extending its ETJ.

Section 1.(b) –(c) would require the Planning Board to have 9 members: 5 appointed by the Mount Airy Board of Commissioners (the City), 4 appointed by the Surry County Board of Commissioners (the County), and it would establish the terms of the members appointed to the Planning Board

Section 1.(d) – (e) would require the Zoning Board of Adjustment to have 9 regular members and 2 alternate members: 5 regular members appointed by the County, 4 regular members appointed by the City, and 1 alternate member appointed each by the County and the City. It would establish the terms for the Board of Adjustment and allow for reappointment.

Section 2 would make it applicable only to Mount Airy and Surry County.

Effective Date: Effective upon becoming law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

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

☐ Committee Substitute for

S.B. 675 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO PURCHASE OR LEASE TELECOMMUNICATIONS, DATA PROCESSING AND DATA COMMUNICATIONS EQUIPMENT, SOFTWARE, SUPPLIES, AND SERVICES ON A REQUEST FOR PROPOSALS BASIS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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

1

SENATE BILL 675*

Short Title: Winston-Salem/Forsyth Technology Purchases. (Local)

Sponsors: Senators Garrou; and Horton.

Referred to: Finance.

March 22, 2001

A BILL TO BE ENTITLED

**AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM AND FORSYTH
COUNTY TO PURCHASE OR LEASE TELECOMMUNICATIONS, DATA
PROCESSING AND DATA COMMUNICATIONS EQUIPMENT, SOFTWARE,
SUPPLIES, AND SERVICES ON A REQUEST FOR PROPOSALS BASIS.**

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 8 of Chapter 143 of the General Statutes or any general, special, or local law, the City of Winston-Salem and Forsyth County may award contracts to purchase or lease telecommunications, data processing and data communications equipment, software, supplies, and services on a request for proposals basis. In evaluating proposals, the City and County may consider any relevant factors, including system design, system reliability, operational experience, operational costs, compatibility with existing systems and equipment, and emerging technology. All contracts and leases entered into pursuant to this act shall be approved and awarded by the governing body of the City or County.

SECTION 2. The City and County shall give notice that they are requesting proposals under this act in one of the following ways:

- (1) By mailing a notice of request for proposals to persons and companies on the City's or County's bid list at least 10 days before the time specified for the opening of proposals.
- (2) By posting a notice of request for proposals on the City's or County's Internet website or on the State's Internet website at least 10 days before the time specified for the opening of proposals.
- (3) By advertising in a newspaper having general circulation in the City or County, whichever is applicable, a notice of request for proposals at least one week before the time specified for the opening of proposals. The advertisement shall include the time and place where request for

proposals may be obtained and the time and place for opening proposals.

Any notice given under this section shall reserve to the City or County the right to reject any or all proposals.

SECTION 3. The City and County may prescribe the form and content of proposals, and may require that proposals contain sufficiently detailed information to allow for an objective and fair evaluation of proposals using the factors stated in Section 1 of this act. Each proposal shall contain:

- (1) Information regarding any experience the proposer may have that qualifies him or her to perform the requirements of the proposal.
- (2) Information demonstrating the proposer's ability to secure financing needed to perform the requirements of the proposal.
- (3) Information demonstrating the proposer's ability to provide staffing, implement work tasks, and carry out all other responsibilities necessary to perform the requirements of the proposal.
- (4) Information clearly identifying and specifying all elements of cost of the proposal for the term of the proposed contract, including the cost of the purchase or lease of equipment and supplies, design, installation, operation, management, and maintenance of any system, and any proposed services.
- (5) Any other information the City or County determines has a material bearing on its ability to evaluate the proposal as authorized in this act.

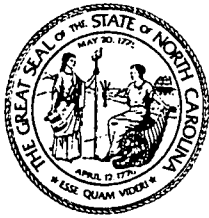
SECTION 4. At any point in the request for proposals process, the City and County may negotiate any proposal with any responsible proposer with regard to the factors stated in Section 1 of this act to determine which proposal is the most responsive. A determination of most responsive proposer by the City or County shall be final.

SECTION 5. The City and County may negotiate a contract price with the most responsive proposer for the purchase or lease of equipment, software, supplies, and the performance of services specified in the request for proposals. The City and County may enter into a contract with the most responsive proposer for the negotiated contract price. If the City or County is unable to successfully negotiate the terms of the proposal or contract price with the most responsive proposer, the City or County may proceed to negotiate, as provided in this section, with the person or company determined to be the next most responsive proposer.

SECTION 6. All proposals shall be sealed and shall be opened in public.

SECTION 7. This act applies only to the City of Winston-Salem and Forsyth County.

SECTION 8. This act is effective when it becomes law.



SENATE BILL 675: Winston-Salem/Forsyth Technology Purchases

BILL ANALYSIS

Committee: Local Government II
Date: May 2, 2001
Version: 1st Edition

Introduced by: Senator Garrou
Summary by: Esther Manheimer*
Committee Counsel

SUMMARY: *Senate Bill 675 gives Forsyth County and the City of Winston-Salem the ability to negotiate the proposals submitted in response to a Request for Proposal for information and telecommunications technology systems and to negotiate a contract price with the proposer who was the most responsive. It also modifies the notification requirements.*

CURRENT LAW: State law requires counties to obtain competitive bids before awarding purchase contracts. If the purchase price is between \$5,000 and \$30,000, then the county may obtain informal bids. If the price is greater than \$30,000, then the county must follow the formal bidding statute by advertising the opportunity to bid on a purchase contract for at least one week in a newspaper with general circulation in the county. Once the bids are received, they must be evaluated to ensure that they do not contain significant deviations from the specifications. If a bid offers something outside the scope of the specifications that the unit finds desirable, the county must reject all the bids, revise the specifications to incorporate the desired feature, and rebid the contract. The statutes require that the contract be awarded to the "lowest responsible bidder, taking into consideration quality, performance, and the time specified in the proposals for the performance of the contract."

In 1998 and 1999, the General Assembly enacted legislation clarifying that the State and local governments have flexibility in evaluating information technology procurements. However, the law does not grant an exception to the notice requirements nor does it permit cities and counties to negotiate the proposal or the contract price with a proposer.

BILL ANALYSIS: *Senate Bill 675 would allow Forsyth County and the City of Winston-Salem the same authority to negotiate requests for proposals and the contract price for a proposal with the proposer as the General Assembly gave Mecklenburg County and the City of Charlotte in 1993. The bill would allow Forsyth County and the City of Winston-Salem to deviate from the current law as follows:*

- They could award contracts to purchase or lease telecommunications, data processing and data communications equipment, software, supplies, and services on a request for proposals basis.
- They could give notice that they are requesting proposals by mailing a notice of the RFP to persons and companies on the City's or County's bid list or by posting a notice on either the local internet website or the State's internet website as well as by advertising in the local newspaper.
- They could negotiate any proposal with any responsible proposer and they could negotiate a contract price with the most responsive proposer.

Under **Senate Bill 675**, the City and County would be allowed to put both the equipment and software for a technology system out for bid as part of a single Request for Proposal. The proposals submitted in response to the RFP would be evaluated in terms of their responsiveness to the technical and functional specifications of the RFP. The City and County could negotiate with all proposers to determine whether their proposals could be modified to be more technically responsive. Once it is determined which proposer is most responsive, the City or County could negotiate with that proposer to establish a contract price for the system. If negotiations with that bidder were unsuccessful, the City or County could negotiate with the next most responsive bidder.

*This summary was substantially contributed to by Cindy Avrette, Attorney, Research Division.

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

Name of Committee

5/2/2001

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

MW Henry Aldridge Self —

Adrian Loveless staff

Anne Cole staff

Tom Jarrell

District Court Judge

Karl Krapp

City of Winston-Salem

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
May 9, 2001
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

SB 401 FORSYTH STANLY COUNTY SCHOOLS BIDS. (Senator Purcell)

SB 617 STOVALL ELECTION CHANGES. (Senator Gulley)

SB 678 GATES ELECTIONS. (Senator Ballance)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
May 9, 2001

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, May 2, 2001, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Capps, West, G. Wilson, and Womble. Esther Manheimer and Frank Folger, committee counselors, were also in attendance.

Representative Jarrell called the meeting to order and recognized the pages and staff. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

SB 401 – FORSYTH STANLY COUNTY SCHOOLS BIDS. Senator Purcell, sponsor, was recognized to explain this bill which would exempt the Forsyth and Stanly County Boards of Commissioners and the Forsyth and Stanly County Boards of Education from the requirements of Chapter 143, Article 8 (awarding of public contracts) for the construction of schools until June 30, 2006. Instead, the County Commissioners and the Boards of Education would be permitted to use a selection and negotiation process instead of the competitive bidding process if the two Boards determine that the negotiation process will (1) expedite the project, (2) create an effective constructions team, and (3) control costs, quality, and schedule.

A committee substitute was offered and Representative Womble made a motion to adopt the committee substitute. Motion carried. Following discussion of the bill, Representative Womble made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

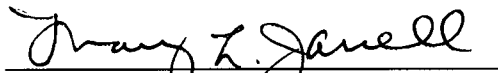
SB 678 – GATES ELECTIONS. Senator Ballance was recognized to explain SB 678. This bill establishes 5 residence districts for the Gates County Board of Education and the Gates County Board of Commissioners. Voters of the entire county elect one member from each district, who must be a resident of that district, to the Board of Education. This bill does not affect the terms of people serving on the Board of Education and County Board of Commissioners.

Representative Womble moved for a favorable report and motion carried.

SB 617 – STOVALL ELECTION CHANGES. Frank Folger, Staff Attorney, was recognized to explain the bill for Senator Gulley. This bill would lengthen the regular terms of office of Stovall's town commissioners and mayor to four years (from two years) and would stagger the terms of the commissioners.

A committee substitute was offered and Representative Barbee made a motion to adopt the committee substitute. Frank Folger explained differences in the original bill and the committee substitute. Representative Barbee made a motion that the committee substitute be given a favorable report, unfavorable to original bill.

The meeting adjourned at 11:30 A.M.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☒ Committee Substitute for
S.B. 401 A BILL TO BE ENTITLED AN ACT TO ASSIST FORSYTH COUNTY AND
STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

3

**SENATE BILL 401
Commerce Committee Substitute Adopted 4/4/01
Third Edition Engrossed 4/10/01**

Short Title: Forsyth County and Stanly County Schools Bids.

(Local)

Sponsors:

Referred to:

March 12, 2001

A BILL TO BE ENTITLED

**AN ACT TO ASSIST FORSYTH COUNTY AND STANLY COUNTY WITH
EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.**

Whereas, Stanly County is faced with the critical need for school facilities created by an unusual growth in student population; and

Whereas, the Stanly County Board of Education and the Board of Commissioners of Stanly County have jointly approved and funded a School Facilities 2000 building program; and

Whereas, the Stanly County Board of Education, faced with the critical need for school facilities, has implemented a model facilities plan using a repetitive design approach to design school facilities that are educationally effective and economically efficient; and

Whereas, the Stanly County Board of Education desires to explore alternative approaches to expedite the construction of school facilities that could assist in meeting the critical need for school facilities; and

Whereas, the General Assembly reaffirms its commitment to enhance public education and to encourage innovation by public officials in meeting the critical need for school facilities; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, the Board of Commissioners of Stanly County and the Stanly County Board of Education may select and negotiate with single-prime or separate-prime contractors to build school buildings using the repetitive design approach if the Board of Commissioners of Stanly County and the Stanly County Board of Education determine that using the selection and negotiations processes instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule. This act shall also apply to the Board of Commissioners of Forsyth County and the Forsyth County Board of Education.

1 **SECTION 2.** This act is effective when it becomes law and expires on June
2 30, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 401
Commerce Committee Substitute Adopted 4/4/01
Third Edition Engrossed 4/10/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S401-CSSK-34 [v.1]

5/9/2001 8:15:25 AM

Short Title: Forsyth County and Stanly County Schools Bids.

(Local)

Sponsors:

Referred to:

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ASSIST FORSYTH COUNTY AND STANLY COUNTY WITH
EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

Whereas, Stanly County is faced with the critical need for school facilities
created by an unusual growth in student population; and

Whereas, the Stanly County Board of Education and the Board of
Commissioners of Stanly County have jointly approved and funded a School Facilities
2000 building program; and

Whereas, the Stanly County Board of Education, faced with the critical need
for school facilities, has implemented a model facilities plan using a repetitive design
approach to design school facilities that are educationally effective and economically
efficient; and

Whereas, the Stanly County Board of Education desires to explore alternative
approaches to expedite the construction of school facilities that could assist in meeting
the critical need for school facilities; and

Whereas, the General Assembly reaffirms its commitment to enhance public
education and to encourage innovation by public officials in meeting the critical need
for school facilities; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Article 8 of Chapter 143 of
the General Statutes, the Board of Commissioners and the Board of Education may
select and negotiate with single-prime or separate-prime contractors to build school
buildings using the repetitive design approach if the Board of Commissioners and the
Board of Education determine that using the selection and negotiations processes
instead of competitive bidding will expedite the project, create an effective construction
team, and control costs, quality, and schedule.

SECTION 2. This act applies to the Counties of Forsyth and Stanly only.

1 **SECTION 3.** This act is effective when it becomes law and expires on June
2 30, 2006.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

D

**SENATE BILL 401
Commerce Committee Substitute Adopted 4/4/01
Third Edition Engrossed 4/10/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S401-PCS3455-SK-34**

Short Title: Forsyth County and Stanly County Schools Bids.

(Local)

Sponsors:

Referred to:

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ASSIST FORSYTH COUNTY AND STANLY COUNTY WITH
EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

Whereas, Stanly County is faced with the critical need for school facilities
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Whereas, the Stanly County Board of Education and the Board of
Commissioners of Stanly County have jointly approved and funded a School Facilities
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for school facilities, has implemented a model facilities plan using a repetitive design
approach to design school facilities that are educationally effective and economically
efficient; and

Whereas, the Stanly County Board of Education desires to explore alternative
approaches to expedite the construction of school facilities that could assist in meeting
the critical need for school facilities; and

Whereas, the General Assembly reaffirms its commitment to enhance public
education and to encourage innovation by public officials in meeting the critical need
for school facilities; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Article 8 of Chapter 143 of
the General Statutes, the Board of Commissioners and the Board of Education may
select and negotiate with single-prime or separate-prime contractors to build school
buildings using the repetitive design approach if the Board of Commissioners and the
Board of Education determine that using the selection and negotiations processes
instead of competitive bidding will expedite the project, create an effective construction
team, and control costs, quality, and schedule.

SECTION 2. This act applies to the Counties of Forsyth and Stanly only.

1 **SECTION 3.** This act is effective when it becomes law and expires on June
2 30, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 401
Commerce Committee Substitute Adopted 4/4/01
Third Edition Engrossed 4/10/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S401-PCS3455-SK-34

Short Title: Forsyth County and Stanly County Schools Bids. (Local)

Sponsors:

Referred to:

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ASSIST FORSYTH COUNTY AND STANLY COUNTY WITH
EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

Whereas, Stanly County is faced with the critical need for school facilities created by an unusual growth in student population; and

Whereas, the Stanly County Board of Education and the Board of Commissioners of Stanly County have jointly approved and funded a School Facilities 2000 building program; and

Whereas, the Stanly County Board of Education, faced with the critical need for school facilities, has implemented a model facilities plan using a repetitive design approach to design school facilities that are educationally effective and economically efficient; and

Whereas, the Stanly County Board of Education desires to explore alternative approaches to expedite the construction of school facilities that could assist in meeting the critical need for school facilities; and

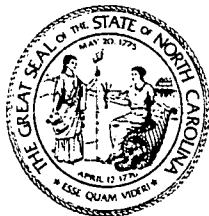
Whereas, the General Assembly reaffirms its commitment to enhance public education and to encourage innovation by public officials in meeting the critical need for school facilities; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, the Board of Commissioners and the Board of Education may select and negotiate with single-prime or separate-prime contractors to build school buildings using the repetitive design approach if the Board of Commissioners and the Board of Education determine that using the selection and negotiations processes instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule.

SECTION 2. This act applies to the Counties of Forsyth and Stanly only.

1 **SECTION 3.** This act is effective when it becomes law and expires on June
2 30, 2006.



SB 401: Forsyth County and Stanly County School Bids.

BILL ANALYSIS

Committee: Local Government II
Date: May 9, 2001
Version: S401-CSSK-34[v.1]

Introduced by: Senators Purcell, Plyler, and Hartsell
Summary by: Esther Manheimer
Committee Counsel

BILL ANALYSIS:

Under current law (G.S. 143-128), when undertaking the construction of building projects, local school administrative units must use either the single-prime competitive bidding contract system or the separate-prime competitive bidding contract system. The single-prime bidding system means that a general contractor bids on a project and specifies which subcontractors he or she is including in the general contract. A separate-prime bidding system means that the local school administrative unit accepts bids, separately, from the four branches of work to be performed (heating, plumbing, electrical wiring, and other general work). Under either system of bidding, the contract is awarded to the lowest responsible bidder.

This bill would exempt the Forsyth and Stanly County Boards of Commissioners and the Forsyth and Stanly County Boards of Education from the requirements of Chapter 143, Article 8 (awarding of public contracts) for the construction of schools until June 30, 2006. Instead, the County Commissioners and the Boards of Education would be permitted to use a selection and negotiation process instead of the competitive bidding process if the two Boards determine that the negotiation process will (1) expedite the project, (2) create an effective construction team, and (3) control costs, quality, and schedule.

This bill is effective when it becomes law. The bill expires on June 30, 2006.

BACKGROUND:

The Stanly County Board of Education and the Stanly County Board of Commissioners have jointly approved and funded a School Facilities 2000 building program, whereby each contributed \$3 million dollars toward construction of schools. The County recently passed a \$26 million dollar bond referendum to fund school construction and the Board of County Commissioners approved a three-cent property tax increase designated solely for school construction.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☒ Committee Substitute for
S.B. 617 A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE
FOR MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

2

**SENATE BILL 617*
State and Local Government Committee Substitute Adopted 4/16/01**

Short Title: Stovall Election Changes.

(Local)

Sponsors:

Referred to:

March 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN
3 COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE
4 TERMS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Sections 2.2 and 2.3 of the Charter of the Town of Stovall,
7 being Chapter 596 of the 1979 Session Laws, read as rewritten:

8 "Section 2.2. Board of Commissioners; Composition; Terms of Office. The Board of
9 Commissioners shall be composed of five members, each of whom shall be elected for
10 terms of ~~two~~four years in the manner provided by Article III of this Charter; provided,
11 they shall serve until their successors are elected and qualified.

12 "Section 2.3. Election of the Mayor; Term of Office; Duties. The Mayor shall be
13 elected directly by voters of the Town in the manner provided by Article III of this
14 Charter for a term of ~~two~~four years; provided, the Mayor shall serve until his successor
15 is elected and qualified. The Mayor shall be the official head of the Town government
16 and shall preside at all meetings of the Board of Commissioners. He shall have the right
17 to vote only if there are equal numbers of votes in the affirmative and the negative on
18 any matter before the Board. The Mayor shall exercise such powers and perform such
19 duties as presently are or hereafter may be conferred upon him by the General Statutes
20 of North Carolina, by this Charter, and by the ordinances of the Town."

21 **SECTION 2.** Sections 3.1 and 3.2 of the Charter of the Town of Stovall,
22 being Chapter 596 of the 1979 Session Laws, read as rewritten:

23 "Section 3.1. Regular Municipal Elections; Conduct and Method of Election. Except
24 as provided in Section 3.2 of this Charter, Regular-regular municipal elections shall be
25 held in the Town every two years in odd-numbered years and shall be conducted in
26 accordance with the uniform municipal election laws of North Carolina. The Mayor and
27 members of the Board of Commissioners shall be elected according to the nonpartisan
28 plurality method of election, as provided in G.S. 163-292.

1 "Section 3.2. Election of the Board of Commissioners; Election of Mayor. At the
2 ~~regular municipal election in 1979 and every two years thereafter, there shall be elected~~
3 ~~a Mayor and five Commissioners to fill the seats of the Mayor and Commissioners~~
4 ~~whose terms are then expiring. The Commissioners and Mayor shall be elected to four-~~
5 ~~year terms by the qualified voters of the entire Town, except as provided otherwise in~~
6 ~~this section. In 2001, and quadrennially thereafter, a Mayor shall be elected to a four-~~
7 ~~year term. In 2001, for the position of Commissioner, the two persons receiving the~~
8 ~~highest numbers of votes shall be elected to four-year terms and the three persons~~
9 ~~receiving the next highest numbers of votes shall be elected to two-year terms. In 2003,~~
10 ~~and quadrennially thereafter, three persons shall be elected to four-year terms. In 2005,~~
11 ~~and quadrennially thereafter, two persons shall be elected to four-year terms."~~

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

D

SENATE BILL 617*

State and Local Government Committee Substitute Adopted 4/16/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S617-CSSO-33 [v.1]

5/1/2001 2:01:58 PM

Short Title: Stovall Election Changes.

(Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN
COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE
TERMS.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 2.2 and 2.3 of the Charter of the Town of Stovall,
being Chapter 596 of the 1979 Session Laws, read as rewritten:

"Section 2.2. Board of Commissioners; Composition; Terms of Office. The Board of
Commissioners shall be composed of five members, each of whom shall be elected for
terms of ~~two~~ four years in the manner provided by Article III of this Charter; provided,
they shall serve until their successors are elected and qualified.

"Section 2.3. Election of the Mayor; Term of Office; Duties. The Mayor shall be
elected directly by voters of the Town in the manner provided by Article III of this
Charter for a term of ~~two~~ four years; provided, the Mayor shall serve 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 of Commissioners. He shall have the right
to vote only if there are equal numbers of votes in the affirmative and the negative on
any matter 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."

SECTION 2. Section 3.2 of the Charter of the Town of Stovall, being
Chapter 596 of the 1979 Session Laws, reads as rewritten:

"Section 3.2. Election of the Board of Commissioners; Election of Mayor. ~~At the
regular municipal election in 1979 and every two years thereafter, there shall be elected
a Mayor and five Commissioners to fill the seats of the Mayor and Commissioners
whose terms are then expiring. 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-~~

1 year term. In 2001, for the position of Commissioner, the two persons receiving the
2 highest numbers of votes shall be elected to four-year terms and the three persons
3 receiving the next highest numbers of votes shall be elected to two-year terms. In 2003,
4 and quadrennially thereafter, three persons shall be elected to four-year terms. In 2005,
5 and quadrennially thereafter, two persons shall be elected to four-year terms."

6 **SECTION 3.** This act is effective when it becomes law.
7

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

D

SENATE BILL 617*

**State and Local Government Committee Substitute Adopted 4/16/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S617*-PCS6280-SO-33**

Short Title: Stovall Election Changes.

(Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 2.2 and 2.3 of the Charter of the Town of Stovall, being Chapter 596 of the 1979 Session Laws, read as rewritten:

"Section 2.2. Board of Commissioners; Composition; Terms of Office. The Board of Commissioners shall be composed of five members, each of whom shall be elected for terms of ~~two~~ four years in the manner provided by Article III of this Charter; provided, they shall serve until their successors are elected and qualified.

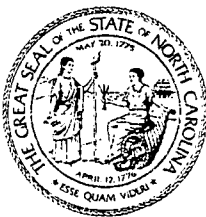
"Section 2.3. Election of the Mayor; Term of Office; Duties. The Mayor shall be elected directly by voters of the Town in the manner provided by Article III of this Charter for a term of ~~two~~ four years; provided, the Mayor shall serve until his successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. He shall have the right to vote only if there are equal numbers of votes in the affirmative and the negative on any matter 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."

SECTION 2. Section 3.2 of the Charter of the Town of Stovall, being Chapter 596 of the 1979 Session Laws, reads as rewritten:

"Section 3.2. Election of the Board of Commissioners; Election of Mayor. ~~At the regular municipal election in 1979 and every two years thereafter, there shall be elected a Mayor and five Commissioners to fill the seats of the Mayor and Commissioners whose terms are then expiring. The Commissioners and Mayor shall be elected to four-year terms by the qualified voters of the entire Town, except as otherwise provided in this section. In 2001, and quadrennially thereafter, a Mayor shall be elected to a four-~~

1 year term. In 2001, for the position of Commissioner, the two persons receiving the
2 highest numbers of votes shall be elected to four-year terms, and the three persons
3 receiving the next highest numbers of votes shall be elected to two-year terms. In 2003,
4 and quadrennially thereafter, three persons shall be elected to four-year terms. In 2005,
5 and quadrennially thereafter, two persons shall be elected to four-year terms."

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



SENATE BILL 617: Stovall Election Changes

BILL ANALYSIS

Committee: House Local and Regional
Government II

Date: May 2, 2001

Version: S617-SMSO-33 [v.1]

Introduced by: Senator Gulley

Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would lengthen the regular terms of office of Stovall's town commissioners and mayor to four years (from two years) and would stagger the terms of the commissioners.*

CURRENT LAW: The Charter of the Town of Stovall, in Chapter 596 of the 1979 Session Laws, provides the Mayor and the five members of the Board of Commissioners with two-year terms of office and no staggering of terms.

BILL ANALYSIS: Section 1. would provide the Mayor and Board members with four-year regular terms of office.

Section 2. would provide for staggered elections of the five Board members. Upon completion of the staggering via modified term lengths, three Board members would be elected for four-year terms, beginning in the 2003 election and quadrennially thereafter, and two Board members and the Mayor would be elected for four-year terms, beginning in the 2005 election and quadrennially thereafter.

BACKGROUND: The changes sought by this bill received the unanimous approval of the Stovall Town Board of Commissioners at their March 12, 2001 meeting. The proponents of the bill hope to provide continuity in leadership of the Town of Stovall and avoid complete turnover in elected officials every two years.

EFFECTIVE DATE: 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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for
S.B. 678 A BILL TO BE ENTITLED AN ACT TO ESTABLISH RESIDENCE DISTRICTS
FOR THE GATES COUNTY BOARD OF EDUCATION AND THE GATES COUNTY
BOARD OF COMMISSIONERS.

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

2

SENATE BILL 678

State and Local Government Committee Substitute Adopted 4/12/01

Short Title: Gates Elections.

(Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH RESIDENCE DISTRICTS FOR THE GATES COUNTY BOARD OF EDUCATION AND THE GATES COUNTY BOARD OF COMMISSIONERS. .

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 1047 of the 1973 Session Laws reads as rewritten:

"Sec. 2. For the purpose of electing members to the Board of Education, the County is divided into five residence districts and herein described. One member shall be elected from each district, and the candidates must reside in the district from which they seek election but they shall be voted on by the voters of the entire County.

~~District I (Gatesville): Beginning at a point on the Chowan River, in the mouth of Sarem Creek, proceeding up Sarem Creek in a northerly direction to a point where Cole's Creek intersects; thence proceeding up Cole's Creek in a northern direction to a point where Cole's Creek crosses U.S. 158; thence proceeding in a westerly direction along U.S. 158 through White Oak to Roduco to a point where U.S. 158 intersects U.S. 13; thence continuing on U.S. 13 in a northerly direction to a point where county road 1221 intersects U.S. 13; thence continuing on county road 1221 to the Atlantic Coast Line Railroad and proceeding on said railroad in a northerly direction to county road 1217; thence proceeding down county road 1217 to a point where county road 1225 intersects county road 1217; thence proceeding down county road 1225 to county road 1220; thence proceeding on county road 1220 in a northerly direction to where county road 1220 intersects N.C. 37; thence proceeding on N.C. 37 a short distance to a point where county road 1303 intersects N.C. 37 at Buckland; thence continuing down county road 1303 in an easterly direction to a point where county road 1303 touches county road 1300; thence proceeding down county road 1300 in a southerly direction to Eason's Crossroads; thence continuing on a southerly direction on county road 1400 to a point where county road 1404 intersects county road 1400; thence proceeding in an easterly direction down county road 1404 to a point where county road 1411 intersects county~~

1 road 1404; thence proceeding in a southeasterly direction down county road 1411 to
2 where said road intersects county road 1410; thence proceeding down county road 1410
3 in a southerly direction to a place where county road 1410 intersects N.C. 37; thence
4 continuing across N.C. 37 to the mouth of Trotman Creek; thence continuing down
5 Trotman Creek in a southerly direction to a place where Trotman Creek runs into
6 Catherine's Creek; thence down Catherine's Creek in a southerly direction to a point
7 where Catherine's Creek flows into the Chowan River; thence proceeding up the
8 Chowan River in a northwest direction to the point where Sarem Creek flows into the
9 Chowan River, at the beginning point.

10 District II (Eure): Beginning at a point on the Chowan River and proceeding due
11 east to the point where county road 1221 intersects U.S. 13; thence proceeding south
12 down said U.S. 13 to where U.S. 158 intersects U.S. 13 at Tarheel; continuing down
13 U.S. 158 through Roduco to a point where Cole's Creek crosses U.S. 158; thence
14 proceeding down Cole's Creek to Sarem Creek to the Chowan River; thence proceeding
15 in a northwesterly direction to the beginning point, on Chowan River.

16 District III (Gates): Beginning at a point where the Virginia Line crosses the
17 Chowan River; thence proceeding along the North Carolina Virginia line in an easterly
18 direction until the point where the Atlantic Coast Line Railroad intersects the State line;
19 thence following said railroad to a point where the Atlantic Coast Line Railroad
20 intersects county road 1308; proceeding down county road 1308 in an easterly direction
21 to a point where county road 1311 intersects county road 1308; proceeding along county
22 road 1311 in a southerly direction to a point where county road 1311 intersects county
23 road 1304 at Hazelton; thence along county road 1304 in a southwesterly direction to a
24 point where county road 1300 intersects county road 1304 at Willeyton; thence
25 following county road 1300 in a southerly direction to a point where county road 1303
26 intersects county road 1300; thence from county road 1300 in a westerly direction along
27 county road 1303 to Buckland, where county road 1303 intersects N.C. 37; thence
28 proceeding south on N.C. 37 to a point where county road 1220 intersects N.C. 37;
29 thence proceeding in a southwesterly direction along county road 1220 to a point where
30 said road is intersected by county road 1225; thence proceeding along said county road
31 1225 in a westerly direction to a point where county road 1217 intersects county road
32 1225; thence proceeding along said county road 1217 to a point where county road 1217
33 intersects the Atlantic Coast Line Railroad; thence down said railroad in a southerly
34 direction to a point where county road 1221 intersects said railroad; thence along county
35 road 1221 to where it intersects U.S. 13; thence across said U.S. 13 and proceed due
36 west to a point where this line reaches the Chowan River; thence following the Chowan
37 River in a northerly direction to the Virginia Line.

38 District IV (Sunbury): Beginning at a point on the Virginia Line where the Atlantic
39 Coast Line Railroad crosses the State Line; thence proceeding down the Atlantic Coast
40 Railroad in a southerly direction to a point where county road 1308 crosses the said
41 railroad; thence proceeding down county road 1308 to a point where county road 1311
42 intersects county road 1308; thence proceeding down county road 1311 to where county

1 ~~road 1311 intersects county road 1304 at Hazelton; thence continuing down county road~~
2 ~~1304 in a southerly direction to county road 1300 at Willeyton; thence continuing down~~
3 ~~county road 1300 in a southerly direction to Eason's Crossroads where county road 1403~~
4 ~~intersects county road 1300; thence continuing down county road 1403 in a southerly~~
5 ~~direction; thence down said county road 1400 in a southerly direction to a point where~~
6 ~~county road 1400 is intersected by county road 1404; thence continuing down county~~
7 ~~road 1404 in an easterly direction to a point where county road 1411 intersects county~~
8 ~~road 1404; thence continuing down county road 1411 to a point where it intersects~~
9 ~~county road 1410; thence continuing in an easterly direction to a point where county~~
10 ~~road 1410 terminates and county road 1428 begins; thence continuing down county road~~
11 ~~1428 in a westerly direction to Green Forks; thence in a due east direction from Green~~
12 ~~Forks to the Pasquotank County line; thence proceeding along the Gates County line in~~
13 ~~a northerly direction to a point where it touches the Virginia State Line; thence along~~
14 ~~said Virginia Line to the point where the Atlantic Coast Line Railroad crosses the~~
15 ~~Virginia Line, at the point of beginning.~~

16 ~~District V (Hobbsville): Beginning at point on the Chowan River where Catherine's~~
17 ~~Creek intersects the river, going in a northerly direction along Catherine's Creek to a~~
18 ~~point where Trotman's Creek intersects Catherine's Creek; thence proceeding along~~
19 ~~Trotman's Creek in a northerly direction to a point where N.C. 37 is intersected by~~
20 ~~county road 1410; thence across N.C. 37 on county road 1410 in a northerly direction to~~
21 ~~a point where county road 1410 meets N.C. 32; thence across N.C. 32 on county road~~
22 ~~1428 in an easterly direction to Green Forks on county road 1002; thence continuing~~
23 ~~due east to the Pasquotank County Line; thence along the Gates County Line in a~~
24 ~~southerly direction; thence in a westerly direction to the point on the Chowan River that~~
25 ~~is the beginning point.~~

26 District 1: Beginning at a point on the Chowan River in the mouth of Sarem Creek,
27 proceeding up Sarem Creek in a northerly direction to a point where Cole's Creek
28 intersects; thence proceeding up Cole's Creek in a northerly direction to a point where
29 Cole's Creek crosses US-158; thence proceeding in a westerly direction along US-158
30 to the intersection of SR-1220, Hackley Road; thence proceeding in a northeasterly
31 direction to NC-37; thence proceeding in a northerly direction along NC-37 to the
32 intersection of SR-1303, Parker Road; thence proceeding in an easterly direction along
33 Parker Road to SR-1300, Medical Center Road; thence in a northerly direction along
34 Medical Center Road to SR-1304, Willeyton Road; thence in a northeasterly direction
35 along Willeyton Road to the intersection with SR-1312, Black Mingle Road; thence in a
36 southeasterly direction along Black Mingle Road to the intersection with SR-1318,
37 Middle Swamp Road; thence in a southwesterly direction along Middle Swamp Road to
38 US-158; thence along US-158 in a westerly direction to SR-1403, Mill Pond Road at
39 Easons Crossroads; thence in a southerly direction along SR-1403, Mill Pond Road to
40 SR-1400, Honey Pot Road; thence in a southerly direction along SR-1400 also
41 identified as Mill Pond Road to NC-37; thence in a westerly direction along NC-37 to
42 SR-1106, Horace Carter Road; thence in a southerly direction along SR-1106, Horace

1 Carter Road to the intersection with SR-1107, Carter Loop Road; thence in a
2 southeasterly direction along Carter Loop Road to Carters Road, thence in a easterly
3 direction to a point where Carters Road crosses Trotman's Creek; thence in a southerly
4 direction along Trotman's Creek to Catherine Creek; thence in a southerly direction
5 along Catherine Creek to the Chowan River; thence in a northerly direction along the
6 Chowan River to the beginning point.

7 **District 2:** Beginning at a point on the Chowan River and traveling due East along
8 the boundary between Hall and Reynoldson Townships to Vehicle Trail A-51; thence in
9 a southerly direction along Vehicle Trail A-51 to SR-1201, Tinkham Road; thence
10 along Tinkham Road to US-13/158 at Corner High; thence along US-13/158 in a
11 northeasterly direction to Tarheel; thence in an easterly direction along US-158 to and
12 through Roduco continuing on US-158 to and through White Oak to a point where US-
13 158 crosses Cole's Creek; thence in a southerly direction along Cole's Creek to Sarem
14 Creek; thence in a southerly direction along Sarem Creek to the Chowan River; thence
15 along the Chowan River in a northwesterly direction to the beginning point.

16 **District 3:** Beginning at a point on the North Carolina/Virginia border where SR-
17 1308, Drum Hill Road intersect and continuing in a southeasterly direction along Drum
18 Hill Road to the intersection with SR-1311, Hazleton Road; thence in a southerly
19 direction along Hazleton Road to an intersection with SR-1304, Willeyton Road; thence
20 in a westerly direction along Willeyton Road to SR-1300, Medical Center Road; thence
21 in a southerly direction along Medical Center Road to SR-1303, Parker Road; thence in
22 a westerly direction along Parker Road to NC-37; thence in a southerly direction NC-37
23 to SR-1220, Hackley Road; thence in a southwesterly direction along Hackley Road to
24 US-158; thence in a westerly direction along US-158 to and through White Oak, to and
25 through Roduco; thence in a westerly direction along US-158 to Tarheel and the
26 intersection with US-13; thence in a westerly direction along US-13/158 to an
27 intersection with SR-1201, Tinkham Road; thence in a northwesterly direction along
28 Tinkham Road to Vehicle Trail A-51; thence in a northerly direction along Vehicle
29 Trail A-51 to the Boundary between Hall and Reynoldson Townships; thence in a due
30 west direction along the Township Boundary to the Chowan River; thence in a northerly
31 direction on the river to the North Carolina/Virginia border; follow the North
32 Carolina/Virginia border to the beginning point.

33 **District 4:** Beginning at a point on the North Carolina/Virginia border where SR-
34 1308, Drum Hill Road intersect and continuing in a southeasterly direction along Drum
35 Hill Road to the intersection with SR-1311, Hazelton Road; thence in a southerly
36 direction along Hazelton Road to an intersection with SR-1304, Willeyton Road; thence
37 in a southwesterly direction along Willeyton Road to an intersection with SR-1312,
38 Black Mingle Road; thence in a southerly direction along Black Mingle Road to an
39 intersection with SR-1318, Middle Swamp Road; thence in a southwesterly direction
40 along Middle Swamp Road to US-158; thence in a westerly direction along US-158 to
41 the intersection with SR-1403, Mill Pond Road; thence in a southerly direction along
42 SR-1403, Mill Pond Road; thence in a southerly direction along SR-1403, Mill Pond

1 Road to SR-1400, Honey Pot Road; thence in a southerly direction along SR-1400, also
2 identified as Mill Pond Road to SR-1404, Silver Springs Road; thence in an easterly
3 direction along SR-1411, Water Swamp Road to SR-1410, Zion Road; thence in a
4 northerly and easterly direction along SR-1410 to NC-32; thence in a southerly direction
5 along NC-32 to SR-1428, Bosley Road and along Bosley Road to the intersection of
6 SR-1429, Sugar Run Road; thence in a northerly direction to US-158; thence in an
7 easterly direction along US-158 into the Dismal Swamp to the Pasquotank County Line;
8 thence in a northerly direction along the Pasquotank County Line to the Camden County
9 Line; thence along the Camden County Line to the North Carolina/Virginia border;
10 thence along the North Carolina/Virginia border in a westerly direction to the beginning
11 point at the intersection of SR-1308, Drum Hill Road.

12 **District 5:** Beginning in the Dismal Swamp at the Pasquotank County Line and
13 traveling in a southerly direction along the Pasquotank County Line to the Perquimans
14 County Line; thence in a southwesterly direction along the Perquimans County Line to
15 the Chowan County Line to Trotman's Creek; thence in a northerly direction along
16 Trotman's Creek to SR-1100, Carters Road; thence in a westerly direction along Carters
17 Road to SR-1107, Carter Loop Road; thence in a northerly direction along Carter Loop
18 Road to SR-1106, Horace Carter Road; thence in a northerly direction along Horace
19 Carter Road to NC-37; thence in a southerly direction along NC-37 to SR-1404, Silver
20 Springs Road; thence in an easterly direction along Silver Springs Road to the
21 intersection with SR-1411, Water Swamp Road; thence in an easterly direction along
22 SR-1410 to NC-32; thence in a southerly direction along NC-32 to SR-1428, Bosley
23 Road; thence in an easterly direction along Bosley Road to the intersection of SR-1429,
24 Sugar Run Road; thence in a northerly direction to US-158; thence in an easterly
25 direction along US-158 into the Dismal Swamp to the beginning point at the Pasquotank
26 County Line."

27 **SECTION 2.** Section 2 of Chapter 1048 of the 1973 Session Laws reads as
28 rewritten:

29 ~~"Sec. 2. District I (Gatesville): Beginning at a point on the Chowan River, in the~~
30 ~~mouth of Sarem Creek, proceeding up Sarem Creek in a northerly direction to a point~~
31 ~~where Cole's Creek intersects; thence proceeding up Cole's Creek in a northern direction~~
32 ~~to a point where Coles's Creek crosses U.S. 158; thence proceeding in a westerly~~
33 ~~direction along U.S. 158 through White Oak to Roduco to a point where U.S. 158~~
34 ~~intersects U.S. 13; thence continuing on U.S. 13 in a northerly direction to a point where~~
35 ~~county road 1221 intersects U.S. 13; thence continuing on county road 1221 to the~~
36 ~~Atlantic Coast Line Railroad and proceeding on said railroad in a northerly direction to~~
37 ~~county road 1217; thence proceeding down county road 1217 to a point where county~~
38 ~~road 1225 intersects county road 1217; thence proceeding down county road 1225 to~~
39 ~~county road 1220; thence proceeding on county road 1220 in a northerly direction to~~
40 ~~where county road 1220 intersects N.C. 37; thence proceeding on N.C. 37 a short~~
41 ~~distance to a point where county road 1303 intersects N.C. 37 at Buckland; thence~~
42 ~~continuing down county road 1303 in an easterly direction to a point where county road~~

~~1 1303 touches county road 1300; thence proceeding down county road 1300 in a
2 southerly direction to Eason's Crossroads; thence continuing on a southerly direction on
3 county road 1400 to a point where county road 1404 intersects county road 1400; thence
4 proceeding in an easterly direction down county road 1404 to a point where county road
5 1411 intersects county road 1404; thence proceeding in a southeasterly direction down
6 county road 1411 to where said road intersects county road 1410; thence proceeding
7 down county road 1410 in a southerly direction to a place where county road 1410
8 intersects N.C. 37; thence continuing across N.C. 37 to the mouth of Trotman Creek;
9 thence continuing down Trotman Creek in a southerly direction to a place where
10 Trotman Creek runs into Catherine's Creek; thence down Catherine's Creek in a
11 southerly direction to a point where Catherine's Creek flows into the Chowan River;
12 thence proceeding up the Chowan River in a northwest direction to the point where
13 Sarem Creek flows into the Chowan River, at the beginning point.~~

~~14 District II (Eure): Beginning at a point on the Chowan River and proceeding due
15 east to the point where county road 1221 intersects U.S. 13; thence proceeding south
16 down said U.S. 13 to where U.S. 158 intersects U.S. 13 at Tarheel; continuing down
17 U.S. 158 through Roduco to a point where Cole's Creek crosses U.S. 158; thence
18 proceeding down Cole's Creek to Sarem Creek to the Chowan River; thence proceeding
19 in a northwesterly direction to the beginning point, on the Chowan River.~~

~~20 District III (Gates): Beginning at a point where the Virginia line crosses the Chowan
21 River; thence proceeding along the North Carolina-Virginia line in an easterly direction
22 until the point where the Atlantic Coast Line Railroad intersects the State line; thence
23 following said railroad to a point where the Atlantic Coast Line Railroad intersects
24 county road 1308; proceeding down county road 1308 in an easterly direction to a point
25 where county road 1311 intersects county road 1308; proceeding along county road
26 1311 in a southerly direction to a point where county road 1311 intersects county road
27 1304 at Hazelton; thence along county road 1304 in a southwesterly direction to a point
28 where county road 1300 intersects county road 1304 at Willeyton; thence following
29 county road 1300 in a southerly direction to a point where county road 1303 intersects
30 county road 1300; thence from county road 1300 in a westerly direction along county
31 road 1303 to Buckland, where county road 1303 intersects N.C. 37; thence proceeding
32 south on N.C. 37 to a point where county road 1220 intersects N.C. 37; thence
33 proceeding in a southwesterly direction along county road 1220 to a point where said
34 road is intersected by county road 1225; thence proceeding along said county road 1225
35 in a westerly direction to a point where county road 1217 intersects county road 1225;
36 thence proceeding along said county road 1217 to a point where county road 1217
37 intersects the Atlantic Coast Line Railroad; thence down said railroad in a southerly
38 direction to a point where county road 1221 intersects said railroad; thence along county
39 road 1221 to where it intersects U.S. 13; thence across said U.S. 13 and proceed due
40 west to a point where this line reaches the Chowan River; thence following the Chowan
41 River in a northerly direction to the Virginia Line.~~

1 ~~District IV (Sunbury): Beginning at a point on the Virginia Line where the Atlantic~~
2 ~~Coast Line Railroad crosses the State Line; thence proceeding down the Atlantic Coast~~
3 ~~Railroad in a southerly direction to a point where county road 1308 crosses the said~~
4 ~~railroad; thence proceeding down county road 1308 to a point where county road 1311~~
5 ~~intersects county road 1308; thence proceeding down county road 1311 to where county~~
6 ~~road 1311 intersects county road 1304 at Hazelton; thence continuing down county road~~
7 ~~1304 in a southerly direction to county road 1300 at Willeyton; thence continuing down~~
8 ~~county road 1300 in a southerly direction to Eason's Crossroads where county road 1403~~
9 ~~intersects county road 1300; thence continuing down county road 1403 in a southerly~~
10 ~~direction; thence down said county road 1400 in a southerly direction to a point where~~
11 ~~county road 1400 is intersected by county road 1404; thence continuing down county~~
12 ~~road 1404 in an easterly direction to a point where county road 1411 intersects county~~
13 ~~road 1404; thence continuing down county road 1411 to a point where it intersects~~
14 ~~county road 1410; thence continuing in an easterly direction to a point where county~~
15 ~~road 1410 terminates and county road 1428 begins; thence continuing down county road~~
16 ~~1428 in a westerly direction to Green Forks; thence in a due east direction from Green~~
17 ~~Forks to the Pasquotank County line; thence proceeding along the Gates County line in~~
18 ~~a northerly direction to a point where it touches the Virginia State Line; thence along~~
19 ~~said Virginia Line to the point where the Atlantic Coast Line Railroad crosses the~~
20 ~~Virginia Line, at the point of beginning.~~

21 ~~District V (Hobbsville): Beginning at a point on the Chowan River where~~
22 ~~Catherine's Creek intersects the river, going in a northerly direction along Catherine's~~
23 ~~Creek to a point where Trotman's Creek intersects Catherine's Creek; thence proceeding~~
24 ~~along Trotman's Creek in a northerly direction to a point where N.C. 37 is intersected by~~
25 ~~county road 1410; thence across N.C. 37 on county road 1410 in a northerly direction to~~
26 ~~a point where county road 1410 meets N.C. 32; thence across N.C. 32 on county road~~
27 ~~1428 in an easterly direction to Green Forks on county road 1002; thence continuing~~
28 ~~due east to the Pasquotank County Line; thence along the Gates County Line in a~~
29 ~~southerly direction; thence in a westerly direction to the point on the Chowan River that~~
30 ~~is the beginning point.~~

31 District 1: Beginning at a point on the Chowan River in the mouth of Sarem Creek,
32 proceeding up Sarem Creek in a northerly direction to a point where Cole's Creek
33 intersects; thence proceeding up Cole's Creek in a northerly direction to a point where
34 Cole's Creek crosses US-158; thence proceeding in a westerly direction along US-158
35 to the intersection of SR-1220, Hackley Road; thence proceeding in a northeasterly
36 direction to NC-37; thence proceeding in a northerly direction along NC-37 to the
37 intersection of SR-1303, Parker Road; thence proceeding in an easterly direction along
38 Parker Road to SR-1300, Medical Center Road; thence in a northerly direction along
39 Medical Center Road to SR-1304, Willeyton Road; thence in a northeasterly direction
40 along Willeyton Road to the intersection with SR-1312, Black Mingle Road; thence in a
41 southeasterly direction along Black Mingle Road to the intersection with SR-1318,
42 Middle Swamp Road; thence in a southwesterly direction along Middle Swamp Road to

1 US-158; thence along US-158 in a westerly direction to SR-1403, Mill Pond Road at
2 Easons Crossroads; thence in a southerly direction along SR-1403, Mill Pond Road to
3 SR-1400, Honey Pot Road; thence in a southerly direction along SR-1400 also
4 identified as Mill Pond Road to NC-37; thence in a westerly direction along NC-37 to
5 SR-1106, Horace Carter Road; thence in a southerly direction along SR-1106, Horace
6 Carter Road to the intersection with SR-1107, Carter Loop Road; thence in a
7 southeasterly direction along Carter Loop Road to Carters Road, thence in a easterly
8 direction to a point where Carters Road crosses Trotman's Creek; thence in a southerly
9 direction along Trotman's Creek to Catherine Creek; thence in a southerly direction
10 along Catherine Creek to the Chowan River; thence in a northerly direction along the
11 Chowan River to the beginning point.

12 **District 2:** Beginning at a point on the Chowan River and traveling due East along
13 the boundary between Hall and Reynoldson Townships to Vehicle Trail A-51; thence in
14 a southerly direction along Vehicle Trail A-51 to SR-1201, Tinkham Road; thence
15 along Tinkham Road to US-13/158 at Corner High; thence along US-13/158 in a
16 northeasterly direction to Tarheel; thence in an easterly direction along US-158 to and
17 through Roduco continuing on US-158 to and through White Oak to a point where US-
18 158 crosses Cole's Creek; thence in a southerly direction along Cole's Creek to Sarem
19 Creek; thence in a southerly direction along Sarem Creek to the Chowan River; thence
20 along the Chowan River in a northwesterly direction to the beginning point.

21 **District 3:** Beginning at a point on the North Carolina/Virginia border where SR-
22 1308, Drum Hill Road intersect and continuing in a southeasterly direction along Drum
23 Hill Road to the intersection with SR-1311, Hazleton Road; thence in a southerly
24 direction along Hazleton Road to an intersection with SR-1304, Willeyton Road; thence
25 in a westerly direction along Willeyton Road to SR-1300, Medical Center Road; thence
26 in a southerly direction along Medical Center Road to SR-1303, Parker Road; thence in
27 a westerly direction along Parker Road to NC-37; thence in a southerly direction NC-37
28 to SR-1220, Hackley Road; thence in a southwesterly direction along Hackley Road to
29 US-158; thence in a westerly direction along US-158 to and through White Oak, to and
30 through Roduco; thence in a westerly direction along US-158 to Tarheel and the
31 intersection with US-13; thence in a westerly direction along US-13/158 to an
32 intersection with SR-1201, Tinkham Road; thence in a northwesterly direction along
33 Tinkham Road to Vehicle Trail A-51; thence in a northerly direction along Vehicle
34 Trail A-51 to the Boundary between Hall and Reynoldson Townships; thence in a due
35 west direction along the Township Boundary to the Chowan River; thence in a northerly
36 direction on the river to the North Carolina/Virginia border; follow the North
37 Carolina/Virginia border to the beginning point.

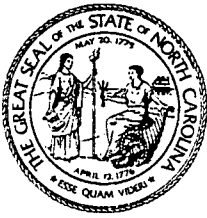
38 **District 4:** Beginning at a point on the North Carolina/Virginia border where SR-
39 1308, Drum Hill Road intersect and continuing in a southeasterly direction along Drum
40 Hill Road to the intersection with SR-1311, Hazelton Road; thence in a southerly
41 direction along Hazelton Road to an intersection with SR-1304, Willeyton Road; thence
42 in a southwesterly direction along Willeyton Road to an intersection with SR-1312,

1 Black Mingle Road; thence in a southerly direction along Black Mingle Road to an
2 intersection with SR-1318, Middle Swamp Road; thence in a southwesterly direction
3 along Middle Swamp Road to US-158; thence in a westerly direction along US-158 to
4 the intersection with SR-1403, Mill Pond Road; thence in a southerly direction along
5 SR-1403, Mill Pond Road; thence in a southerly direction along SR-1403, Mill Pond
6 Road to SR-1400, Honey Pot Road; thence in a southerly direction along SR-1400, also
7 identified as Mill Pond Road to SR-1404, Silver Springs Road; thence in an easterly
8 direction along SR-1411, Water Swamp Road to SR-1410, Zion Road; thence in a
9 northerly and easterly direction along SR-1410 to NC-32; thence in a southerly direction
10 along NC-32 to SR-1428, Bosley Road and along Bosley Road to the intersection of
11 SR-1429, Sugar Run Road; thence in a northerly direction to US-158; thence in an
12 easterly direction along US-158 into the Dismal Swamp to the Pasquotank County Line;
13 thence in a northerly direction along the Pasquotank County Line to the Camden County
14 Line; thence along the Camden County Line to the North Carolina/Virginia border;
15 thence along the North Carolina/Virginia border in a westerly direction to the beginning
16 point at the intersection of SR-1308, Drum Hill Road.

17 **District 5:** Beginning in the Dismal Swamp at the Pasquotank County Line and
18 traveling in a southerly direction along the Pasquotank County Line to the Perquimans
19 County Line; thence in a southwesterly direction along the Perquimans County Line to
20 the Chowan County Line to Trotman's Creek; thence in a northerly direction along
21 Trotman's Creek to SR-1100, Carters Road; thence in a westerly direction along Carters
22 Road to SR-1107, Carter Loop Road; thence in a northerly direction along Carter Loop
23 Road to SR-1106, Horace Carter Road; thence in a northerly direction along Horace
24 Carter Road to NC-37; thence in a southerly direction along NC-37 to SR-1404, Silver
25 Springs Road; thence in an easterly direction along Silver Springs Road to the
26 intersection with SR-1411, Water Swamp Road; thence in an easterly direction along
27 SR-1410 to NC-32; thence in a southerly direction along NC-32 to SR-1428, Bosley
28 Road; thence in an easterly direction along Bosley Road to the intersection of SR-1429,
29 Sugar Run Road; thence in a northerly direction to US-158; thence in an easterly
30 direction along US-158 into the Dismal Swamp to the beginning point at the Pasquotank
31 County Line."

32 **SECTION 3.** This act shall not affect the terms of those persons presently
33 serving on the Board of Education of Gates County or the Board of Commissioners of
34 Gates County.

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



SENATE BILL 678: Gates Elections

BILL ANALYSIS

Committee: House Local and Regional Gov. II

Date: May 2, 2001

Version: S678-CSSO-34

Introduced by: Senator Ballance

Summary by: Frank W. Folger

Committee Counsel

SUMMARY:

Senate Bill 678 establishes 5 residence districts for the Gates County Board of Education and the Gates County Board of Commissioners. One member from each district, who must be a resident of that district, is elected to the Board of Education by voters of the entire county. This bill does not affect the terms of people presently serving on the Board of Education and County Board of Commissioners

The act is effective when it becomes law.

Barbara Riley and Al Andrews, counsel to the Senate State and Local Government Committee, and Kristen Crosson, staff to the Senate State and Local Government, contributed to this summary.

VISITOR REGISTRATION SHEET

LOCAL GOVT II

Name of Committee

5/9/01
Date

Date

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

NAME _____

FIRM OR AGENCY AND ADDRESS

Dave Simpson	CAROLINAS AGC
Don Lee	Don Raleigh
Jeanne Winner	NCSBA
W.D. Linn	Trinity Academy of Raleigh
John Rutherford	NCFPC
Jane Fitzgerald	Trinity Academy of Raleigh
Jul Br	Trinity Academy of Raleigh
Scott Handford	Trinity Academy of Raleigh
Jalio Jairocloth	Trinity Academy of Raleigh
Brittany Kurl	Trinity Academy of Raleigh
Jody Porowski	Trinity Academy of Raleigh
Queen Biggs	Trinity Academy of Raleigh
Michelle Ponder	Trinity Academy of Raleigh
Quigley Fitzgerald	Trinity Academy of Raleigh
Sarah Fathoree	Trinity Academy of Raleigh
Ann Spiller	Trinity Academy of Raleigh
Aaron Chou 周佳力	Trinity Academy of Raleigh
Kristin Wiggs	Trinity Academy of Raleigh
Amelia DelYonno	Trinity Academy of Raleigh
Josie Sawyer	Trinity Academy of Raleigh
Ben Saylor	Trinity Academy of Raleigh
Ruan van Zyl	Trinity Academy of Raleigh

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
June 26, 2001

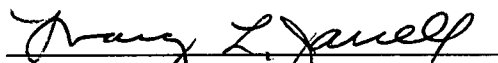
The House Committee on Local Government II met around the chamber desk of the Committee Chair, Representative Jarrell, at 3:30 p.m. on June 26, 2001. The following members were present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Barbee, Fox, Haire, Owens, Rogers, Walker, Warren, West and Womble. A quorum being present, the meeting was called to order.

The following bill was considered:

SB 559 – ASHEVILLE FORCE ACCOUNT LIMIT. A proposed committee substitute was offered and Representative Womble moved for its adoption. Motion carried. Representative Nesbitt was recognized to explain the bill for Senator Carter, sponsor. G.S. 143-135 is amended by deleting "one hundred twenty-five thousand dollars (\$125,000)" and substituting "three hundred thousand dollars (\$300,000)". The act would apply only to the construction of a skateboard park on Cherry Street in the City of Asheville. The City would have until June 30, 2003 to complete the project.

Representative Womble made a motion to give SB 559 a favorable report to committee substitute, unfavorable to original bill. Motion carried.

The meeting adjourned at 3:40.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☒ Committee Substitute for

S.B. 559 A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT
LIMIT OF THE CITY OF ASHEVILLE.

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

2

SENATE BILL 559
State and Local Government Committee Substitute Adopted 4/25/01

Short Title: Asheville Force Account Limit.

(Local)

Sponsors:

Referred to:

March 21, 2001

1 A BILL TO BE ENTITLED
2 AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF THE CITY OF
3 ASHEVILLE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-135 reads as rewritten:

6 "**§ 143-135. Limitation of application of Article.**

7 Except for the provisions of G.S. 143-129 requiring bids for the purchase of
8 apparatus, supplies, materials or equipment, this Article shall not apply to construction
9 or repair work undertaken by the State or by subdivisions of the State of North Carolina
10 (i) when the work is performed by duly elected officers or agents using force account
11 qualified labor on the permanent payroll of the agency concerned and (ii) when either
12 the total cost of the project, including without limitation all direct and indirect costs of
13 labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-~~
14 ~~five thousand dollars (\$125,000)~~ three hundred thousand dollars (\$300,000) or the total
15 cost of labor on the project does not exceed fifty thousand dollars (\$50,000). This force
16 account work shall be subject to the approval of the Director of the Budget in the case
17 of State agencies, of the responsible commission, council, or board in the case of
18 subdivisions of the State. Complete and accurate records of the entire cost of such work,
19 including without limitation, all direct and indirect costs of labor, services, materials,
20 supplies and equipment performed and furnished in the prosecution and completion
21 thereof, shall be maintained by such agency, commission, council or board for the
22 inspection by the general public. Construction or repair work undertaken pursuant to
23 this section shall not be divided for the purposes of evading the provisions of this
24 Article."

25 **SECTION 2.(a)** This act applies to the City of Asheville only.

26 **SECTION 2.(b)** This act applies only to the construction of a skateboard
27 park on Cherry Street.

28 **SECTION 3.** This act is effective when it becomes law and expires June 30,
29 2003.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

D

**SENATE BILL 559
State and Local Government Committee Substitute Adopted 4/25/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S559-PCS7252-LB-67**

Short Title: Asheville Force Account Limit.

(Local)

Sponsors:

Referred to:

March 21, 2001

A BILL TO BE ENTITLED

AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF THE CITY OF
ASHEVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. As to the City of Asheville only, G.S. 143-135 is amended by deleting "one hundred twenty-five thousand dollars (\$125,000)" and substituting "three hundred thousand dollars (\$300,000)".

SECTION 2. This act applies only to the construction of a skateboard park on Cherry Street.

SECTION 3. This act is effective when it becomes law and expires June 30, 2003.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☒ Committee Substitute for

S.B. 559 A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT
LIMIT OF THE CITY OF ASHEVILLE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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

2002

**HOUSE
LOCAL GOVERNMENT
II**

MINUTES

NORTH CAROLINA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT II COMMITTEE

2001 SESSION

NORTH CAROLINA GENERAL ASSEMBLY

CHAIR

Representative Mary L. Jarrell

VICE-CHAIR

Representative John W. Hurley

STAFF ATTORNEYS

Esther Manheimer

Frank Folger

COMMITTEE ASSISTANT

Edna Lee Collar

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



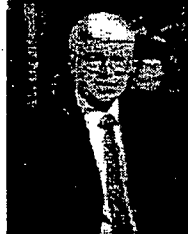
Rep. Jarrell
Chair



Rep. Hurley
Vice-Chair



Rep. Barbee



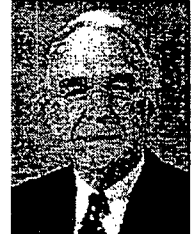
Rep. Capps



Rep. Fox



Rep. Gillespie



Rep. Haire



Rep. Owens



Rep. Rogers



Rep. Walker



Rep. Warren



Rep. West



Rep. Wilson, C.



Rep. Wilson, G.



Rep. Womble

HOUSE COMMITTEE ON LOCAL GOVERNMENT II
2002 Session

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
JARRELL, Mary, Chair	Edna Lee Collar Committee Assistant	733-5749	2219	3
HURLEY, John, Vice-Chair	Melissa Riddle	733-5601	2215	23
BARBEE, Bobby	Rosa Murray	733-5908	1025	52
CAPPS, Russell	Nancy Fox	715-2526	1424	85
FOX, Stanley	Mary Capps	733-5758	2123	46
GILLESPIE, Mitch	Cindy Hobbs	733-5987	1201	111
HAIRE, R. Phillip	Sara Jane Lennard	715-3005	419B	47
OWENS, Bill	Linda A. Johnson	733-0010	632	9
ROGERS, R. Eugene	Sally Gillis	715-3023	416A	35
WALKER, R. Tracy	Barbara Powell	733-5935	1111	107
WARREN, Edith	Nancy Willis	715-3019	417A	28
WEST, Roger	Linda C. Johnson	733-5859	1004	106
WILSON, Connie	Chris Floyd	733-5903	501	97
WILSON, Gene	Rebecca Jones-Cooper	733-7727	1109	51
WOMBLE, Larry	Dorothy McLean	733-5777	537	56
MANHEIMER, Esther, Staff Attorney		733-2578	545	
FOLGER, Frank, Staff Attorney		733-2578	545	

LOCAL GOVERNMENT II

(Name of Committee)

[illegible]

North Carolina General Assembly
Through House Committee on
Local Government II

Date: 10/14/2002
Time: 12:54
Page: 001 of 003
Leg. Day: H-256/S-242

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0006	Holmes	MERGE JONESVILLE AND ARLINGTON	*HR Ch. SL 2001-16	02-20-01	03-07-01
H0018	Arnold	PRIVATE SALE/FLOOD HOMES.	*HR Ch. SL 2001-29	02-20-01	03-08-01
H0105	Nesbitt	BUNCOMBE COUNTY PRODUCT DEV. FUND.	*HR Ch. SL 2001-162	02-20-01	02-28-01
H0108	Haire	COUNTIES COLL. DELINQ. TAXES BEFORE RECORD DEEDS	*HR Ch. SL 2001-464	02-20-01	03-08-01
H0163=	Jarrell	FURNITURE MARKET IMPROVEMENT ACT.	*HR Ch. SL 2001-11	02-19-01	03-05-01
H0212	McComas	USE OF NEW HANOVER PARKING PROCEEDS.	HR Ch. SL 2001-9	02-22-01	03-07-01
\$ H0321	Coates	SALISBURY ANNEXATIONS.	*HR Ch. SL 2001-72	04-11-01	04-18-01
H0423=	Adams	GREENSBORO/PUBLIC INFORMATION/POLICE DISCIPLINE.	*HR Ch. SL 2001-20	03-12-01	03-22-01
H0516	Pope	WAKE COUNTY SCHOOL CONSTRUCTION PROJECTS.	*HR Ch. SL 2001-44	03-21-01	03-29-01
H0522	Hurley	AUTHORIZE DEV. AUTHORITY/PER DIEM INCREASE.	*H Re-ref Com On Appropriations/ Base Budget	04-12-01	04-23-01
H0555	Crawford, J.	HALIFAX REGIONAL AIRPORT AUTHORITY-"QUICK TAKE."	*HR Ch. SL 2001-73	03-12-01	03-21-01
H0618	Adams	TAXI SERVICE TO PIEDMONT TRIAD AIRPORT.	*H Ref To Com On Judiciary I	03-14-01	04-18-01
H0636	Owens	ELIZABETH CITY CHARTER REVISED.	*HR Ch. SL 2001-227	04-17-01	04-24-01
H0651	Tolson	GREENVILLE/CHAPEL HILL PRETOWING NOTICES.	*HR Ch. SL 2001-46	03-15-01	03-28-01
H0656	Holmes	YADKIN PROPERTY TRANSFER.	HR Ch. SL 2001-31	03-19-01	03-28-01
H0667	Barbee	NEW LONDON ELECTION CHANGES.	HR Ch. SL 2001-131	03-19-01	04-11-01
H0683	Rogers	PLYMOUTH COUNCIL ELECTION.	HR Ch. SL 2001-51	03-19-01	03-28-01
H0699	Owens	CAMDEN SCHOOL BOARD ELECTION.	HR Ch. SL 2001-24	03-20-01	03-28-01
H0702	Culpepper	DISPOSAL OF WETLANDS MITIGATION CREDITS.	*HR Ch. SL 2001-32	03-20-01	04-05-01
H0703	Gray	WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES.	H Ref To Com On Local Government II	03-20-01	
H0705	Rogers	GREENVILLE SPEED ENFORCEMENT CAMERAS.	H Re-ref Com On Judiciary II	03-20-01	04-03-01
H0719=	Fox	MAYODAN SATELLITE ANNEXATION.	*HR Ch. SL 2001-405	03-22-01	04-05-01
H0768	Owens	CURRITUCK BEACH TRAFFIC ORDINANCES.	*HR Ch. SL 2001-33	03-26-01	04-05-01
H0846=	Davis	HARNETT COUNTY SUBDIVISION DEFINITION..	H Ref To Com On Local Government II	03-29-01	
H0856	Preston	ALLOW SEPARATE-/	HR Ch. SL 2001-69	03-29-01	04-18-01

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North Carolina General Assembly
Through House Committee on
Local Government II

Date: 10/14/2002
Time: 12:54
Page: 002 of 003
Leg. Day: H-256/S-242

2001-2002 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		SINGLE-PRIME			
0866	Warren	CONTRACTS/CARTERET. GREENVILLE HOUSING CODE CASES.	*HR Ch. SL 2001-104	03-29-01	04-11-01
H0886	Cansler	51ST HOUSE DISTRICT LOCAL ACT-2.	HF Reptd Unfav	04-18-01	04-24-01
H0887	Cansler	51ST HOUSE DISTRICT LOCAL ACT -1.	HF Reptd Unfav	04-18-01	04-24-01
H0906=	Weiss	DURHAM TECH. CORR./ EXP ABC BD./SINGLE- PRIME.	*HR Ch. SL 2001-350	04-03-01	04-18-01
H0910=	Weiss	VARIOUS TOWNS CLEARCUTTING.	*HR Ch. SL 2001-191	04-03-01	04-18-01
H0914	Blust	PIEDMONT TRIAD AIRPORT AUTHORITY APPOINTMENT.	HF Postponed Indefinitely	03-29-01	04-05-01
H0926	McComas	MODIFY NEW HANOVER ROOM TAX USE.	HF Postponed Indefinitely	03-29-01	04-11-01
H1484		TRINITY CHARTER PROVISION.	HR Ch. SL 2002-38	05-30-02	06-05-02
H1486		ROANOKE RIVER BRIDGE NO-WAKE ZONE.	HR Ch. SL 2002-39	05-30-02	06-05-02
H1493=		GRANVILLE CORONER ABOLISHED.	HR Ch. SL 2002-17	06-03-02	06-26-02
H1511		CERTAIN COUNTIES DELINQUENT TAXES.	H Ref To Com On Finance	06-04-02	06-19-02
H1524		CARTERET PROPERTY LEASES.	H Ref To Com On Local Government II	06-05-02	
H1525=		RED CROSS CHARTER.	*HR Ch. SL 2002-56	06-05-02	06-25-02
H1533		CERTAIN COUNTIES DELINQUENT TAXES.	*HR Ch. SL 2002-51	06-05-02	06-19-02
H1567		ASHEVILLE HOUSING AUTHORITY TERMS.	H Ref To Com On Local Government II	06-06-02	
H1585		HENDERSON RED LIGHT CAMERAS.	H Ref To Com On State and Local Government	06-06-02	06-26-02
H1597=		REPEAL TERM LIMITS.	*HR Ch. SL 2002-18	06-10-02	06-26-02
H1599=		ANGIER ABC BOARD COMPOSITION.	*HR Ch. SL 2002-40	06-10-02	07-01-02
H1600=		ALBEMARLE JUNK VEHICLES.	HR Ch. SL 2002-80	06-10-02	06-26-02
H1604=		TOWN OF BETHEL ETJ.	H Ref To Com On Finance	06-11-02	07-03-02
H1615		CHINA GROVE CHARTER REVISION.	HR Ch. SL 2002-42	06-12-02	07-03-02
H1627		FILED DD 214 REMOVAL- CRAVEN, NASH, PAMLICO COUNT	*HR Ch. SL 2002-96	06-13-02	07-17-02
H1637		GRANVILLE COLLECTION OF UNPAID HOSP. BILLS.	*H Re-ref Com On Judiciary I	06-13-02	07-08-02
H1648		COLLEGE OF THE ALBEMARLE LEASE WITH YMCA OK'D.	*HR Ch. SL 2002-57	06-13-02	07-08-02
H1674		ADOPTION CRIMINAL	H Ref To Com On	06-13-02	

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North Carolina General Assembly
Through House Committee on
Local Government II

Date: 10/14/2002
Time: 12:54
Page: 003 of 003

2001-2002 Biennium

Leg. Day: H-256/S-242

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		RECORDS CHECKS/ MECKLENBURG . WAYNE COMMISSIONERS TERMS.	Local Government II HR Ch. SL 2002-44	06-13-02	06-26-02
H1683		WHISPERING PINES REGULATE GOLF CARTS.	*HR Ch. SL 2002-82	06-13-02	06-26-02
H1686		PEARLAND FIRE DISTRICT NAME CHANGE.	HR Ch. SL 2002-34	06-13-02	07-03-02
H1689		ALLOW SECOND HISTORICAL MARKER.	HR Ch. SL 2002-47	06-13-02	07-10-02
H1698=		CARRBORO STATUTORILY AUTHORIZED TRUST FUNDS.	*HR Ch. SL 2002-48	06-13-02	07-11-02
H1723=		MOUNT AIRY TDA CHANGES.	*HR Ch. SL 2001-7	03-08-01	03-21-01
S0138	Virginia Foxx	FORSYTH STANLY COUNTY SCHOOLS BIDS.	*HR Ch. SL 2001-99	04-12-01	05-14-01
S0401	William R. Purce	KERNERSVILLE PRIVATE SALE.	HR Ch. SL 2001-80	04-03-01	04-11-01
S0486	Hamilton C. Hort	ASHEVILLE FORCE ACCOUNT LIMIT.	*HR Ch. SL 2001-274	04-26-01	05-02-01
S0559	Charles Carter	ASHEVILLE FORCE ACCOUNT LIMIT.	*HR Ch. SL 2001-274	05-09-01	06-27-01
S0559	Charles Carter	ALLOW SINGLE-PRIME CONTRACT/JACKSONVILLE.	H Re-ref Com On Local Government I	04-03-01	04-05-01
S0569	Charles W. Alber	STOVALL ELECTION CHANGES.	*HR Ch. SL 2001-100	04-19-01	05-14-01
S0617=	Wib Gulley	MT. AIRY PLANNING BD./ ETJ.	*HR Ch. SL 2001-101	04-10-01	05-02-01
S0651	Virginia Foxx	WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES.	HR Ch. SL 2001-54	04-17-01	05-02-01
S0675	Linda Garrou	GATES ELECTIONS.	*HR Ch. SL 2001-63	04-18-01	05-09-01
S0678	Frank W. Ballanc	DARE COUNTY LOCAL ACT.	*HR Ch. SL 2002-5	06-25-02	06-26-02
S1220		TOWN OF BETHEL ETJ.	HR Ch. SL 2002-19	07-02-02	07-10-02
S1288=		BERTIE/COLUMBUS/ GREENE/LAND FOR PRISONS.	*HR Ch. SL 2002-85	07-30-02	08-14-02
S1367					

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✓ **HOUSE COMMITTEE ON LOCAL GOVERNMENT II**
ROOM 1425 LB
June 5, 2002
11:00 A.M.

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 1484 TRINITY CHARTER PROVISION ((Rep. Dockham)

HB 1486 ROANOKE RIVER BRIDGE NO-WAKE ZONE
(Rep. Rogers)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
June 5, 2002

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, June 5, 2002 in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Barbee, Capps, Fox, Haire, Owens, Rogers, Warren, West, and G. Wilson. Esther Manheimer and Frank Folger, Staff Attorneys, were also in attendance.

Representative Jarrell called the meeting to order and welcomed the Committee Members and Staff Attorneys back. She recognized the Sergeants at Arms, Jack Dossenbach, Bob Fowler, and Jim Womack along with the pages, Katie Henson, Betsy Smith, Jeff Woodard and Chris Jones. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 1484 - TRINITY CHARTER PROVISION. Representative Dockham, sponsor of the bill, explained the bill which amends the city charter of the City of Trinity to permit the Trinity City Council to hold closed meetings or sessions as provided in G.S. 143-318.11. G.S. 143-318.11 allows city councils to hold closed sessions for purposes of discussing topics such as the location or expansion of businesses served by the city, instructing the city's staff in negotiating terms of certain types of contracts, and certain employment matters.

Representative Jarrell asked Representative Dockham how long the Trinity Charter has been in existence. He stated that it has been in existence for approximately six years. Representative Jarrell then recognized John Bussian, Lobbyist for the Press Association. He has talked with Representative Dockham about this bill and feels that accountability should be required for what transpires in these sessions. He believes the public should be allowed to see and hear, i.e., video, the sessions. Representative Jarrell stated that we are not arguing the present statute. Representative Owens stated that he understands the views of the Press, but this does not constitute treating one city different from another.

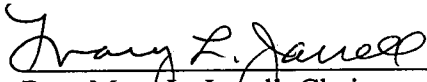
Representative Owens moved for a favorable report of HB 1484. Motion carried.

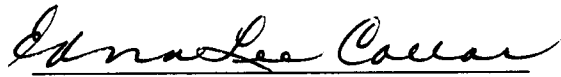
HB 1486 - ROANOKE RIVER BRIDGE NO-WAKE ZONE. Representative Rogers, sponsor of the bill, explained this bill which would make it a Class 3 misdemeanor criminal offense to operate a vessel on the Roanoke River near the Highway 17 bridge at greater than no-wake speed. This bill would apply only to Bertie County and would be effective immediately, but not enforceable until it becomes law and markers are placed in the water.

Representative Hurley asked if county government has any jurisdiction. Frank Folger, Staff Attorney, stated that an ordinance could be passed and it could be done with the local Police Department.

Representative Owens made a motion to give HB 1486 a favorable report to be referred to Finance. Motion passed.

The meeting adjourned at 11:30.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1484 A BILL TO BE ENTITLED AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF TRINITY THAT PROHIBITS THE CITY COUNCIL FROM HOLDING CLOSED SESSIONS AS AUTHORIZED UNDER THE GENERAL LAW.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ 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 1484

Short Title: Trinity Charter Provision.

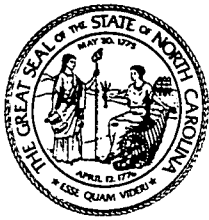
(Local)

Sponsors: Representatives Dockham; and Culp.

Referred to: Local Government II.

May 30, 2002

- 1 A BILL TO BE ENTITLED
2 AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF
3 TRINITY THAT PROHIBITS THE CITY COUNCIL FROM HOLDING CLOSED
4 SESSIONS AS AUTHORIZED UNDER THE GENERAL LAW.
5 The General Assembly of North Carolina enacts:
6 SECTION 1. Section 6-1 of the Charter of the City of Trinity, being Chapter
7 44 of the 1997 Session Laws, is repealed.
8 SECTION 2. This act is effective when it becomes law.



HB 1484: Trinity Charter Provisions

BILL ANALYSIS

Committee: Local Government II
Date: June 5, 2002
Version: First Edition

Introduced by: Representatives Dockham and
Culp
Summary by: Esther Manheimer,
Committee Counsel

BILL ANALYSIS: This bill amends the city charter of the City of Trinity to permit the Trinity City Council to hold closed meetings or sessions as provided in G.S. 143-318.11. G.S. 143-318.11 allows city councils to hold closed sessions for purposes of discussing topics such as the location or expansion of businesses served by the city, instructing the city's staff in negotiating terms of certain types of contracts, and certain employment matters. Please see a copy of both G.S. 143-318.11 and the Trinity City Charter attached to this summary.

This bill is effective when it becomes law.

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance

by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. - A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2.(1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2.)

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-44
HOUSE BILL 236

AN ACT TO INCORPORATE THE CITY OF TRINITY.

Section 1. (a) The Randolph County Board of Elections shall conduct an election on July 8, 1997, for the purpose of submission to the qualified voters of the area described in Section 2-1 of the Charter of the City of Trinity, the question of whether or not such area shall be incorporated as the City of Trinity. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, the question on the ballot shall be:

"[] FOR [] AGAINST
Incorporation of the City of Trinity".

Section 2. In the election, if a majority of the votes are cast "FOR Incorporation of the City of Trinity", Sections 3 through 5 of this act become effective on the date of the certification of the results of the election. Otherwise, Sections 3 through 5 of this act have no force and effect.

Section 3. A Charter of the City of Trinity is enacted as follows:

"THE CHARTER OF THE CITY OF TRINITY.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1-1. The inhabitants of the City of Trinity are a body corporate and politic under the name 'City of Trinity'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Section 2-1. **City Boundaries.** Until modified in accordance with the law, the boundaries of the City of Trinity are as follows:

That area set out as the corporate limits of the City of Trinity on a boundary map recorded at Book 47, Page 98, Randolph County Registry.

"CHAPTER III.

"GOVERNING BODY.

"Section 3-1. **Structure of the Governing Body; Number of Members.** The governing body of the City of Trinity is the City Council which has eight members.

"Section 3-2. **Manner of Electing Council.** The city is divided into four wards, each with two members, and the qualified voters of the entire city elect candidates who reside in that ward for the seats apportioned to that ward. Each ward shall have the same number of persons as nearly as practicable.

"Section 3-3. **Term of Office of Council Members.** Members of the Council are elected to four-year terms. In 1997, two persons shall be elected for each ward. The candidate in each ward receiving the highest number of votes is elected to a four-year term, and the candidate receiving the next highest number of votes is elected to a two-year term. In 1999 and biennially thereafter, one member shall be elected from each ward for a four-year term.

"Section 3-4. **Mayor; Term of Office.** In 1997 and quadrennially thereafter, the Mayor shall be selected by the qualified voters of the city for a four-year term.

"Section 3-5. **Vacancies.** Notwithstanding G.S. 160A-63, any person appointed to fill a vacancy in the City Council or as Mayor shall serve for the remainder of the unexpired term.

"CHAPTER IV.

"ELECTIONS.

"Section 4-1. Election of the Mayor and Council members shall be on a nonpartisan plurality basis and the results determined in accordance with G.S. 163-292.

"Section 4-2. Election results shall be determined by the Randolph County Board of Elections according to Chapter 163 of the General Statutes.

"CHAPTER V.

"ADMINISTRATION.

"Section 5-1. **Mayor-Council Plan.** The City of Trinity shall operate under the Mayor-Council Plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"CHAPTER VI.

"OTHER PROVISIONS.

"Section 6-1. **Open Meetings.** Notwithstanding Article 33C of Chapter 143 of the General Statutes, the City Council may not hold a closed session.

"Section 6-2. **Council Votes.** The ayes and noes shall be recorded upon all ordinances and resolutions and entered upon the minutes of the Council. The ordaining clause of all ordinances shall be 'Be it ordained by the City Council of the City of Trinity.'"

Section 4. From the effective date of this Charter until the organizational meeting of the City Council after the 1997 municipal election, the members of the Council shall be: Paul Guthrie, Jerry Royals, Barbara Ewings, Larry Overcash, Kenneth Orr, Pam Goins, and Dean Spinks. They shall elect from among their membership a Chairman, who shall have the powers of the Mayor until a Mayor is elected and qualifies at the organizational meeting after the 1997 municipal election.

Section 5. (a) The City Council shall, no later than August 8, 1997, adopt a plan to divide the city into four wards for the purpose of elections as provided in Section 3-2 of the Charter. The plan shall immediately be transmitted to the Randolph County Board of Elections.

(b) Notwithstanding G.S. 163-294.2, the filing period for Mayor and City Council for the 1997 municipal election shall open at 12:00 noon on the business day after the plan required by subsection (a) of this section is adopted and shall close at 12:00 noon on the third Friday thereafter.

Section 6. (a) From and after the effective date of the Charter, the citizens and property in the City of Trinity shall be subject to municipal taxes levied for the year beginning July 1, 1997, and for that purpose the City shall obtain from Randolph County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1997; and the businesses in the City shall be liable for privilege license tax from the effective date of the privilege license tax ordinance.

(b) The City may adopt a budget ordinance for fiscal year 1997-98 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 1997-98, 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 as if the taxes had been due and payable on September 1, 1997.

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

In the General Assembly read three times and ratified this the 12th day of May, 1997.

**2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1486 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN BERTIE 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

☐ 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 1486

Short Title: Roanoke River Bridge No-Wake Zone.

(Local)

Sponsors: Representatives Rogers; and Hunter.

Referred to: Local Government II.

May 30, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE
3 ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN BERTIE COUNTY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** It is unlawful to operate a vessel at greater than no-wake speed
6 on the waters of the Roanoke River within 50 yards of either side of the Highway 17
7 bridge in Bertie County. No-wake speed is idle speed or a slow speed creating no
8 appreciable wake.

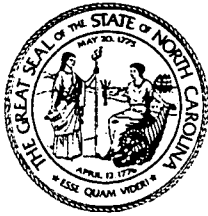
9 **SECTION 2.** With regard to marking the no-wake speed zone established in
10 Section 1 of this act, Bertie County or its designee may place and maintain markers in
11 accordance with the Uniform Waterway Marking System and any supplementary
12 standards for that system adopted by the Wildlife Resources Commission. All markers
13 of the no-wake speed zone shall be buoys or floating signs placed in the water or signs
14 placed on pilings 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 applies only to Bertie County.

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



HOUSE BILL 1486: Roanoke River Bridge No-Wake Zone

BILL ANALYSIS

Committee: House Local Government II
Date: June 5, 2002
Version: First Edition

Introduced by: Representatives Rogers and Hunter
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would make it a Class 3 misdemeanor criminal offense to operate a vessel on the Roanoke River near the Highway 17 bridge at greater than no-wake speed.*

BILL ANALYSIS:

Section 1 – Makes it unlawful to operate a vessel on the Roanoke River within 50 yards of the Highway 17 bridge in Bertie County at greater than no-wake speed and defines no-wake speed as idle speed or a slow speed creating no appreciable wake.

Section 2 – Authorizes Bertie County or its designee to mark the no-wake zone in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission.

Section 3 – Makes the act enforceable under G.S. 75A-17 as if the act were in G.S. Chapter 75A. G.S. 75A-17 authorizes every wildlife protector and every other law enforcement officer to enforce provisions under Chapter 75A and to board any vessel subject to that chapter.

Section 4 – Makes a violation of the act a Class 3 misdemeanor.

Section 5 – Makes the act applicable only to Bertie County.

Effective – When it becomes law and enforceable after markers complying with Section 2 are placed in the water.

BACKGROUND: Precedent – S.L. 1999-38 (House Bill 637) similarly established a no-wake zone in Coinjock Canal Intracoastal Waterway in Currituck County and made it a Class 3 misdemeanor to operate a vessel at greater than no-wake speed in the Waterway.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-38
HOUSE BILL 637

AN ACT TO ESTABLISH A NO-WAKE SPEED ZONE IN COINJOCK CANAL IN CURRITUCK COUNTY.

The General Assembly of North Carolina enacts:

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

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

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

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

Section 5. This act applies only to Currituck County.

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

In the General Assembly read three times and ratified this the 10th day of May, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

VISITOR REGISTRATION SHEET

LOCAL GOVT II

Name of Committee

6-5-07

Date _____

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

NAME _____

FIRM OR AGENCY AND ADDRESS

Carole Lawler

EGHS

2m Caley

CWA

Carol Simpson

CWA

Gary Hunter

CWA

John McKnight

Governor's Office

John Phelps

NCLM

Ashley Thuffeltter

The Capitol Group

Cameron Rathz

StateWatch NC

JOHN BOESIAN

WC Paleo Asgn

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
June 19, 2002
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 1511	CERTAIN COUNTIES DELINQUENT TAXES. (Representatives Walend and Weatherly)
HB 1525	RED CROSS CHARTER. (Representatives Barbee and Gibson)
HB 1533	HERTFORD/NORTHAMPTON DELINQUENT TAXES. (Representative Hunter)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
June 19, 2002

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, June 19, 2002 in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Barbee, Capps, Fox, Owens, Rogers, Walker, Warren, West, G. Wilson and Womble. Esther Manheimer and Frank Folger, committee counselors, were also in attendance along with Kristen Crosson, Research Assistant.

Representative Jarrell called the meeting to order and recognized the Sergeants at Arms, Jack Dossenbach, Jim Womack and Jim Brewer. She also recognized the pages, Lauren Ferguson of Mecklenburg County (Representative McMahan), Candace Allen of Johnston County (Representative Creech), Amber Krawczyk of Washington County (Representative Culpepper), and Tom Baden of Wake County (Representative Capps). A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 1511 – CERTAIN COUNTIES DELINQUENT TAXES. Representative Walend, sponsor of the bill, explained that HB 1511 would add Polk, Rutherford, and Transylvania counties to the list of 35 other counties authorized to prevent, by resolution, the register of deeds from accepting for registration deeds transferring property unless the county tax collector has certified there are no delinquent taxes that are a lien on the subject property. Representative Owens made a motion to give HB 1533 a favorable report. Motion carried.

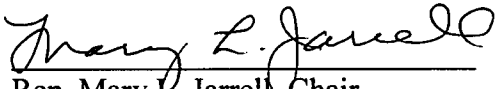
HB 1533 – HERTFORD/NORTHAMPTON DELINQUENT TAXES. This bill would add Hertford and Northampton counties to the list of 35 other counties authorized to prevent, by resolution, the register of deeds from accepting for registration deeds transferring property unless the county tax collector has certified there are no delinquent taxes that are a lien on the subject property.

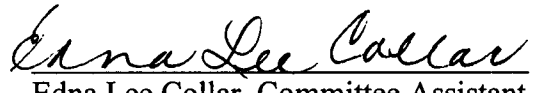
Representative Owens asked Representative Howard Hunter, sponsor of the bill, if this bill was not the same as HB 1511. He agreed that it is and that no further explanation was needed. Representative Capps made a motion to give HB 1533 a favorable report. Motion carried.

HB 1525 – RED CROSS CHARTER. A proposed committee substitute was offered for HB 1525. Frank Folger, committee counselor, explained why a committee substitute was needed. He explained that the bill as filed did not contain legal descriptions for the Town of Red Cross. Wording was also changed on page 7, line 44, to read **qualified** voters instead of **registered** voters. Representative Hurley made a motion to adopt the proposed committee substitute. Motion carried. Representative Jarrell then called upon Representative Barbee, sponsor, to explain the bill. Representative Barbee explained that this bill would enact a charter to incorporate the town of Red Cross, provide for its governing and subject its residents to a municipal tax levied for the year beginning July 1, 2002.

Representative Womble asked if there is any opposition to the bill. Representative Barbee replied that there is no opposition except from the town of Locust. They did not actually object, but rather asked that it be reconsidered. Representative Womble made a motion to give the committee substitute a favorable report, unfavorable to original bill, and be re-referred to Finance. Motion carried.

The meeting adjourned at 11:30.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

- ☐ Committee Substitute for
H.B. 1511 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE POLK, RUTHERFORD,
AND TRANSYLVANIA COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT
PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 1511

Short Title: Certain Counties Delinquent Taxes.

(Local)

Sponsors: Representatives Walend and Weatherly (Primary Sponsors).

Referred to: Local Government II.

June 4, 2002

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE POLK, RUTHERFORD, AND TRANSYLVANIA
COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY
TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 161-31 reads as rewritten:

"§ 161-31. Tax certification.

(a) Tax Certification. – The board of commissioners of a county may, by resolution, require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed. The county commissioners may describe the form the certification must take in its resolution.

(b) Applicability. – This section applies only to Alleghany, Anson, Beaufort, Cabarrus, Camden, Carteret, Cherokee, Chowan, Cleveland, Currituck, Davidson, Forsyth, Gaston, Graham, Granville, Harnett, Haywood, Iredell, Jackson, Lee, Madison, Martin, Montgomery, Pasquotank, Perquimans, Person, Pitt, Polk, Rockingham, Rowan, Rutherford, Stanly, Swain, Transylvania, Vance, Warren, Washington, and Yadkin Counties."

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



HOUSE BILL 1511: Certain Counties Delinquent Taxes

BILL ANALYSIS

Committee: House Local Government II
Date: June 19, 2002
Version: First Edition

Introduced by: Representatives Walend and Weatherly
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would add Polk, Rutherford, and Transylvania counties to the list of 35 other counties authorized to prevent, by resolution, the register of deeds from accepting for registration deeds transferring property unless the county tax collector has certified there are no delinquent taxes that are a lien on the subject property.*

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for
H.B. 1525 A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF RED
CROSS.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1525*

Short Title: Red Cross Charter.

(Local)

Sponsors: Representatives Barbee, Gibson, and Goodwin (Primary Sponsors).

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

June 5, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF RED CROSS.

3 The General Assembly of North Carolina enacts:

4 SECTION 1. A Charter for the Town of Red Cross is enacted to read:

5 "CHARTER OF THE TOWN OF RED CROSS.

6 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

7 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town
8 of Red Cross are a body corporate and politic under the name 'Town of Red Cross'. The
9 Town of Red Cross has all the powers, duties, rights, privileges, and immunities
10 conferred and imposed on cities by the general law of North Carolina.

11 "ARTICLE II. CORPORATE BOUNDARIES.

12 "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the
13 boundaries of the town of Red Cross are as follows:

14 "ARTICLE III. GOVERNING BODY.

15 "Section 3.1. **Structure of Governing Body.** The governing body of the Town of
16 Red Cross shall be the Town Council, which shall have four members and the Mayor.

17 "Section 3.2. **Temporary Officers.** Until the initial elections of 2003 provided for
18 by Section 4.1 of this Charter, C. J. Barbee, Heath Hahn, J. D. Hinson, Raeford Quick,
19 and Larry Wayne Smith are hereby appointed to the Town Council of the Town of Red
20 Cross. They shall possess and exercise the powers granted to the governing body until
21 their successors are elected or appointed and qualified pursuant to this Charter. The
22 temporary officers shall elect a person from among the members of the temporary
23 governing body to serve as interim mayor. If any person named in this section is unable
24 to serve, the remaining temporary officers shall, by majority vote, appoint a person to
25 serve until the regular municipal elections are held in 2003.

26 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified
27 voters of the entire Town shall elect the members of the Town Council and, except as
28 provided in this section, they shall be elected to four-year terms. In 2003, the two
29 candidates receiving the highest number of votes shall be elected to four-year terms and

1 the two candidates receiving the next highest number of votes shall be elected to
2 two-year terms. In 2005, and quadrennially thereafter, two members shall be elected to
3 four-year terms.

4 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified
5 voters of the entire Town shall elect the Mayor. In 2003, and quadrennially thereafter,
6 the Mayor shall be elected for a term of four years.

7 "Section 3.5. **Residence of Governing Body Members.** All members of the
8 governing body of the Town of Red Cross, whether elected or appointed, must be
9 registered voters who reside within the corporate limits of the Town of Red Cross in
10 order to qualify to take, hold, and continue in any such office.

11 "ARTICLE IV. ELECTIONS.

12 "Section. 4.1. **Conduct of Town Elections.** Elections shall be conducted on a
13 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

14 "ARTICLE V. ADMINISTRATION.

15 "Section 5.1. **Village to Operate Under Mayor-Council Plan.** The Town of Red
16 Cross will operate under the Mayor-Council form of government as provided in Part 3
17 of Article 7 of Chapter 160A of the General Statutes."

18 **SECTION 2.** From and after the effective date of this act, the citizens and
19 property in the Town of Red Cross shall be subject to municipal taxes levied for the
20 year beginning July 1, 2002, and for that purpose, the Town shall obtain from Stanly
21 County a record of property in the area incorporated in Section 1 of this act that was
22 listed for taxes as of January 1, 2002. The Town may adopt a budget ordinance for fiscal
23 year 2002-2003 without following the timetable in the Local Government Budget and
24 Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act
25 insofar as is practical. For fiscal year 2002-2003, ad valorem taxes may be paid at par or
26 face amount within 90 days of adoption of the budget ordinance and thereafter in
27 accordance with the schedule in G.S. 105-360. If the effective date of incorporation is
28 prior to July 1, 2002, the Town may adopt a budget ordinance for fiscal year 2001-2002
29 without following the timetable in the Local Government Budget and Fiscal Control
30 Act, but shall follow the sequence of actions in the spirit of the act insofar as is
31 practical.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1525
PROPOSED COMMITTEE SUBSTITUTE H1525-CSSO-74 [v.2]

6/19/2002 10:15:47 AM

Short Title: Red Cross Charter.

(Local)

Sponsors:

Referred to:

June 5, 2002

A BILL TO BE ENTITLED
AN ACT TO INCORPORATE THE TOWN OF RED CROSS.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of Red Cross is enacted to read:

"CHARTER OF THE TOWN OF RED CROSS.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Red Cross are a body corporate and politic under the name 'Town of Red Cross'. The Town of Red Cross has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the boundaries of the town of Red Cross are as follows:

BEGINNING at the northwest corner of the property having pin number 559500704616, said point also being located in the southern right-of-way of Lakewood Road, thence from said point of beginning along the southern right-of-way of Lakewood Road in a southwesterly direction approximately 1263 feet to the intersect of the eastern right-of-way of NC 205 highway and the southern right-of-way of Lakewood Road to a point, thence in a southerly direction with the eastern right-of-way of NC 205 Highway to the intersect of the eastern right-of-way of NC 205 Highway and the southern right-of-way of Hatley Burris Road to a point, thence in a southwesterly direction with the southern right of way of Hatley Burris Road to the westernmost corner of the property having pin number 559400585598, thence in a northeasterly direction to the northern most corner of the property having pin number 559400597149, thence in a northwesterly direction to the northwestern corner of the property having pin number 559400595534, thence in a northerly direction to the southeast corner of the property having pin number 559400591934, thence in a westerly direction to the southwest corner of above said property, thence in a southwesterly direction with the southern right-of-way of Hilltop Road to the northeast corner of the property having pin number 559400499069, thence in a southerly direction to the northwest corner of the property having pin number

1 559400583812, thence in a southwesterly direction to the southern corner of the property
2 having pin number 559400499069, thence in a southwesterly direction to the southeast corner
3 of the above said property, thence in a northwesterly direction to the southwestern corner of
4 above said property, thence in a northeasterly direction with above said property, thence in a
5 northwesterly direction to the northwest corner of above said property, thence in a westerly
6 direction with the right-of-way of Hilltop Road to the northeast corner of the property having
7 pin number 559400492694, thence in a southerly direction to the northern corner of the
8 property having pin number 559400483960, thence in a southeasterly direction to the eastern
9 corner of the above said property, thence in a southwesterly direction to the southern corner of
10 the property having pin number 559400481784, thence in a northwesterly direction to the
11 extended northwest corner of the property having pin number 559400399466 and the northern
12 right-of-way of Hilltop Road, thence in a northeasterly direction with the northern right-of-way
13 of Hilltop Road to the southwestern corner of the property having pin number 559400492854,
14 thence in a northerly direction to the northwest corner of the property having pin number
15 559500402236, thence in a westerly direction to the southwest corner of the property having
16 pin number 559500402988, thence in a northerly direction to the southwest corner of the
17 property having pin number 559500410214, thence in a westerly direction to the southwest
18 corner of the above said property, thence in a northerly direction to the northwest corner of the
19 above said property, thence with the southern right-of-way of Peachtree Road to the northeast
20 corner of the property having pin number 559500313054, thence in a southerly direction to the
21 southeast corner of the above said property, thence in a westerly direction to the western corner
22 of the above said property, thence in a southwesterly direction to a corner of the property
23 having pin number 559500216320, thence in a southwesterly direction to the southern corner of
24 the property having pin number 559500106395, thence in a northerly direction to the southeast
25 corner of the property having pin number 559500103284, thence in a southwesterly direction to
26 the northeast corner of the property having pin number 559400099666, thence in a
27 southeasterly direction to the extended southeastern corner of the property having pin number
28 559400190449 and the western right-of-way of Hilltop Road to a point, thence in a
29 northwesterly direction with the western right-of-way of Hilltop Road to the extended
30 northwestern corner of the property having pin number 559500002971 to a point, thence in a
31 northeasterly direction to the northern corner of the above said property, thence in a
32 southeasterly direction to the southeastern corner of the above said property, thence in a
33 easterly direction to the northeastern corner of the property having pin number 559500006628,
34 thence in a southerly direction to the southeast corner of the property having pin number
35 559500007506, thence in a northeasterly direction with the northern right-of-way of Peachtree
36 Road to the southwestern corner of the property having pin number 559500100870, thence in a
37 northeasterly direction to the northwestern corner of the above said property, thence in a
38 northeasterly direction to the northeastern corner of the above said property, thence in a
39 southeasterly direction to the southeastern corner of the above said property, thence in an
40 easterly direction with the northern right-of-way of Peachtree Road to the southwestern corner
41 of the property having pin number 559500113363, thence in a southeasterly direction with the
42 northern property lines of the above said property and the property having pin number
43 559500115329 to the northeastern corner of the property having pin number 559500115329,
44 thence in a southern direction with the property line of the above said property to a corner,
45 thence in a southeasterly direction to the southeastern corner of the above said property, thence
46 with the northwestern right-of-way of Peachtree Road to the southwestern corner of the
47 property having pin number 559500210443, thence to the northwestern corner of the above said
48 property, thence in a northeasterly direction to the northern corner of the property having pin

1 number 559500212612, thence in a easterly direction to the eastern corner of the above said
2 property, thence with the northern right-of-way of Peachtree Road to the southwestern corner
3 of the property having pin number 559500313054, thence in a northeasterly direction to the
4 northwestern corner of the above said property, thence in an easterly direction to the corner of
5 the property having pin number 559500412899, thence in a northerly direction to the
6 northwestern corner of the above said property, thence in an easterly direction to a corner of the
7 above said property, thence in a southerly direction with the above said property to a corner,
8 thence in a easterly direction to the western corner of the property having pin number
9 559500513793, thence in a northeasterly direction to the northern corner of the above said
10 property, thence with the western right-of-way of NC 205 Highway to the southeastern corner
11 of the property having pin number 559500437527, thence in a westerly, and then
12 southwesterly, direction with the property line of the above said property to the southwest
13 corner of the above said property, thence in a northeasterly direction to the northwestern corner
14 of the above said property, thence in a northerly direction to the northwestern corner of the
15 property having pin number 559500433884, thence in a easterly direction to the northeastern
16 corner of the above said property, thence in a generally westerly direction with the southern
17 property line of the property having pin number 559500442720, thence in a westerly direction
18 to a corner of the property having pin number 559500341479, thence in a southerly direction to
19 the southeast corner of the above said property, thence in a northwesterly direction to the
20 southwest corner of the above said property, thence in a northerly direction to a corner of the
21 above said property, thence in a easterly direction to the southwestern corner of the above said
22 property, thence in a westerly direction to the southeastern corner of the property having pin
23 number 559500141931, thence in a southwesterly direction to the southern corner of the
24 property having pin number 559500043112, thence in a southeasterly direction to the eastern
25 corner of the property having pin number 559500043915, thence in a northwesterly direction
26 with the southwestern property line of the above said property to the southeastern corner of the
27 property having pin number 558500955410, thence in a westerly direction to the southwest
28 corner of the property having pin number 558500856241, thence in a northerly direction to the
29 southeastern corner of the property having pin number 558500748984, thence in a
30 southeasterly direction to the southwestern corner of the above said property, thence with the
31 eastern right-of-way of Pless Mill Road to the northern corner of the property having pin
32 number 558500844115, thence in a southeasterly direction to the eastern corner of the property
33 having pin number 558500835789, thence in a southwesterly direction to the southern corner of
34 the above said property, thence with the eastern right-of-way of Pless Mill and then Hilltop
35 Road to the northwestern corner of the property having pin number 558500927048, thence in a
36 northwesterly direction to the southwestern corner of the property having pin number
37 558500825910, thence in a northerly direction to the northwest corner of the above said
38 property, thence in a northeasterly direction to the northern corner of the above said property,
39 thence with the western right-of-way of Pless Mill Road to the southern corner of the property
40 having pin number 558500840628, thence in a northwesterly direction to the extended right-of-
41 way of the northwestern corner of the property having pin number 558500748984 and the
42 northern right of way of NC 24/27 Highway to a point, thence in an easterly direction with the
43 northern right-of-way of NC 24/27 Highway to the intersect of the northern right-of-way of NC
44 24/27 Highway and the western right-of-way of Running Creek Church Road to a point, thence
45 in a northerly direction with the western right-of-way of Running Creek Church Road and the
46 northern right-of-way of Bethel Church Road, thence in an easterly direction with the northern
47 right of way of Bethel Church to the southwestern corner of the property having pin number
48 558500873602, thence in a northerly direction to the northwestern corner of the property

1 having pin number 558500874785, thence in an easterly direction to the northeastern corner of
2 the above said property, thence in a northeasterly direction to the extended property line of the
3 property having pin number 558500982395 and the northern right-of-way of Smith Grove
4 Road, thence with the northern, and then eastern, right-of-way of Smith Grove Road to the
5 extended right-of-way of Smith Grove Road and the southern right-of-way of Bethel Church
6 Road to a point, thence in a westerly direction with the southern right-of-way of Bethel Church
7 Road to the eastern corner of the property having pin number 558500875287, thence in a
8 westerly direction to the northeastern corner of the property having pin number 558500856992,
9 thence in a southerly direction to a corner of the above said property, thence in an easterly
10 direction to a corner of the above said property, thence in a southerly direction to the
11 southeastern corner of the above said property and the northern right-of-way of NC 24/27
12 Highway to a point, thence in an easterly direction with the northern right-of-way of NC 24/27
13 Highway to the southwestern corner of the property having pin number 558500954995, thence
14 in a northerly direction to the northwest corner of the above said property, thence in an easterly
15 direction to the northeast corner of the above said property, thence in a southerly direction to
16 the southeast corner of the property having pin number 558500956841 and the intersect of the
17 northern right-of-way of NC 24/27 Highway to a point, thence with the northern right-of-way
18 of NC 24/27 Highway to the intersect of the northern right-of-way of NC 24/27 Highway and
19 the western right-of-way of Bethel Church Road to a point, thence with the northern right- of-
20 way of Bethel Church Road and the extended corner of the property having pin number
21 559500056889 to a point, thence in a northeasterly direction to the northeastern corner of the
22 above said property, thence in a southeastern direction to the southeastern corner of the
23 property having pin number 559500058626 and the northern right-of-way of NC 24/27
24 Highway to a point, thence in a northeasterly direction to the northwestern corner of the above
25 said property to a corner, thence in a northeasterly direction to a corner of the above said
26 property, thence in a southeasterly direction to the northeastern corner of the property having
27 pin number 559500352901 and the western right-of-way of Smith Grove Road to a point,
28 thence in a northerly direction with the western right-of-way of Smith Grove Road and the
29 extended northwestern corner of the property having pin number 559500357853 to a point,
30 thence in a southeasterly direction to the northeastern corner of the above said property, thence
31 in a northeasterly direction to the northwestern corner of the property having pin number
32 559500355598, thence in a northwesterly direction to the southwestern corner of the property
33 having pin number 559500464329, thence in a southerly direction with the eastern right-of-way
34 of Smith Grove Road to the intersect of the eastern right-of-way of Smith Grove Road and the
35 extended southeastern corner of the property having pin number 559500363695 to a point,
36 thence in a northwesterly direction to the northwest corner of the above said property, thence in
37 a northeasterly direction to the northern corner of the property having pin number
38 559500366724, thence in a southeasterly direction to the western most corner of the property
39 having pin number 559500378012, thence in a northerly direction to a corner of the above said
40 property, thence in an easterly direction to the extended northeast corner of the above said
41 property and the eastern right-of-way of Smith Grove Road to a point, thence in a southerly
42 direction with the eastern right-of-way of Smith Grove Road to the northwestern corner of the
43 property having pin number 559500465989, thence in a northeastern direction to the
44 northeastern corner of the above said property, thence in a southeastern direction to a corner of
45 the above said property, thence in a northeastern direction to a corner of the above said
46 property, thence in a northwesterly direction to the southern corner of the property having pin
47 number 559500487387, thence in a northwesterly direction to the southeastern corner of the
48 property having pin number 559500486524, thence in a southwesterly direction to the

1 southwestern corner of above said property, thence in a northwesterly direction to the
2 southeastern corner of the property having pin number 559500388126, thence in a
3 southwesterly direction to the extended southwestern corner of the above said property and the
4 western right-of-way of Smith Grove Road, thence in a northerly direction with the western
5 right-of-way of Smith Grove Road to the northeast corner of the property having pin number
6 559500383023, thence in a northwesterly direction to the southeastern corner of the above said
7 property, thence in a northwesterly direction to the southwestern corner of the property having
8 pin number 559500382108, thence in a northeasterly direction to the southeastern corner of the
9 property having pin number 559500380268, thence in a northeasterly direction to the extended
10 northwestern corner of the above said property and the northern right-of-way of Smith Grove
11 Road to a point, thence in an easterly direction with the northern right-of-way of Smith Grove
12 Road to the western most corner of the property having pin number 559500388126, thence in
13 an easterly direction to the extended northeast corner of the property having pin number
14 559500584879 and the eastern right-of-way of Jacob Road to a point, thence in a southeasterly
15 direction with the eastern right-of-way of Jacob Road to the intersect of the eastern right-of-
16 way of Jacob Road and the western right of way of Ridgecrest Road to a point, thence in an
17 easterly direction to the northeastern corner of the property having pin number 559500678232,
18 thence in a southeasterly direction to the eastern most corner of the property having pin number
19 559500761927, thence in a northeasterly direction with the western right-of-way of Gaddis
20 Road to the extended northwestern corner of the property having pin number 559500765865
21 and the western right-of-way of Gaddis Road to a point, thence in a southeastern direction to
22 the southeastern corner of the above said property, thence in a southwestern direction with the
23 above said property line to the northeastern corner of the property having pin number
24 559500669099, thence in a southern direction to the northwestern corner of the property having
25 pin number 559500756605, thence in an eastern direction to the southwestern corner of the
26 property having pin number 559500850878, thence in a northern direction to the northwestern
27 corner of the above said property, thence in an eastern direction to the northeast corner of the
28 above said property, thence in a southern direction to the southeastern corner of the above said
29 property, thence in an eastern direction to the southwestern corner of the property having pin
30 number 559500952932, thence in a northern direction to the northwestern corner of the above
31 said property, thence in an eastern direction to the northeastern corner of the above said
32 property, thence in a southern direction to the southeastern corner of the above said property,
33 thence in an eastern direction to the northeastern corner of the property having pin number
34 559500953703, thence in a southern direction to the intersect of the southeastern corner of the
35 above said property and the northern right-of-way of NC 24/27 Highway, thence in an eastern
36 direction with the northern right-of-way of NC 24/27 Highway to the southwestern corner of
37 the property having pin number 559500957855, thence in a northerly direction to the northern
38 corner of the property having pin number 559500967325, thence in a southerly direction to the
39 intersect of the southeastern corner of the property having pin number 559500957855 and the
40 northern right-of-way of NC 24/27 Highway, thence in an easterly direction with the northern
41 right-of-way of NC 24/27 Highway to the southwestern corner of the property having pin
42 number 650500056704, thence in a northerly direction to the northwestern corner of the
43 property having pin number 650500058931, thence in an easterly direction to the northeastern
44 corner of the above said property, thence in a southerly direction to the intersect of the
45 southeastern corner of the above said property and the northern right-of-way of NC 24/27
46 Highway to the southwestern corner of the property having pin number 650500262275, thence
47 in a northerly direction to the northwestern corner of the above said property, thence in an
48 generally easterly direction with the northern property line of the above said property to the

1 northwestern corner of the property having pin number 650500265371, thence in a
2 northeasterly direction to the northwestern most corner of the property having pin number
3 650500268540, thence in an eastern direction to the northeastern corner of the above said
4 property, thence in a southeastern direction to the southeastern corner of the above said
5 property, thence in an eastern direction to the corner of the property having pin number
6 650500360392, thence in a northern direction to the northwestern corner of the property having
7 pin number 650500361593, thence in an eastern direction to the northeastern corner of the
8 above said property, thence in a southern direction to the intersect of the extended southeastern
9 corner of the above said property and the southern right-of-way of NC 24/27 Highway to a
10 point, thence in a western direction with the southern right-of-way of NC 24/27 Highway to the
11 northeastern corner of the property having pin number 650500351705, thence in a southerly
12 direction to the southeastern corner of the above said property, thence in a westerly direction to
13 the southwestern corner of the above said property, thence in a northerly direction to the
14 northwestern corner of the above said property, thence in a westerly direction with the southern
15 right-of-way of NC 24/27 Highway to the northeastern corner of the property having pin
16 number 650500254762, thence in a southerly direction to the southeastern corner of the above
17 said property, thence in a westerly direction to the southwestern corner of the above said
18 property, thence in a northerly direction to the northwestern corner of the above said property,
19 thence in a westerly direction with the southern right-of-way of NC 24/27 Highway to the
20 northeastern corner of the property having pin number 650500159460, thence in a southerly
21 direction to the southeastern corner of the above said property, thence in a western direction to
22 the intersect of the property line of the property having pin number 650500151160 and the
23 eastern right-of-way of Lakewood Road to a point, thence in a southerly direction with the
24 eastern right-of-way of Lakewood Road to the intersect of the property line of the property
25 having pin number 650500151160, thence in a southerly direction to the southeastern corner of
26 the above said property, thence in a westerly direction to the northwestern corner of the
27 property having pin number 650500045993, thence in southwesterly direction to the
28 southeastern corner of the property having pin number 559500952193, thence in a
29 northwesterly direction to the northeastern corner of the property having pin number
30 559500844105, thence in a westerly direction to the southwestern corner of the above said
31 property, thence in a northerly direction to the northwestern corner of the above said property,
32 thence in a westerly direction to the southwestern corner of the property having pin number
33 559500743314, thence in a northwesterly direction to the northwestern corner of the property
34 having pin number 559500741963, thence in a westerly direction with the southern extended
35 right-of-way of NC 24/27 Highway to the northeastern corner of the property having pin
36 number 559500548819, thence in a southerly direction to the southeastern corner of the
37 property having pin number 559500547794, thence in a westerly direction to the southwestern
38 corner of the above said property, thence in a southern direction to the northwestern corner of
39 the property having pin number 652700918836, thence in an easterly direction to the eastern
40 corner of the above said property, thence in a southwesterly direction to the southwestern
41 corner of the above said property, thence in a southern direction, following eastern property
42 lines, to the southeastern corner of the property having pin number 559500425859, thence in an
43 easterly direction to the northeastern corner of the property having pin number 559500527774,
44 thence in a southern direction to the southeastern corner of the property having pin number
45 559500620269, thence in an easterly direction to the northeastern corner of the property having
46 pin number 559500710159, thence in a southeasterly direction to the southeastern corner of the
47 above said property and the northern right-of-way of Lakewood Road to a point, thence in an
48 easterly direction with the northern right-of-way of Lakewood Road to the intersect of the

1 northern right-of-way of Lakewood Road and the extended northeastern corner of the property
2 having pin number 559500706769, thence in a southeasterly direction to the southeastern
3 corner of the above said property, thence in a westerly direction to the southwestern corner of
4 the property having pin number 559500704616, thence in a northwesterly direction to the
5 intersect of the northwestern corner of the above said property and the southern right-of-way of
6 Lakewood Road to the point of beginning.

7 EXCEPTED from the above-described track are the following internal parcels:

8 (1) Property having pin number 559500553885.

9 (2) Property having pin number 559500561490.

10 (3) Property having pin number 559500552596.

11 (4) Property having pin number 559500476425.

12 (5) Property having pin number 559500475814.

13 (6) Property having pin number 559500470701.

14 (7) Property having pin number 559500611552.

15 (8) Property having pin number 559500612263.

16 (9) Property having pin number 559500614021.

17 (10) Those parcels of land in Arbor Heights subdivision, and road right-of-ways of Redwood
18 Drive and Birchwood Court recorded in Plat Book 17 Page 386 and previously annexed
19 into the town of Oakboro, NC.

20 "ARTICLE III. GOVERNING BODY.

21 "Section 3.1. **Structure of Governing Body.** The governing body of the Town of
22 Red Cross shall be the Town Council, which shall have four members and the Mayor.

23 "Section 3.2. **Temporary Officers.** Until the initial elections of 2003 provided for
24 by Section 4.1 of this Charter, C. J. Barbee, Heath Hahn, J. D. Hinson, Raeford Quick,
25 and Larry Wayne Smith are hereby appointed to the Town Council of the Town of Red
26 Cross. They shall possess and exercise the powers granted to the governing body until
27 their successors are elected or appointed and qualified pursuant to this Charter. The
28 temporary officers shall elect a person from among the members of the temporary
29 governing body to serve as interim mayor. If any person named in this section is unable
30 to serve, the remaining temporary officers shall, by majority vote, appoint a person to
31 serve until the regular municipal elections are held in 2003.

32 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified
33 voters of the entire Town shall elect the members of the Town Council and, except as
34 provided in this section, they shall be elected to four-year terms. In 2003, the two
35 candidates receiving the highest number of votes shall be elected to four-year terms and
36 the two candidates receiving the next highest number of votes shall be elected to
37 two-year terms. In 2005, and quadrennially thereafter, two members shall be elected to
38 four-year terms.

39 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified
40 voters of the entire Town shall elect the Mayor. In 2003, and quadrennially thereafter,
41 the Mayor shall be elected for a term of four years.

42 "Section 3.5. **Residence of Governing Body Members.** All members of the
43 governing body of the Town of Red Cross, whether elected or appointed, must be
44 qualified voters who reside within the corporate limits of the Town of Red Cross in
45 order to qualify to take, hold, and continue in any such office.

46 "ARTICLE IV. ELECTIONS.

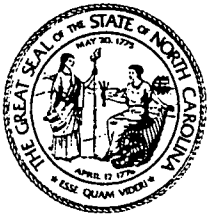
1 "Section. 4.1. **Conduct of Town Elections.** Elections shall be conducted on a
2 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

3 "ARTICLE V. ADMINISTRATION.

4 "Section 5.1. **Village to Operate Under Mayor-Council Plan.** The Town of Red
5 Cross will operate under the Mayor-Council form of government as provided in Part 3
6 of Article 7 of Chapter 160A of the General Statutes."

7 **SECTION 2.** From and after the effective date of this act, the citizens and
8 property in the Town of Red Cross shall be subject to municipal taxes levied for the
9 year beginning July 1, 2002, and for that purpose, the Town shall obtain from Stanly
10 County a record of property in the area incorporated in Section 1 of this act that was
11 listed for taxes as of January 1, 2002. The Town may adopt a budget ordinance for fiscal
12 year 2002-2003 without following the timetable in the Local Government Budget and
13 Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act
14 insofar as is practical. For fiscal year 2002-2003, ad valorem taxes may be paid at par or
15 face amount within 90 days of adoption of the budget ordinance and thereafter in
16 accordance with the schedule in G.S. 105-360. If the effective date of incorporation is
17 prior to July 1, 2002, the Town may adopt a budget ordinance for fiscal year 2001-2002
18 without following the timetable in the Local Government Budget and Fiscal Control
19 Act, but shall follow the sequence of actions in the spirit of the act insofar as is
20 practical.

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



HOUSE BILL 1525: Red Cross Charter

BILL ANALYSIS

Committee: House Local Government II
Date: June 19, 2002
Version: H1525-CSSO-74 [v.2]

Introduced by: Representatives Barbee,
Gibson, and Goodwin
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would enact a charter to incorporate the town of Red Cross, provide for its governing and subject its residents to a municipal tax levied for the year beginning July 1, 2002.*

BILL ANALYSIS:

Section 1 would establish the Charter for the Town of Red Cross in Stanly County. The charter provides:

- That Red Cross is an incorporated town
- A legal description of the town's boundaries.
- For government by a four (4) member town council and mayor
 - Appointment of named individuals in the bill as interim council members. These members shall choose an interim mayor. The interim mayor and council members shall serve until the 2003 municipal elections
 - For municipal elections beginning in 2003, creating a staggered town council with all members being elected for four-year terms after staggering has been accomplished by the 2003 elections. Election of mayor for four-year terms beginning in 2003.
 - Qualification for serving as council member or mayor – qualified voter who resides within the town limits.
- For elections conducted on a nonpartisan basis determined by a plurality as provided in G.S. 163-292
- For governmental operation under the Mayor-Council form of government as provided in Part 3 of Article 7 of Chapter 160A of General Statutes.

Section 2 would subject persons and property within the town to municipal taxes levied for the year beginning July 1, 2002 and each year following. Authorizes the town to adopt a budget for fiscal year 2003-2003 without following the timetable of the Local Government Budget and Fiscal Control Act. Provides that the town may adopt a budget for the fiscal year 2001-2002 without following the timetable of the Local Government Budget and Fiscal Control Act if the effective date of incorporation is before July 1, 2002. In deviating from the timetable, the town must follow the sequence of actions in the spirit of the act insofar as practical.

NOTE: The legal description of the town's boundaries has not been completely reviewed for accuracy and adequacy. The Community Assistance Division of the Commerce Department is currently reviewing the legal description.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1533 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HERTFORD AND NORTHAMPTON COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1533

Short Title: Hertford/Northampton Delinquent Taxes. (Local)

Sponsors: Representative Hunter.

Referred to: Local Government II.

June 5, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE HERTFORD AND NORTHAMPTON COUNTIES TO
3 REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE
4 RECORDING DEEDS CONVEYING PROPERTY.

5 The General Assembly of North Carolina enacts:

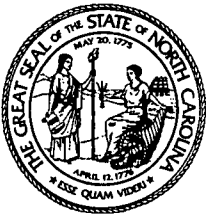
6 SECTION 1. G.S. 161-31 reads as rewritten:

7 "§ 161-31. Tax certification.

8 (a) Tax Certification. – The board of commissioners of a county may, by
9 resolution, require the register of deeds not to accept any deed transferring real property
10 for registration unless the county tax collector has certified that no delinquent ad
11 valorem county taxes, ad valorem municipal taxes, or other taxes with which the
12 collector is charged are a lien on the property described in the deed. The county
13 commissioners may describe the form the certification must take in its resolution.

14 (b) Applicability. – This section applies only to Alleghany, Anson, Beaufort,
15 Cabarrus, Camden, Carteret, Cherokee, Chowan, Cleveland, Currituck, Davidson,
16 Forsyth, Gaston, Graham, Granville, Harnett, Haywood, Hertford, Iredell, Jackson, Lee,
17 Madison, Martin, Montgomery, Northampton, Pasquotank, Perquimans, Person, Pitt,
18 Rockingham, Rowan, Stanly, Swain, Vance, Warren, Washington, and Yadkin
19 Counties."

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



HOUSE BILL 1533: Hertford/Northampton Delinquent Taxes

BILL ANALYSIS

Committee: House Local Government II
Date: June 19, 2002
Version: First Edition

Introduced by: Representative Hunter
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would add Hertford and Northampton counties to the list of 35 other counties authorized to prevent, by resolution, the register of deeds from accepting for registration deeds transferring property unless the county tax collector has certified there are no delinquent taxes that are a lien on the subject property.*

VISITOR REGISTRATION SHEET

Local Govt II
Name of Committee

6-19-02
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Carm Cohen	BPMILC
Arling Chaffetill	The Capital Group
Dean Shatley	Spunkin Office
Philly Heaton	NC Bar Assoc.
Litha Winters	NC State Watch
Alvin Farland	Electric Cities
John Phelps	NCLM
CHARLES HAYES	RTRA
John Bailo	NC DOR
Michael Housey	Insider

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
June 26, 2002
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 1493	GRANVILLE CORONER ABOLISHED (Representative Fox)
HB 1567	ASHEVILLE HOUSING AUTHORITY TERMS (Representatives Sherrill, Nesbitt, and Mark Crawford)
HB 1585	HENDERSON RED LIGHT CAMERAS (Representative Fox)
HB 1597	REPEAL TERM LIMITS (Representatives Rogers, Boyd-McIntyre, and Yongue)
HB 1599	ANGIER ABC BOARD COMPOSITION (Representative Davis)
HB 1600	ALBEMARLE JUNK VEHICLES (Representatives Barbee and Gibson)
HB 1683	WAYNE COMMISSIONERS TERMS (Representative Baddour)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
June 26, 2002

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, June 26, 2002, in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Barbee, Capps, Fox, Gillespie, Haire, Owens, Rogers, Walker, West, G. Wilson and Womble. Committee Counselor Frank Folger was in attendance along with guest counselors, Giles Perry, Barbara Riley and Erica Churchill. Kristen Crosson, Research Assistant was also in attendance.

Representative Jarrell called the meeting to order and recognized the pages and staff. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 1494 – GRANVILLE CORONER ABOLISHED. Representative Fox, sponsor, was recognized to explain the bill which would abolish the office of coroner in Granville County. Representative Womble made a motion to give the bill a favorable report. Motion carried.

HB 1585 – HENDERSON RED LIGHT CAMERAS. Representative Fox, sponsor, was recognized to explain the bill. He explained that HB 1585 adds the City of Henderson to the statute that authorizes the use of traffic control photographic systems (red light cameras) in the enforcement of traffic control laws. Representative Hurley made a motion to give the bill a favorable report. Motion carried.

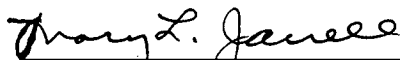
HB 1597 – REPEAL TERM LIMITS. A committee substitute was offered and Representative Womble made a motion to adopt the committee substitute. Motion carried. Representative Rogers, sponsor, was then recognized to explain that HB 1597 repeals the limitations on the numbers of terms members of the Boards of Education may serve for Haywood, Edenton-Chowan, Alexander and Iredell-Statesville counties. Following discussion of the bill, Representative Owens made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

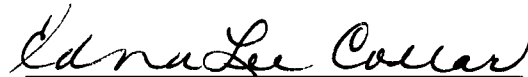
HB 1599 – ANGIER ABC BOARD COMPOSITION. A committee substitute was offered and Representative Owens moved for its adoption. Motion carried. Representative Davis was recognized to explain the bill which would increase the membership on the Angier ABC Board from three members to five members and “stagger” the terms of the additional members such that in a three year election cycle, two (2) members would be elected in Year 1, two (2) members would be elected in Year 2, and one (1) member would be elected in Year 3. Representative Hurley made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 1600 ALBEMARLE JUNK VEHICLES. Representative Barbee, sponsor, was recognized to explain the bill which increases from \$100 to \$500 the value limit of abandoned junked motor vehicles that may be regulated by the City of Albemarle. Representative Haire made a motion to give the bill a favorable report. Motion carried.

HB 1683 – WAYNE COMMISSIONERS TERMS. Representative Baddour, sponsor, was recognized to explain the bill. HB 1683 would create staggered terms for the Wayne County Commissioners. Representative Owens made a motion to give the bill a favorable report. Motion carried.

SB 1220 – DARE COUNTY LOCAL ACT. Representative Culpepper was recognized to explain the bill for Senator Hoyle, sponsor. SB 1220 would extend the sunset on the provision allowing Dare County to contract for the design and construction of a courthouse facility without being subject to certain public contracting requirements to July 1, 2003. Representative Womble made a motion to give the bill a favorable report. Motion carried.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1493 A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF
CORONER IN GRANVILLE 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1493

Short Title: Granville Coroner Abolished.

(Local)

Sponsors: Representatives Fox; J. Crawford and Allen.

Referred to: Local Government II.

June 3, 2002

A BILL TO BE ENTITLED

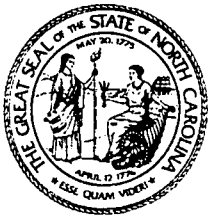
AN ACT TO ABOLISH THE OFFICE OF CORONER IN GRANVILLE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. The office of coroner in Granville County is abolished.

SECTION 2. Chapter 152 of the General Statutes is not applicable to Granville County.

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



HOUSE BILL 1493: Granville Coroner Abolished

BILL ANALYSIS

Committee: House Local Government II
Date: June 26, 2002
Version: First Edition

Introduced by: Representative Fox
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would abolish the office of coroner in Granville County.*

Effective date: *Effective when it becomes law.*

BACKGROUND: There is precedent for this legislation. Most recently, the General Assembly passed S.L. 1998-90 to abolish the office of coroner in each of the following counties: Ashe, Gaston, and Rockingham.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1585 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
HENDERSON TO USE TRAFFIC CONTROL PHOTOGRAPHIC 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 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1585

Short Title: Henderson Red Light Cameras.

(Local)

Sponsors: Representative Fox.

Referred to: Local Government II.

June 6, 2002

A BILL TO BE ENTITLED

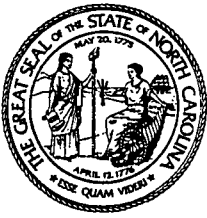
AN ACT TO AUTHORIZE THE CITY OF HENDERSON TO USE TRAFFIC
CONTROL PHOTOGRAPHIC SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.1(d) reads as rewritten:

"(d) This section applies only to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greensboro, Greenville, Henderson, High Point, Lumberton, Rocky Mount, and Wilmington, to the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, and Pineville, and to the municipalities in Union County."

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



HOUSE BILL 1585: Henderson Red Light Cameras

BILL ANALYSIS

Committee: House Local Government II
Date: June 26, 2002
Version: 1st Edition

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

SUMMARY: *House Bill 1585 adds the City of Henderson to the statute that authorizes the use of traffic control photographic systems (red light cameras) in the enforcement of traffic control laws.*

CURRENT LAW: Under current law (G.S. 160A-300.1), applicable to the municipalities listed below, authorizes those municipalities to install red light cameras.

	G.S. 160A-300.1
Municipalities to which the Statute Applies	Albemarle, Charlotte, Durham, Fayetteville, Greensboro, High Point, Rocky Mount, Wilmington, Greenville, Lumberton, Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, Pineville, and the municipalities in Union County.
Compliance with DOT Requirements	Red light cameras and traffic signals must comply with DOT requirements.
Advance Warning Signs	Warning signs posted no more than 300 feet from the system must identify red light cameras.
Penalty for Violation	A violation of a traffic control law at an intersection where a red light camera is located is a noncriminal violation for which a \$50 civil penalty may be assessed, but for which no driver's license or insurance points may be assessed.
Form of Citation	The citation must state the manner in which the violation may be challenged.
Responsibility for Violation	The owner of the vehicle is responsible unless, within 21 days after receiving notice of the violation, the owner furnishes officials or agents of the municipality with (1) the name and address of the person or company who leased, rented, or otherwise had control of the vehicle or (2) an affidavit stating that the vehicle was stolen or in the custody of a person who did not have permission to use it.
Appeal	The municipality must institute a nonjudicial administrative hearing to review objections to citations and penalties.
Proceeds from Citations	Municipalities retain proceeds from citations and use for a variety of purposes.

(Chart prepared by Jeffrey Hudson, Attorney, Research Division)

House Bill 1585 adds the City of Henderson to this statute.

House Bill 1585 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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1597 A BILL TO BE ENTITLED AN ACT TO REPEAL TERM LIMITS FOR MEMBERS OF THE HAYWOOD COUNTY BOARD OF EDUCATION, EDENTON-CHOWAN COUNTY BOARD OF EDUCATION, ALEXANDER COUNTY BOARD OF EDUCATION, AND IREDELL-STATESVILLE 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1597*

Short Title: Repeal Term Limits.

(Local)

Sponsors: Representatives Rogers, Boyd-McIntyre, Yongue; Bonner, Buchanan, Jeffus, McLawhorn, and Smith.

Referred to: Local Government II.

June 10, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL TERM LIMITS FOR MEMBERS OF THE HAYWOOD
3 COUNTY BOARD OF EDUCATION, EDENTON-CHOWAN COUNTY BOARD
4 OF EDUCATION, ALEXANDER COUNTY BOARD OF EDUCATION, AND
5 IREDELL-STATESVILLE BOARD OF EDUCATION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Notwithstanding Section 4 of Chapter 126 of the 1963 Session
8 Laws and Section 3 of Chapter 30 of the 1967 Session Laws, members of local boards
9 of education may serve for more than two consecutive terms.

10 **SECTION 2.** Section 8 of Chapter 774 of the 1969 Session Laws reads as
11 rewritten:

12 "Sec. 8. Member(s) whose terms of office expire and who desire to become
13 candidates for re-election shall register and be voted upon in the same manner as herein
14 provided and at the general election to be held in the year in which said terms of office
15 ~~expire, provided no member shall serve more than two terms in succession expire.~~"

16 **SECTION 3.** As allowed by G.S. 115C-67, Section 3(d) of the Plan of
17 Merger of the Iredell County and Statesville City Schools is amended by deleting the
18 sentence "No member shall serve more than two (2) consecutive terms."

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

D

**HOUSE BILL 1597
PROPOSED COMMITTEE SUBSTITUTE H1597-PCS4245-RF-36**

Short Title: Repeal Term Limits.

(Local)

Sponsors:

Referred to:

June 10, 2002

A BILL TO BE ENTITLED

AN ACT TO REPEAL TERM LIMITS FOR MEMBERS OF THE HAYWOOD
COUNTY BOARD OF EDUCATION, EDENTON-CHOWAN COUNTY BOARD
OF EDUCATION, ALEXANDER COUNTY BOARD OF EDUCATION, AND
IREDELL-STATESVILLE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Section 4 of Chapter 126 of the 1963 Session Laws and Section 3 of Chapter 30 of the 1967 Session Laws, members of the Haywood County Board of Education and the Edenton-Chowan County Board of Education may serve for more than two consecutive terms.

SECTION 2. Section 8 of Chapter 774 of the 1969 Session Laws reads as rewritten:

"Sec. 8. Member(s) whose terms of office expire and who desire to become candidates for re-election shall register and be voted upon in the same manner as herein provided and at the general election to be held in the year in which said terms of office expire, ~~provided no member shall serve more than two terms in succession.~~ expire."

SECTION 3. As allowed by G.S. 115C-67, Section 3(d) of the Plan of Merger of the Iredell County and Statesville City Schools is amended by deleting the sentence "No member shall serve more than two (2) consecutive terms."

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



HB 1597: Repeal Term Limits

BILL ANALYSIS

Committee: House Local Gov II
Date: June 26, 2002
Version: PCS

Introduced by: Rep. Rogers
Summary by: Barbara Riley
Committee Counsel

SUMMARY:

House Bill 1597 repeals the limitations on the number of terms members of the Boards of Education may serve for Haywood, Edenton-Chowan, Alexander and Iredell-Statesville counties.

Sections 1 and 2 amend local acts that provide for the Haywood County Board of Education, the Edenton Chowan County Board of Education and the Alexander County Board of Education. The amendments allow the members of those boards to serve more than two consecutive terms.

Section 3 of the bill amends the Plan of Merger of the Iredell County and Statesville City Schools, as provided for in G.S. 115C-67, to allow members of the Board of Education to serve more than two consecutive terms. G.S. 115C-67 allows city and county schools to consolidate and merge by entering into a written plan that covers a wide variety of issues, including term limits for school board members. Such plans must be approved by the State Board of Education and may be changed only by an act of the General Assembly.

The proposed committee substitute clarifies that Section 1 applies only to the Haywood County and the Edenton-Chowan County Boards of Education.

The 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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1599 A BILL TO BE ENTITLED AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1599*

Short Title: Angier ABC Board Composition.

(Local)

Sponsors: Representatives Davis; and Cox.

Referred to: Local Government II.

June 10, 2002

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD
OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 1969-626 reads as rewritten:

"Sec. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the mayor and governing body of the Town of Angier shall immediately appoint a town Board of Alcoholic Control to be composed of a chairman and ~~two~~ four other members who shall be well known for their character, ability and business acumen. Said board shall be known and designated as "The Town of Angier Board of Alcoholic Control". The chairman of said Board shall be designated by the governing body of the town and one additional member shall serve for his first term a period of three years, and one member and one additional member shall serve for ~~his~~ their first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the first terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board, shall be named or filled by the governing board of the town. The Board of Alcoholic Control shall report monthly to the town board the status and financial condition of the Alcoholic Control Board and the books of the said Board of Alcoholic Control shall be available for inspection and examination by the members of the town board at any time."

SECTION 2. The additional members of the Town of Angier Board of Alcoholic Control added pursuant to Section 1 of this act shall be added as follows:

One member shall be added whose term will expire on November 30, 2003.

One member shall be added whose term will expire on November 30, 2004.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1599
PROPOSED COMMITTEE SUBSTITUTE H1599-CSSO-75 [v.3]

6/26/2002 9:23:21 AM

Short Title: Angier ABC Board Composition.

(Local)

Sponsors:

Referred to:

June 10, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE COMPOSITION OF THE TOWN OF ANGIER BOARD
3 OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Notwithstanding any other provision of law, the local alcoholic
6 beverage control board regulating the sale of alcoholic beverages in the Town of Angier
7 is increased from three members to five members. To provide for the transition from
8 three to five members, the governing body of the Town of Angier shall appoint two new
9 members with terms to coincide with the terms of the two present members whose terms
10 expire on November 30, 2003, and November 30, 2004. Successors shall serve three-
11 year terms.

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



HOUSE BILL 1599: Angier ABC Board Composition

BILL ANALYSIS

Committee: House Local Government II
Date: June 26, 2002
Version: H1599-CSSO-75 [v.3]

Introduced by: Representative Davis
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would increase the membership on the Angier ABC Board from three members to five members and "stagger" the terms of the additional members such that in a three year election cycle, two (2) members would be elected in Year 1, two (2) members would be elected in Year 2, and one (1) member would be elected in Year 3.*

CURRENT LAW: S.L. 1969-626 authorized the Town of Angier to establish a "liquor control store" (ABC store) to be governed by a three (3) member ABC board with "staggered" elections and three year terms once the "staggering" had been achieved. G.S. 18B-700 provides the same provisions for membership and term lengths for local ABC boards generally.

BILL ANALYSIS: Section 1 would change the membership of Angier's ABC Board from three (3) to five (5) members notwithstanding S.L. 1969-626, G.S. 18B-700, or any other provision of law. The governing body of Angier would appoint each new member. The term of one new member would expire on November 30, 2003. The term of the other new member would expire on November 30, 2004. The successors of each member would serve three-year terms, as do current members of the Board.

BACKGROUND: There is precedent for this legislation. Most recently the General Assembly enacted similar expansion of ABC Board membership in Pitt County (S.L. 1997-46) and in the City of Kings Mountain (S.L. 1997-47).

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) Jarrell (Chair/Chairs) for the Committee on Local Government II.

☐ Committee Substitute for

H.B. 1600 A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF
ABANDONMENT OF JUNKED MOTOR VEHICLES IN THE CITY OF ALBEMARLE.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1600*

Short Title: Albemarle Junk Vehicles.

(Local)

Sponsors: Representatives Barbee and Gibson.

Referred to: Local Government II.

June 10, 2002

A BILL TO BE ENTITLED

AN ACT AFFECTING THE REGULATION OF ABANDONMENT OF JUNKED
MOTOR VEHICLES IN THE CITY OF ALBEMARLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-303.2(a) reads as rewritten:

"(a) A municipality may by ordinance regulate, restrain or prohibit the abandonment of junked motor vehicles on public grounds and on private property within the municipality's ordinance-making jurisdiction upon a finding that such regulation, restraint or prohibition is necessary and desirable to promote or enhance community, neighborhood or area appearance, and may enforce any such ordinance by removing or disposing of junked motor vehicles subject to the ordinance according to the procedures prescribed in this section. The authority granted by this section shall be supplemental to any other authority conferred upon municipalities. Nothing in this section shall be construed to authorize a municipality to require the removal or disposal of a motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in G.S. 136-143.

For purposes of this section, the term "junked motor vehicle" means a vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than ~~one hundred dollars (\$100.00)~~ five hundred dollars (\$500.00)."

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

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



HOUSE BILL 1600: Albemarle Junk Vehicles

BILL ANALYSIS

Committee: House Local Gov. II
Date: June 26, 2002
Version: 1st Edition

Introduced by: Reps. Barbee and Gibson
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1600 increases from \$100 to \$500 the value limit of abandoned junked motor vehicles that may be regulated by the City of Albemarle.*

CURRENT LAW: Under current general law, municipalities may regulate by ordinance the abandonment of junked motor vehicles worth less than \$100 on public or private property, and enforce the ordinance by removal and disposal.

BILL ANALYSIS: House Bill 1600 would increase the value limit on junked motor vehicles that the City of Albemarle may regulate from \$100 to \$500.

House Bill 1600 would become effective when it becomes law.

BACKGROUND: Other section of G.S. 160A-303.2 provide opportunity for notice and a hearing for the junked motor vehicle owner.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Jarrell** (Chair/Chairs) for the Committee on **Loal Government II.**

- ☐ Committee Substitute for
H.B. 1683 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED
TERMS FOR THE SEVEN SEPARATE SEATS ON THE WAYNE COUNTY BOARD OF
COMMISSIONERS.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1683

Short Title: Wayne Commissioners Terms.

(Local)

Sponsors: Representatives Baddour; Bell and Russell.

Referred to: Local Government II.

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE SEVEN SEPARATE
SEATS ON THE WAYNE COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. The Board of Commissioners of Wayne County is currently composed of seven members, six of whom are elected from single-member districts, and one of whom is elected from the county at large. All terms are currently for four years, and the terms of all seven members come up at the same time.

SECTION 2. In 2004, four of the members of the Board of Commissioners of Wayne County shall be elected for four-year terms, and three of the members of the Board of Commissioners of Wayne County shall be elected for two-year terms. The Board of Commissioners of Wayne County shall, prior to January 1, 2003, designate which seats shall be elected in 2004 for four-year terms, and which shall be elected in 2004 for two-year terms. Successors to all seven seats elected in 2004 shall be elected to four-year terms.

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



HB 1683: Wayne Commissioners Terms

BILL ANALYSIS

Committee: Local Government II
Date: June 21, 2002
Version: Edition 1

Introduced by: Representative Baddour
Summary by: R. Erika Churchill
Staff Counsel

SUMMARY: *The bill would create staggered terms for the Wayne County Board of Commissioners.*

CURRENT LAW: The Board of County Commissioners in Wayne County has seven (7) members, all of whom serve four (4) year terms. Six (6) commissioners are elected from single member districts, one at-large. All seven (7) seats run for re-election at the same time, with the next election being in 2004.

BILL ANALYSIS: The bill would create staggered terms for the seven (7) seats, with four (4) being elected to a four (4) year term in 2004 and three (3) being elected to a two (2) year term in 2004. After the 2004 election, all successors will be elected to a four (4) year term. The sitting Commissioners would be granted the authority to designate which seats serve either the four (4) year term or the two (2) year term by January 1, 2003.

BACKGROUND: Currently, 76 of the 100 counties have staggered terms for the county board of commissioners.

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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

S.B. 1220 A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET
EXEMPTING DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC
CONTRACTS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

☐ With a favorable report as to 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

2

**SENATE BILL 1220
Rules and Operations of the Senate Committee Substitute Adopted 6/25/02**

Short Title: Dare County Local Act. (Local)

Sponsors:

Referred to:

June 6, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND THE SUNSET EXEMPTING DARE COUNTY FROM
3 CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 2 of S.L. 1999-40 reads as rewritten:

6 "Section 2. This act is effective when it becomes law and expires ~~July 1, 2002.~~ July
7 1, 2003."

8 SECTION 2. This act applies to Dare County only.

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



SENATE BILL 1220: Dare County Local Act.

BILL ANALYSIS

Committee: House Local Government II
Date: June 26, 2002
Version: Second Edition

Introduced by: Senator Hoyle
Summary by: R. Erika Churchill
Staff Counsel

SUMMARY: *The bill would extend the sunset on the provision allowing Dare County to contract for the design and construction of a courthouse facility without being subject to certain public contracting requirements to July 1, 2003.*

CURRENT LAW: In 1999, the General Assembly enacted local legislation exempting Dare County from the following public contracting provisions with respect to the design and construction of a courthouse facility:

1. G.S. 143-128 -- Requirements for certain building contracts.
2. G.S. 143-129 -- Procedure for letting public contracts.
3. G.S. 143-131 -- When counties, cities, towns, and other subdivisions may let contracts on informal bids.
4. G.S. 143-132 -- Minimum number of bids for public contracts.

The act also required Dare County to accept bids under the separate prime contract system if it accepts bids under the single prime contract system, and granted Dare County authority to award the contract in its discretion. The act is to expire on July 1, 2002.

BILL ANALYSIS: The bill would extend the sunset of July 1, 2002 for an additional year.

BACKGROUND: The design and construction of the courthouse facility has begun, but is not completed. Construction is expected to be complete by July 1, 2003.

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

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

ve $M^{\ominus}C$ | pes

M^eClees Consult

Rob Meek

Senate Intern

John Phelps

NCLM

Cam Coney

B P m H L

Kate Hunter

NC Statewatch

Leanne W. Smith

NC SBA

John H. H. H. H.

The Capital Group

Michael Blaser

The Insider

S. F. Ave Hoffman

NC55A

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
July 3, 2002
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 1604	TOWN OF BETHEL ETJ (Rep. Warren)
HB 1615	CHINA GROVE CHARTER REVISION (Rep. McCombs)
HB 1637	GRANVILLE COLLECTION OF UNPAID HOS. BILLS (Rep. Fox)
HB 1648	COLLEGE OF THE ALBEMARLE LEASE WITH YMCA OK'D (Rep. Owens)
HB 1689	PEARLAND FIRE DISTRICT NAME CHANGE (Rep. Starnes)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
July 3, 2002

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, July 3, 2002 in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Capps, Fox, Gillespie, Owens, Rogers, Walker, Warren, G. Wilson and Womble. Frank Folger, committee counselor, was also in attendance.

Representative Jarrell called the meeting to order and recognized the pages and staff. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 1604 – TOWN OF BETHEL ETJ. Representative Warren, sponsor, was recognized to explain the bill. This bill would allow the town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ over the area beyond the one-mile area is subject to final approval of the Pitt County Board of Commissioners. She stated that there is no opposition to this bill and that it is requested by the town. Representative Rogers made a motion for a favorable report. Motion carried.

HB 1615 – CHINA GROVE CHARTER REVISION. Representative McCombs, sponsor, was recognized to explain the bill which would revise and consolidate the Town of China Grove. Representative Hurley made a motion to give HB 1615 a favorable report and motion carried.

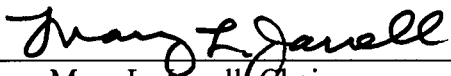
HB 1637 – GRANVILLE COLLECTION OF UNPAID HOSPITAL BILLS. Proposed committee substitute was adopted upon motion of Representative Hurley. Motion carried. Representative Fox, sponsor, explained the bill which would authorize Granville Medical Center to collect bills unpaid after 120 days following demand using the attachment and garnishment proceedings reserved for tax collection purposes. The PCS simply changes references of "Granville Hospital" to "Granville Medical Center". Representative Owens made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 1648 – COLLEGE OF THE ALBEMARLE LEASE WITH THE YMCA OK'D. A proposed committee substitute was offered and adopted upon motion of Representative Womble. Representative Owens, sponsor, explained that this bill would except the College of the Albemarle from provisions governing the lease of real property by a community college in authorizing it to enter into a lease agreement with the YMCA for 4.5 acres land on which is to be constructed improvements to be jointly owned by the College and the YMCA. The PCS simply changes the expiration date from January 1,

2006 to December 31, 2005. Representative Fox made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 1689 – PEARLAND FIRE DISTRICT NAME CHANGE. Representative Starnes, sponsor, was recognized to explain HB 1689. This bill would change the name of the Pearland Fire District to the Sawmills Rural Fire District so its name will be consistent with the area that it encompasses. Representative Walker made a motion to give the bill a favorable report. Motion carried.

The meeting adjourned at 11:30.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1604 A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BETHEL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL OF THE PITT COUNTY BOARD OF COMMISSIONERS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

☐ With a favorable report as to 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1604*

Short Title: Town of Bethel ETJ.

(Local)

Sponsors: Representative Warren.

Referred to: Local Government II.

June 11, 2002

A BILL TO BE ENTITLED

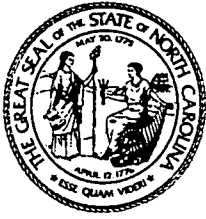
AN ACT ALLOWING THE TOWN OF BETHEL TO EXTEND ITS
EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO
MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL OF THE PITT
COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 160A-360, the Town of Bethel may exercise the extraterritorial jurisdiction powers granted by Article 19 of Chapter 160A of the General Statutes within a defined area extending not more than two miles beyond the corporate limits, provided that the Pitt County Board of Commissioners shall have final approval authority of any extraterritorial jurisdiction beyond one mile.

SECTION 2. This act applies to the Town of Bethel and to Pitt County only.

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



BILL SUMMARIES:

BILL ANALYSIS

Committee: House Local Government II
Date: July 3, 2002
Version: See Below

Introduced by: See Below
Summary by: Frank W. Folger
Committee Counsel

House Bill 1604: Town of Bethel ETJ

Version: First Edition

Sponsor: Representative Warren

Bill Analysis: This bill would allow the Town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ power over the area beyond the one-mile area is subject to final approval of the Pitt County Board of Commissioners.

Current Law: G.S. 160A-360 authorizes municipalities with populations under 10,000 to exercise ETJ power over an area extending up to one mile beyond the municipality's corporate limits, by adoption of an ordinance and compliance with procedures to provide impacted residents with notice and an opportunity to be heard before adoption of any such ordinance. Upon compliance with procedures set forth in this section and the rest of Article 19 of Chapter 160A, cities with a population greater than 9999 and less than 25,000 can exercise ETJ powers over a two-mile area. Cities with a population of 25,000 or more can exercise ETJ powers over a three-mile area, upon procedural compliance.

Effective when it becomes law.

Background: The population of Bethel is under 2000. There is precedent for this legislation. For example, S.L. 1999-43 authorized the Town of Farmville to exercise ETJ powers over a two-mile area subject to approval of the Board of County Commissioners regarding the additional area.

House Bill 1615: China Grove Charter Revision

Version: First Edition

Sponsor: Representative McCombs

Summary: This bill would revise and consolidate the Charter of the Town of China Grove

Current Law: China Grove's current charter, with a few exceptions, was established with the enactment of Chapter 309 of the 1903 Session Laws. It has been amended 7 times since then, most recently in 2000 by S.L. 2000-10, which amended the charter to provide that the town would operate under a council-manager form of government. Since 1903, the charter has not been consolidated and has not had its amendments engrossed into one statutory document. Not surprisingly much of the charter, as amended, contains provisions or language either obsolescent or covered by portions of Chapter 160A of the General Statutes and other general laws or by local ordinance.

BILL SUMMARIES

Page 2

Bill Analysis:

Section 1 establishes the revised and consolidated charter of the Town of China Grove. The revised and consolidated charter provides, among other things, for continuation of: the current method of governance by a mayor and a four-member Board of Alderman with staggered terms, operation under a council-manager form of government, and municipal elections using the nonpartisan plurality method.

Section 2 states that the act is intended to preserve and continue without interruption provisions of prior acts included in the new charter and consequently all rights and liabilities accruing under those provisions.

Section 3 excludes from being affected by the act:

- Any acts concerning the property, affairs, or government of public schools; and
- Any acts validating official actions, proceedings, contracts or obligations of any kind.

Section 4 repeals the former laws that aggregated to create the current charter.

Sections 5 - 8 preserves:

- The current Mayor and Alderman until successors are elected and qualified;
- All rights or interests that have arisen under provisions repealed by the act;
- All existing ordinances, resolutions and other provisions of the Town of China Grove not inconsistent with the provisions of the act;
- All actions or proceedings by or against the Town or any of its departments or agencies pending on the effective date of the act.

Section 9 contains a severability clause.

Section 10 provides that cross-references to other statutory provisions shall remain current with respect to referring to the law most clearly corresponding to any statutory provision that is amended, superseded, or recodified.

Effective when it becomes law.

House Bill 1627: Filed DD 214 Removal – Nash County

Version: First Edition

Sponsor: Representative Arnold

Summary: This bill would allow veterans, surviving spouses of veterans, and certain legal representatives of veterans or their estates to request the register of deeds in Nash County to remove certain specified military forms from their official records and would require the register of deeds to redact certain personal identifying information, including social security number, when supplying certified copies of those documents to persons other than those who are authorized to request removal of the forms.

Current Law: Article 5 of Chapter 47 of the General Statutes sets forth procedures for the registration and maintenance of official discharges and certificates of lost discharges from all branches of the U.S. armed forces. Specifically, G.S. 47-113, authorizes any person to request a certified copy of such

BILL SUMMARIES

Page 3

documents and requires the register of deeds to furnish a certified copy without charge to any current or former member of the U.S. armed forces.

House Bill 1637: Granville Collection of Unpaid Hospital Bills

Version: H1637-CSSO-76 [v. 1]

Sponsor: Representative Fox

Summary: *This bill would authorize Granville Medical Center to collect bills unpaid after 120 days following demand using the attachment and garnishment proceedings reserved for tax collection purposes. The PCS simply changes references of "Granville Hospital" to "Granville Medical Center".*

Current Law: Article 2A (formerly Article 5A) of Chapter 131E of the General Statutes (G.S. 131E-48 through 131E-54) authorizes public hospitals to garnish the disposable earnings of a debtor to the hospital. The hospital must first file an action and obtain a judgment against the debtor. The hospital can, after 10 days following entry of the judgment, move the court in the debtor's county of residence for an order for garnishment if it has made reasonable efforts to collect from any third-party payors, waited 120 days following mailing of the unpaid bill to the debtor's last known address, and sent a certified letter to that address with notice and information about the proposed garnishment and about the exemption for those whose family income is at or below 200% of the annual federal poverty guidelines. An order can only be issued after notice and a hearing as provided in the Article. The court cannot enter an order if:

- The family income of the debtor is equal to or less than 200% of the federal poverty level;
- The debtor is making payments exceeding 10% or more of the debtor's monthly disposable earnings;
- The debtor demonstrates good faith efforts are being made by the debtor to obtain payment for hospital services from a third-party payor.

Any order for garnishment entered under this Article can neither exceed 10% of the debtor's monthly disposable earnings nor extend beyond 60 months from the time of the initial order of garnishment.

Bill Analysis:

Section 1 would authorize Granville Hospital to treat debts to the hospital unpaid after 120 days following demand as if the debts were delinquent taxes for purposes of collection. Under G.S. 105-364 and G.S. 105-368, which provide for attachment and garnishment of delinquent taxes, the hospital would be able to have wages garnished by virtue of serving the debtor and the garnishee with notice of the garnishment and following other proceedings provided depending on the response of the garnishee and/or debtor to the notice of garnishment. If the garnishee and debtor do not respond to the notice within 10 days, the garnishee would have to submit the garnished wages to the hospital. Also, if neither the garnishee nor debtor offers a defense to the debt and if the garnishee does not have setoff against the debtor, the garnishee would have to submit the garnished wages to the hospital. No additional hospital action would be required for garnishment unless defenses or setoff were offered in a timely manner.

Section 2 clarifies that the authority granted in Section 1 is in addition to (rather than in lieu of) authority provided under general law.

Effective when it becomes law.

BILL SUMMARIES

Page 4

Background: Granville County previously had this authority by the enactment of Chapter 1005 of the 1973 Session Laws but that session law was repealed by Chapter 880 of the 1988 Session Laws, which enacted what is now Article 2A of Chapter 131E. All other similar such grants of authority to other hospitals were repealed by that same enactment.

House Bill 1648: College of the Albemarle Lease with YMCA OK'd

Version: H1648-CSSO-78 [v. 1]

Sponsor: Representative Owens

Summary: *This bill would except the College of the Albemarle from provisions governing the lease of real property by a community college in authorizing it to enter into a lease agreement with the YMCA for 4.5 acres land on which is to be constructed improvements to be jointly owned by the College and the YMCA. The PCS simply changes the expiration date from January 1, 2006 to December 31, 2005.*

Effective when it becomes law and expires December 31, 2005.

Background: There is precedent for legislation appropriating funds and providing exemptions for the YMCA and YWCA for secular purposes. One example is Chapter 283 of the 1985 Session Laws.

House Bill 1689: Pearland Fire District Name Change

Version: First Edition

Sponsor: Representative Starnes

Summary: *This bill would change the name of the Pearland Fire District to the Sawmills Rural Fire District so its name will be consistent with the area that it encompasses.*

Effective when it becomes law.

Background: Pearland was a name that originated in the 1950s. In 1986, the area mostly encompassed within the fire district became incorporated as the town of Sawmills.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1615 A BILL TO BE ENTITLED AN ACT AN ACT TO REVISE AND
CONSOLIDATE THE CHARTER OF THE TOWN OF CHINA GROVE.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

☐ With a favorable report as to 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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 1615

Short Title: China Grove Charter Revision.

(Local)

Sponsors: Representatives McCombs; and Coates.

Referred to: Local Government II.

June 12, 2002

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
CHINA GROVE.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of China Grove is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF CHINA GROVE.

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

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

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

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

"ARTICLE II. GOVERNING BODY.

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

1 "Section 2.2. **Town Board of Aldermen; Composition; Terms of Office.** The
2 Town Board shall be composed of five members, to be elected by all the qualified
3 voters of the Town, for staggered terms of four years or until their successors are elected
4 and qualified.

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

11 "Section 2.4. **Mayor Pro Tempore.** The Town Board shall elect one of its members
12 as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or
13 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
14 capacity at the pleasure of the Town Board.

15 "Section 2.5. **Meetings.** In accordance with general law, the Town Board shall
16 establish a suitable time and place for its regular meetings. Special and emergency
17 meetings may be held as provided by general law.

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

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

24 "ARTICLE III. ELECTIONS.

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

29 "Section 3.2. **Election of Aldermen.** The Town shall continue to have staggered
30 terms for its Aldermen. Two Aldermen shall be elected at the regular municipal election
31 in 2003 to four-year terms and quadrennially thereafter. Three Aldermen shall be
32 elected at the regular municipal election in 2005 to four-year terms and quadrennially
33 thereafter.

34 "Section 3.3. **Election of Mayor.** A Mayor shall be elected in the regular municipal
35 election in 2003 and quadrennially thereafter.

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

39 "ARTICLE IV. TOWN MANAGER.

40 "Section 4.1. **Form of Government.** The Town shall operate under the
41 council-manager form of government, in accordance with Part 2 of Article 7 of Chapter
42 160A of the North Carolina General Statutes.

43 "Section 4.2. **Town Manager; Appointment; Powers and Duties.** The Town
44 Board shall appoint a Town Manager who shall be responsible for the administration of

1 all departments of the Town government. The Town Manager shall have all the powers
2 and duties conferred by general law, except as expressly limited by the provisions of
3 this Charter, and the additional powers and duties conferred by the Town Board, so far
4 as authorized by general law.

5 **"ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.**

6 **"Section 5.1. Town Attorney.** The Town Board shall appoint a Town Attorney
7 licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to
8 represent the Town, advise Town officials, and perform other duties required by law or
9 as the Town Board may direct.

10 **"Section 5.2. Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a
11 journal of the proceedings of the Town Board, to maintain official records and
12 documents, to give notice of meetings, and to perform such other duties required by law
13 or as the Town Manager may direct.

14 **"Section 5.3. Tax Collector.** The Town shall have a Tax Collector to collect all
15 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such
16 other duties as prescribed by law or assigned by the Town Manager. Notwithstanding
17 the contrary provisions of G.S. 105-349, the Town Manager is authorized to appoint the
18 Tax Collector.

19 **"Section 5.4. Other Administrative Officers and Employees.** The Town Board
20 may authorize other positions to be filled by appointment by the Town Manager and
21 may organize the Town government as deemed appropriate, subject to the requirements
22 of general law.

23 **"Section 5.5. Town Manager's Authority; Role of Elected Officials.** As chief
24 administrator, the Town Manager shall have the power to appoint, suspend, and remove
25 all nonelected officers, department heads, and employees of the Town, except the Town
26 Attorney, who shall be appointed as provided in Section 5.1 of this Charter. Neither the
27 Mayor nor the Town Board nor any of its committees or members shall take part in the
28 appointment or removal of officers, department heads, and employees in the
29 administrative service of the Town, except as provided by this Charter. Except for the
30 purpose of inquiry, or for consultation with the Town Attorney, the Mayor and the
31 Town Board and its members shall deal with officers and employees in the
32 administrative service of the Town only through the Town Manager, Acting Manager,
33 or Interim Manager, and neither the Mayor nor the Town Board nor any of its members
34 shall give orders or directions to any subordinate of the Town Manager, Acting
35 Manager, or Interim Manager, either publicly or privately."

36 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of
37 China Grove and to consolidate certain acts concerning the property, affairs, and
38 government of the Town. It is intended to continue without interruption those provisions
39 of prior acts which are expressly consolidated into this act, so that all rights and
40 liabilities which have accrued are preserved and may be enforced.

41 **SECTION 3.** This act does not repeal or affect any acts concerning the
42 property, affairs, or government of public schools or any acts validating official actions,
43 proceedings, contracts, or obligations of any kind.

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

3 Chapter 180, Private Laws of 1889

4 Chapter 292, Private Laws of 1901

5 Chapter 309, Private Laws of 1903

6 Chapter 190, Private Laws of 1909

7 Chapter 68, Private Laws of 1925

8 Chapter 278, Public-Local Laws of 1937

9 Chapter 2, Public-Local Laws of 1939

10 Chapter 433, Session Laws of 1983

11 S.L. 1999-7

12 S.L. 2000-10.

13 **SECTION 5.** The Mayor and Aldermen serving on the date of ratification of
14 this act shall serve until the expiration of their terms or until their successors are elected
15 and qualified. Thereafter, those offices shall be filled as provided in Articles II and III
16 of the Charter of the Town of China Grove as contained in Section I of this act.

17 **SECTION 6.** This act does not affect any rights or interests that arose under
18 any provisions repealed by this act.

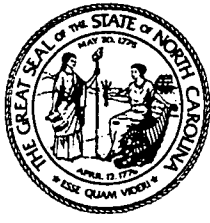
19 **SECTION 7.** All existing ordinances, resolutions, and other provisions of
20 the Town of China Grove not inconsistent with the provisions of this act shall continue
21 in effect until repealed or amended.

22 **SECTION 8.** No action or proceeding pending on the effective date of this
23 act by or against the Town or any of its departments or agencies shall be abated or
24 otherwise affected by this act.

25 **SECTION 9.** If any provision of this act or application thereof is held
26 invalid, such invalidity shall not affect other provisions or applications of this act that
27 can be given effect without the invalid provision or application, and to this end the
28 provisions of this act are declared to be severable.

29 **SECTION 10.** Whenever a reference is made in this act to a particular
30 provision of the North Carolina General Statutes, and the provision is later amended,
31 superseded, or recodified, the reference shall be deemed amended to refer to the
32 amended law or the law which most clearly corresponds to the statutory provision that is
33 amended, superseded, or recodified.

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



BILL SUMMARIES:

BILL ANALYSIS

Committee: House Local Government II
Date: July 3, 2002
Version: See Below

Introduced by: See Below
Summary by: Frank W. Folger
Committee Counsel

House Bill 1604: Town of Bethel ETJ

Version: First Edition

Sponsor: Representative Warren

Bill Analysis: This bill would allow the Town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ power over the area beyond the one-mile are is subject to final approval of the Pitt County Board of Commissioners.

Current Law: G.S. 160A-360 authorizes municipalities with populations under 10,000 to exercise ETJ power over an area extending up to one mile beyond the municipality's corporate limits, by adoption of an ordinance and compliance with procedures to provide impacted residents with notice and an opportunity to be heard before adoption of any such ordinance. Upon compliance with procedures set forth in this section and the rest of Article 19 of Chapter 160A, cities with a population greater than 9999 and less than 25,000 can exercise ETJ powers over a two-mile area. Cities with a population of 25,000 or more can exercise ETJ powers over a three-mile area, upon procedural compliance.

Effective when it becomes law.

Background: The population of Bethel is under 2000. There is precedent for this legislation. For example, S.L. 1999-43 authorized the Town of Farmville to exercise ETJ powers over a two-mile area subject to approval of the Board of County Commissioners regarding the additional area.

House Bill 1615: China Grove Charter Revision

Version: First Edition

Sponsor: Representative McCombs

Summary: *This bill would revise and consolidate the Charter of the Town of China Grove*

Current Law: China Grove's current charter, with a few exceptions, was established with the enactment of Chapter 309 of the 1903 Session Laws. It has been amended 7 times since then, most recently in 2000 by S.L. 2000-10, which amended the charter to provide that the town would operate under a council-manager form of government. Since 1903, the charter has not been consolidated and has not had its amendments engrossed into one statutory document. Not surprisingly much of the charter, as amended, contains provisions or language either obsolescent or covered by portions of Chapter 160A of the General Statutes and other general laws or by local ordinance.

BILL SUMMARIES

Page 2

Bill Analysis:

Section 1 establishes the revised and consolidated charter of the Town of China Grove. The revised and consolidated charter provides, among other things, for continuation of: the current method of governance by a mayor and a four-member Board of Alderman with staggered terms, operation under a council-manager form of government, and municipal elections using the nonpartisan plurality method.

Section 2 states that the act is intended to preserve and continue without interruption provisions of prior acts included in the new charter and consequently all rights and liabilities accruing under those provisions.

Section 3 excludes from being affected by the act:

- Any acts concerning the property, affairs, or government of public schools; and
- Any acts validating official actions, proceedings, contracts or obligations of any kind.

Section 4 repeals the former laws that aggregated to create the current charter.

Sections 5 - 8 preserves:

- The current Mayor and Alderman until successors are elected and qualified;
- All rights or interests that have arisen under provisions repealed by the act;
- All existing ordinances, resolutions and other provisions of the Town of China Grove not inconsistent with the provisions of the act;
- All actions or proceedings by or against the Town or any of its departments or agencies pending on the effective date of the act.

Section 9 contains a severability clause.

Section 10 provides that cross-references to other statutory provisions shall remain current with respect to referring to the law most clearly corresponding to any statutory provision that is amended, superseded, or recodified.

Effective when it becomes law.

House Bill 1627: Filed DD 214 Removal – Nash County

Version: First Edition

Sponsor: Representative Arnold

Summary: This bill would allow veterans, surviving spouses of veterans, and certain legal representatives of veterans or their estates to request the register of deeds in Nash County to remove certain specified military forms from their official records and would require the register of deeds to redact certain personal identifying information, including social security number, when supplying certified copies of those documents to persons other than those who are authorized to request removal of the forms.

Current Law: Article 5 of Chapter 47 of the General Statutes sets forth procedures for the registration and maintenance of official discharges and certificates of lost discharges from all branches of the U.S. armed forces. Specifically, G.S. 47-113, authorizes any person to request a certified copy of such

BILL SUMMARIES

Page 3

documents and requires the register of deeds to furnish a certified copy without charge to any current or former member of the U.S. armed forces.

House Bill 1637: Granville Collection of Unpaid Hospital Bills

Version: H1637-CSSO-76 [v. 1]

Sponsor: Representative Fox

Summary: This bill would authorize Granville Medical Center to collect bills unpaid after 120 days following demand using the attachment and garnishment proceedings reserved for tax collection purposes. The PCS simply changes references of "Granville Hospital" to "Granville Medical Center".

Current Law: Article 2A (formerly Article 5A) of Chapter 131E of the General Statutes (G.S. 131E-48 through 131E-54) authorizes public hospitals to garnish the disposable earnings of a debtor to the hospital. The hospital must first file an action and obtain a judgment against the debtor. The hospital can, after 10 days following entry of the judgment, move the court in the debtor's county of residence for an order for garnishment if it has made reasonable efforts to collect from any third-party payors, waited 120 days following mailing of the unpaid bill to the debtor's last known address, and sent a certified letter to that address with notice and information about the proposed garnishment and about the exemption for those whose family income is at or below 200% of the annual federal poverty guidelines. An order can only be issued after notice and a hearing as provided in the Article. The court cannot enter an order if:

- The family income of the debtor is equal to or less than 200% of the federal poverty level;
- The debtor is making payments exceeding 10% or more of the debtor's monthly disposable earnings;
- The debtor demonstrates good faith efforts are being made by the debtor to obtain payment for hospital services from a third-party payor.

Any order for garnishment entered under this Article can neither exceed 10% of the debtor's monthly disposable earnings nor extend beyond 60 months from the time of the initial order of garnishment.

Bill Analysis:

Section 1 would authorize Granville Hospital to treat debts to the hospital unpaid after 120 days following demand as if the debts were delinquent taxes for purposes of collection. Under G.S. 105-364 and G.S. 105-368, which provide for attachment and garnishment of delinquent taxes, the hospital would be able to have wages garnished by virtue of serving the debtor and the garnishee with notice of the garnishment and following other proceedings provided depending on the response of the garnishee and/or debtor to the notice of garnishment. If the garnishee and debtor do not respond to the notice within 10 days, the garnishee would have to submit the garnished wages to the hospital. Also, if neither the garnishee nor debtor offers a defense to the debt and if the garnishee does not have setoff against the debtor, the garnishee would have to submit the garnished wages to the hospital. No additional hospital action would be required for garnishment unless defenses or setoff were offered in a timely manner.

Section 2 clarifies that the authority granted in Section 1 is in addition to (rather than in lieu of) authority provided under general law.

Effective when it becomes law.

BILL SUMMARIES

Page 4

Background: Granville County previously had this authority by the enactment of Chapter 1005 of the 1973 Session Laws but that session law was repealed by Chapter 880 of the 1988 Session Laws, which enacted what is now Article 2A of Chapter 131E. All other similar such grants of authority to other hospitals were repealed by that same enactment.

House Bill 1648: College of the Albemarle Lease with YMCA OK'd

Version: H1648-CSSO-78 [v. 1]

Sponsor: Representative Owens

Summary: *This bill would except the College of the Albemarle from provisions governing the lease of real property by a community college in authorizing it to enter into a lease agreement with the YMCA for 4.5 acres land on which is to be constructed improvements to be jointly owned by the College and the YMCA. The PCS simply changes the expiration date from January 1, 2006 to December 31, 2005.*

Effective when it becomes law and expires December 31, 2005.

Background: There is precedent for legislation appropriating funds and providing exemptions for the YMCA and YWCA for secular purposes. One example is Chapter 283 of the 1985 Session Laws.

House Bill 1689: Pearland Fire District Name Change

Version: First Edition

Sponsor: Representative Starnes

Summary: *This bill would change the name of the Pearland Fire District to the Sawmills Rural Fire District so its name will be consistent with the area that it encompasses.*

Effective when it becomes law.

Background: Pearland was a name that originated in the 1950s. In 1986, the area mostly encompassed within the fire district became incorporated as the town of Sawmills.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1637

Short Title: Granville Collection of Unpaid Hosp. Bills. (Local)

Sponsors: Representatives Fox; Allen and J. Crawford.

Referred to: Local Government II.

June 13, 2002

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE GRANVILLE HOSPITAL TO USE ATTACHMENT
AND GARNISHMENT PROCEDURES FOR COLLECTING UNPAID BILLS.

The General Assembly of North Carolina enacts:

SECTION 1. Whenever hospital services are provided by Granville Hospital and a recipient of these services fails to pay the charges fixed for the services for a period of 120 days after demand is made for the rendering of the services, the hospital may treat the amount due for the services as if it were a tax due to the County of Granville and may attach wages or other compensation, rents, bank deposits, or any other intangible property and may proceed to collect the amount due through the use of the attachment and garnishment proceedings provided in G.S. 105-364 and G.S. 105-368.

SECTION 2. This act is supplemental to any provisions provided under general law.

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) **Jarrell** (Chair/Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1637 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE HOSPITAL TO USE ATTACHMENT AND GARNISHMENT PROCEDURES FOR COLLECTING UNPAID BILLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1637
PROPOSED COMMITTEE SUBSTITUTE H1637-PCS4252-SO-76

Short Title: Granville Collection of Unpaid Hosp. Bills.

(Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE GRANVILLE MEDICAL CENTER TO USE
ATTACHMENT AND GARNISHMENT PROCEDURES FOR COLLECTING
UNPAID BILLS.

The General Assembly of North Carolina enacts:

SECTION 1. Whenever hospital services are provided by Granville Medical Center and a recipient of these services fails to pay the charges fixed for the services for a period of 120 days after demand is made for the rendering of the services, the medical center may treat the amount due for the services as if it were a tax due to the County of Granville and may attach wages or other compensation, rents, bank deposits, or any other intangible property and may proceed to collect the amount due through the use of the attachment and garnishment proceedings provided in G.S. 105-364 and G.S. 105-368.

SECTION 2. This act is supplemental to any provisions provided under general law.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 1637
PROPOSED COMMITTEE SUBSTITUTE H1637-CSSO-76 [v.1]

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Short Title: Granville Collection of Unpaid Hosp. Bills.

(Local)

Sponsors:

Referred to:

June 13, 2002

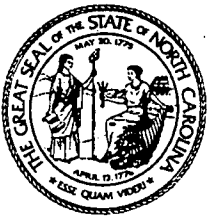
1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE GRANVILLE MEDICAL CENTER TO USE
3 ATTACHMENT AND GARNISHMENT PROCEDURES FOR COLLECTING
4 UNPAID BILLS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Whenever hospital services are provided by Granville Medical
7 Center and a recipient of these services fails to pay the charges fixed for the services for
8 a period of 120 days after demand is made for the rendering of the services, the medical
9 center may treat the amount due for the services as if it were a tax due to the County of
10 Granville and may attach wages or other compensation, rents, bank deposits, or any
11 other intangible property and may proceed to collect the amount due through the use of
12 the attachment and garnishment proceedings provided in G.S. 105-364 and G.S.
13 105-368.

14 SECTION 2. This act is supplemental to any provisions provided under
15 general law.

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



BILL SUMMARIES:

BILL ANALYSIS

Committee: House Local Government II
Date: July 3, 2002
Version: See Below

Introduced by: See Below
Summary by: Frank W. Folger
Committee Counsel

House Bill 1604: Town of Bethel ETJ

Version: First Edition

Sponsor: Representative Warren

Bill Analysis: This bill would allow the Town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ power over the area beyond the one-mile area is subject to final approval of the Pitt County Board of Commissioners.

Current Law: G.S. 160A-360 authorizes municipalities with populations under 10,000 to exercise ETJ power over an area extending up to one mile beyond the municipality's corporate limits, by adoption of an ordinance and compliance with procedures to provide impacted residents with notice and an opportunity to be heard before adoption of any such ordinance. Upon compliance with procedures set forth in this section and the rest of Article 19 of Chapter 160A, cities with a population greater than 9999 and less than 25,000 can exercise ETJ powers over a two-mile area. Cities with a population of 25,000 or more can exercise ETJ powers over a three-mile area, upon procedural compliance.

Effective when it becomes law.

Background: The population of Bethel is under 2000. There is precedent for this legislation. For example, S.L. 1999-43 authorized the Town of Farmville to exercise ETJ powers over a two-mile area subject to approval of the Board of County Commissioners regarding the additional area.

House Bill 1615: China Grove Charter Revision

Version: First Edition

Sponsor: Representative McCombs

Summary: *This bill would revise and consolidate the Charter of the Town of China Grove*

Current Law: China Grove's current charter, with a few exceptions, was established with the enactment of Chapter 309 of the 1903 Session Laws. It has been amended 7 times since then, most recently in 2000 by S.L. 2000-10, which amended the charter to provide that the town would operate under a council-manager form of government. Since 1903, the charter has not been consolidated and has not had its amendments engrossed into one statutory document. Not surprisingly much of the charter, as amended, contains provisions or language either obsolescent or covered by portions of Chapter 160A of the General Statutes and other general laws or by local ordinance.

BILL SUMMARIES

Page 2

Bill Analysis:

Section 1 establishes the revised and consolidated charter of the Town of China Grove. The revised and consolidated charter provides, among other things, for continuation of: the current method of governance by a mayor and a four-member Board of Alderman with staggered terms, operation under a council-manager form of government, and municipal elections using the nonpartisan plurality method.

Section 2 states that the act is intended to preserve and continue without interruption provisions of prior acts included in the new charter and consequently all rights and liabilities accruing under those provisions.

Section 3 excludes from being affected by the act:

- Any acts concerning the property, affairs, or government of public schools; and
- Any acts validating official actions, proceedings, contracts or obligations of any kind.

Section 4 repeals the former laws that aggregated to create the current charter.

Sections 5 - 8 preserves:

- The current Mayor and Alderman until successors are elected and qualified;
- All rights or interests that have arisen under provisions repealed by the act;
- All existing ordinances, resolutions and other provisions of the Town of China Grove not inconsistent with the provisions of the act;
- All actions or proceedings by or against the Town or any of its departments or agencies pending on the effective date of the act.

Section 9 contains a severability clause.

Section 10 provides that cross-references to other statutory provisions shall remain current with respect to referring to the law most clearly corresponding to any statutory provision that is amended, superseded, or recodified.

Effective when it becomes law.

House Bill 1627: Filed DD 214 Removal – Nash County

Version: First Edition

Sponsor: Representative Arnold

Summary: *This bill would allow veterans, surviving spouses of veterans, and certain legal representatives of veterans or their estates to request the register of deeds in Nash County to remove certain specified military forms from their official records and would require the register of deeds to redact certain personal identifying information, including social security number, when supplying certified copies of those documents to persons other than those who are authorized to request removal of the forms.*

Current Law: Article 5 of Chapter 47 of the General Statutes sets forth procedures for the registration and maintenance of official discharges and certificates of lost discharges from all branches of the U.S. armed forces. Specifically, G.S. 47-113, authorizes any person to request a certified copy of such

BILL SUMMARIES

Page 3

documents and requires the register of deeds to furnish a certified copy without charge to any current or former member of the U.S. armed forces.

House Bill 1637: Granville Collection of Unpaid Hospital Bills

Version: H1637-CSSO-76 [v. 1]

Sponsor: Representative Fox

Summary: *This bill would authorize Granville Medical Center to collect bills unpaid after 120 days following demand using the attachment and garnishment proceedings reserved for tax collection purposes. The PCS simply changes references of "Granville Hospital" to "Granville Medical Center".*

Current Law: Article 2A (formerly Article 5A) of Chapter 131E of the General Statutes (G.S. 131E-48 through 131E-54) authorizes public hospitals to garnish the disposable earnings of a debtor to the hospital. The hospital must first file an action and obtain a judgment against the debtor. The hospital can, after 10 days following entry of the judgment, move the court in the debtor's county of residence for an order for garnishment if it has made reasonable efforts to collect from any third-party payors, waited 120 days following mailing of the unpaid bill to the debtor's last known address, and sent a certified letter to that address with notice and information about the proposed garnishment and about the exemption for those whose family income is at or below 200% of the annual federal poverty guidelines. An order can only be issued after notice and a hearing as provided in the Article. The court cannot enter an order if:

- The family income of the debtor is equal to or less than 200% of the federal poverty level;
- The debtor is making payments exceeding 10% or more of the debtor's monthly disposable earnings;
- The debtor demonstrates good faith efforts are being made by the debtor to obtain payment for hospital services from a third-party payor.

Any order for garnishment entered under this Article can neither exceed 10% of the debtor's monthly disposable earnings nor extend beyond 60 months from the time of the initial order of garnishment.

Bill Analysis:

Section 1 would authorize Granville Hospital to treat debts to the hospital unpaid after 120 days following demand as if the debts were delinquent taxes for purposes of collection. Under G.S. 105-364 and G.S. 105-368, which provide for attachment and garnishment of delinquent taxes, the hospital would be able to have wages garnished by virtue of serving the debtor and the garnishee with notice of the garnishment and following other proceedings provided depending on the response of the garnishee and/or debtor to the notice of garnishment. If the garnishee and debtor do not respond to the notice within 10 days, the garnishee would have to submit the garnished wages to the hospital. Also, if neither the garnishee nor debtor offers a defense to the debt and if the garnishee does not have setoff against the debtor, the garnishee would have to submit the garnished wages to the hospital. No additional hospital action would be required for garnishment unless defenses or setoff were offered in a timely manner.

Section 2 clarifies that the authority granted in Section 1 is in addition to (rather than in lieu of) authority provided under general law.

Effective when it becomes law.

BILL SUMMARIES

Page 4

Background: Granville County previously had this authority by the enactment of Chapter 1005 of the 1973 Session Laws but that session law was repealed by Chapter 880 of the 1988 Session Laws, which enacted what is now Article 2A of Chapter 131E. All other similar such grants of authority to other hospitals were repealed by that same enactment.

House Bill 1648: College of the Albemarle Lease with YMCA OK'd

Version: H1648-CSSO-78 [v. 1]

Sponsor: Representative Owens

Summary: *This bill would except the College of the Albemarle from provisions governing the lease of real property by a community college in authorizing it to enter into a lease agreement with the YMCA for 4.5 acres land on which is to be constructed improvements to be jointly owned by the College and the YMCA. The PCS simply changes the expiration date from January 1, 2006 to December 31, 2005.*

Effective when it becomes law and expires December 31, 2005.

Background: There is precedent for legislation appropriating funds and providing exemptions for the YMCA and YWCA for secular purposes. One example is Chapter 283 of the 1985 Session Laws.

House Bill 1689: Pearland Fire District Name Change

Version: First Edition

Sponsor: Representative Starnes

Summary: *This bill would change the name of the Pearland Fire District to the Sawmills Rural Fire District so its name will be consistent with the area that it encompasses.*

Effective when it becomes law.

Background: Pearland was a name that originated in the 1950s. In 1986, the area mostly encompassed within the fire district became incorporated as the town of Sawmills.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1648 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COLLEGE OF
THE ALBEMARLE TO ENTER INTO A LEASE AGREEMENT WITH THE YMCA.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1648

Short Title: College of the Albemarle Lease with YMCA OK'd. (Local)

Sponsors: Representative Owens.

Referred to: Local Government II.

June 13, 2002

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE COLLEGE OF THE ALBEMARLE TO ENTER
INTO A LEASE AGREEMENT WITH THE YMCA.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 115D-15 or any other provision of law, the Board of Trustees of the College of the Albemarle may:

(1) Lease, with or without monetary compensation, approximately four and one-half acres of vacant land that is located north of the Elizabeth City Campus to the Young Men's Christian Association of South Hampton Roads, Inc.

(2) Provide in that lease, on terms the Board of Trustees deems appropriate, that the Young Men's Christian Association of South Hampton Roads, Inc., will construct a facility on that property. The college and the Young Men's Christian Association of South Hampton Roads, Inc; shall jointly own that facility.

The facility shall contain a YMCA that is maintained and operated by the Young Men's Christian Association of South Hampton Roads, Inc., and a college health sciences center consisting of college classrooms, office space, and labs that is maintained and operated by the College of the Albemarle.

The provisions of G.S. 143-341(3)a. and Section 2 of S.L. 2001-66 apply to the construction of the facility.

SECTION 2. This act is effective when it becomes law and expires January 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 1648

PROPOSED COMMITTEE SUBSTITUTE H1648-CSSO-78 [v.1]

7/2/2002 1:00:36 PM

Short Title: College of the Albemarle Lease with YMCA OK'd.

(Local)

Sponsors:

Referred to:

June 13, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE COLLEGE OF THE ALBEMARLE TO ENTER
3 INTO A LEASE AGREEMENT WITH THE YMCA.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Notwithstanding the provisions of G.S. 115D-15 or any other
6 provision of law, the Board of Trustees of the College of the Albemarle may:

7 (1) Lease, with or without monetary compensation, approximately four
8 and one-half acres of vacant land that is located north of the Elizabeth
9 City Campus to the Young Men's Christian Association of South
10 Hampton Roads, Inc.

11 (2) Provide in that lease, on terms the Board of Trustees deems
12 appropriate, that the Young Men's Christian Association of South
13 Hampton Roads, Inc., will construct a facility on that property. The
14 college and the Young Men's Christian Association of South Hampton
15 Roads, Inc; shall jointly own that facility.

16 The facility shall contain a YMCA that is maintained and operated
17 by the Young Men's Christian Association of South Hampton Roads,
18 Inc., and a college health sciences center consisting of college
19 classrooms, office space, and labs that is maintained and operated by
20 the College of the Albemarle.

21 The provisions of G.S. 143-341(3)a. and Section 2 of S.L. 2001-66
22 apply to the construction of the facility.

23 SECTION 2. This act is effective when it becomes law and expires
24 December 31, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1648
PROPOSED COMMITTEE SUBSTITUTE H1648-PCS5412-SO-78

Short Title: College of the Albemarle Lease with YMCA OK'd.

(Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE COLLEGE OF THE ALBEMARLE TO ENTER
INTO A LEASE AGREEMENT WITH THE YMCA.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 115D-15 or any other provision of law, the Board of Trustees of the College of the Albemarle may:

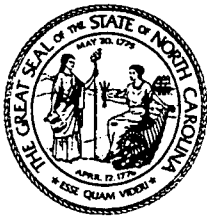
(1) Lease, with or without monetary compensation, approximately four and one-half acres of vacant land that is located north of the Elizabeth City Campus to the Young Men's Christian Association of South Hampton Roads, Inc.

(2) Provide in that lease, on terms the Board of Trustees deems appropriate, that the Young Men's Christian Association of South Hampton Roads, Inc., will construct a facility on that property. The college and the Young Men's Christian Association of South Hampton Roads, Inc., shall jointly own that facility.

The facility shall contain a YMCA that is maintained and operated by the Young Men's Christian Association of South Hampton Roads, Inc., and a college health sciences center consisting of college classrooms, office space, and labs that is maintained and operated by the College of the Albemarle.

The provisions of G.S. 143-341(3)a. and Section 2 of S.L. 2001-66 apply to the construction of the facility.

SECTION 2. This act is effective when it becomes law and expires December 31, 2005.



BILL SUMMARIES:

BILL ANALYSIS

Committee: House Local Government II
Date: July 3, 2002
Version: See Below

Introduced by: See Below
Summary by: Frank W. Folger
Committee Counsel

House Bill 1604: Town of Bethel ETJ

Version: First Edition

Sponsor: Representative Warren

Bill Analysis: This bill would allow the Town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ power over the area beyond the one-mile are is subject to final approval of the Pitt County Board of Commissioners.

Current Law: G.S. 160A-360 authorizes municipalities with populations under 10,000 to exercise ETJ power over an area extending up to one mile beyond the municipality's corporate limits, by adoption of an ordinance and compliance with procedures to provide impacted residents with notice and an opportunity to be heard before adoption of any such ordinance. Upon compliance with procedures set forth in this section and the rest of Article 19 of Chapter 160A, cities with a population greater than 9999 and less than 25,000 can exercise ETJ powers over a two-mile area. Cities with a population of 25,000 or more can exercise ETJ powers over a three-mile area, upon procedural compliance.

Effective when it becomes law.

Background: The population of Bethel is under 2000. There is precedent for this legislation. For example, S.L. 1999-43 authorized the Town of Farmville to exercise ETJ powers over a two-mile area subject to approval of the Board of County Commissioners regarding the additional area.

House Bill 1615: China Grove Charter Revision

Version: First Edition

Sponsor: Representative McCombs

Summary: *This bill would revise and consolidate the Charter of the Town of China Grove*

Current Law: China Grove's current charter, with a few exceptions, was established with the enactment of Chapter 309 of the 1903 Session Laws. It has been amended 7 times since then, most recently in 2000 by S.L. 2000-10, which amended the charter to provide that the town would operate under a council-manager form of government. Since 1903, the charter has not been consolidated and has not had its amendments engrossed into one statutory document. Not surprisingly much of the charter, as amended, contains provisions or language either obsolescent or covered by portions of Chapter 160A of the General Statutes and other general laws or by local ordinance.

BILL SUMMARIES

Page 2

Bill Analysis:

Section 1 establishes the revised and consolidated charter of the Town of China Grove. The revised and consolidated charter provides, among other things, for continuation of: the current method of governance by a mayor and a four-member Board of Alderman with staggered terms, operation under a council-manager form of government, and municipal elections using the nonpartisan plurality method.

Section 2 states that the act is intended to preserve and continue without interruption provisions of prior acts included in the new charter and consequently all rights and liabilities accruing under those provisions.

Section 3 excludes from being affected by the act:

- Any acts concerning the property, affairs, or government of public schools; and
- Any acts validating official actions, proceedings, contracts or obligations of any kind.

Section 4 repeals the former laws that aggregated to create the current charter.

Sections 5 - 8 preserves:

- The current Mayor and Alderman until successors are elected and qualified;
- All rights or interests that have arisen under provisions repealed by the act;
- All existing ordinances, resolutions and other provisions of the Town of China Grove not inconsistent with the provisions of the act;
- All actions or proceedings by or against the Town or any of its departments or agencies pending on the effective date of the act.

Section 9 contains a severability clause.

Section 10 provides that cross-references to other statutory provisions shall remain current with respect to referring to the law most clearly corresponding to any statutory provision that is amended, superseded, or recodified.

Effective when it becomes law.

House Bill 1627: Filed DD 214 Removal – Nash County

Version: First Edition

Sponsor: Representative Arnold

Summary: This bill would allow veterans, surviving spouses of veterans, and certain legal representatives of veterans or their estates to request the register of deeds in Nash County to remove certain specified military forms from their official records and would require the register of deeds to redact certain personal identifying information, including social security number, when supplying certified copies of those documents to persons other than those who are authorized to request removal of the forms.

Current Law: Article 5 of Chapter 47 of the General Statutes sets forth procedures for the registration and maintenance of official discharges and certificates of lost discharges from all branches of the U.S. armed forces. Specifically, G.S. 47-113, authorizes any person to request a certified copy of such

BILL SUMMARIES

Page 3

documents and requires the register of deeds to furnish a certified copy without charge to any current or former member of the U.S. armed forces.

House Bill 1637: Granville Collection of Unpaid Hospital Bills

Version: H1637-CSSO-76 [v. 1]

Sponsor: Representative Fox

Summary: This bill would authorize Granville Medical Center to collect bills unpaid after 120 days following demand using the attachment and garnishment proceedings reserved for tax collection purposes. The PCS simply changes references of "Granville Hospital" to "Granville Medical Center".

Current Law: Article 2A (formerly Article 5A) of Chapter 131E of the General Statutes (G.S. 131E-48 through 131E-54) authorizes public hospitals to garnish the disposable earnings of a debtor to the hospital. The hospital must first file an action and obtain a judgment against the debtor. The hospital can, after 10 days following entry of the judgment, move the court in the debtor's county of residence for an order for garnishment if it has made reasonable efforts to collect from any third-party payors, waited 120 days following mailing of the unpaid bill to the debtor's last known address, and sent a certified letter to that address with notice and information about the proposed garnishment and about the exemption for those whose family income is at or below 200% of the annual federal poverty guidelines. An order can only be issued after notice and a hearing as provided in the Article. The court cannot enter an order if:

- The family income of the debtor is equal to or less than 200% of the federal poverty level;
- The debtor is making payments exceeding 10% or more of the debtor's monthly disposable earnings;
- The debtor demonstrates good faith efforts are being made by the debtor to obtain payment for hospital services from a third-party payor.

Any order for garnishment entered under this Article can neither exceed 10% of the debtor's monthly disposable earnings nor extend beyond 60 months from the time of the initial order of garnishment.

Bill Analysis:

Section 1 would authorize Granville Hospital to treat debts to the hospital unpaid after 120 days following demand as if the debts were delinquent taxes for purposes of collection. Under G.S. 105-364 and G.S. 105-368, which provide for attachment and garnishment of delinquent taxes, the hospital would be able to have wages garnished by virtue of serving the debtor and the garnishee with notice of the garnishment and following other proceedings provided depending on the response of the garnishee and/or debtor to the notice of garnishment. If the garnishee and debtor do not respond to the notice within 10 days, the garnishee would have to submit the garnished wages to the hospital. Also, if neither the garnishee nor debtor offers a defense to the debt and if the garnishee does not have setoff against the debtor, the garnishee would have to submit the garnished wages to the hospital. No additional hospital action would be required for garnishment unless defenses or setoff were offered in a timely manner.

Section 2 clarifies that the authority granted in Section 1 is in addition to (rather than in lieu of) authority provided under general law.

Effective when it becomes law.

BILL SUMMARIES

Page 4

Background: Granville County previously had this authority by the enactment of Chapter 1005 of the 1973 Session Laws but that session law was repealed by Chapter 880 of the 1988 Session Laws, which enacted what is now Article 2A of Chapter 131E. All other similar such grants of authority to other hospitals were repealed by that same enactment.

House Bill 1648: College of the Albemarle Lease with YMCA OK'd

Version: H1648-CSSO-78 [v. 1]

Sponsor: Representative Owens

Summary: *This bill would except the College of the Albemarle from provisions governing the lease of real property by a community college in authorizing it to enter into a lease agreement with the YMCA for 4.5 acres land on which is to be constructed improvements to be jointly owned by the College and the YMCA. The PCS simply changes the expiration date from January 1, 2006 to December 31, 2005.*

Effective when it becomes law and expires December 31, 2005.

Background: There is precedent for legislation appropriating funds and providing exemptions for the YMCA and YWCA for secular purposes. One example is Chapter 283 of the 1985 Session Laws.

House Bill 1689: Pearland Fire District Name Change

Version: First Edition

Sponsor: Representative Starnes

Summary: *This bill would change the name of the Pearland Fire District to the Sawmills Rural Fire District so its name will be consistent with the area that it encompasses.*

Effective when it becomes law.

Background: Pearland was a name that originated in the 1950s. In 1986, the area mostly encompassed within the fire district became incorporated as the town of Sawmills.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for
H.B. 1689 A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF
PEARLAND FIRE DISTRICT IN CALDWELL COUNTY TO THE SAWMILLS RURAL
FIRE 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1689

Short Title: Pearland Fire District Name Change. (Local)

Sponsors: Representative Starnes.

Referred to: Local Government II.

June 13, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE NAME OF THE PEARLAND FIRE DISTRICT IN
3 CALDWELL COUNTY TO THE SAWMILLS RURAL FIRE DISTRICT.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** The name of the Pearland Fire District is changed to be the
6 Sawmills Rural Fire District.
7 **SECTION 2.** This act is effective when it becomes law.



BILL SUMMARIES:

BILL ANALYSIS

Committee: House Local Government II
Date: July 3, 2002
Version: See Below

Introduced by: See Below
Summary by: Frank W. Folger
Committee Counsel

House Bill 1604: Town of Bethel ETJ

Version: First Edition

Sponsor: Representative Warren

Bill Analysis: This bill would allow the Town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ power over the area beyond the one-mile are is subject to final approval of the Pitt County Board of Commissioners.

Current Law: G.S. 160A-360 authorizes municipalities with populations under 10,000 to exercise ETJ power over an area extending up to one mile beyond the municipality's corporate limits, by adoption of an ordinance and compliance with procedures to provide impacted residents with notice and an opportunity to be heard before adoption of any such ordinance. Upon compliance with procedures set forth in this section and the rest of Article 19 of Chapter 160A, cities with a population greater than 9999 and less than 25,000 can exercise ETJ powers over a two-mile area. Cities with a population of 25,000 or more can exercise ETJ powers over a three-mile area, upon procedural compliance.

Effective when it becomes law.

Background: The population of Bethel is under 2000. There is precedent for this legislation. For example, S.L. 1999-43 authorized the Town of Farmville to exercise ETJ powers over a two-mile area subject to approval of the Board of County Commissioners regarding the additional area.

House Bill 1615: China Grove Charter Revision

Version: First Edition

Sponsor: Representative McCombs

Summary: *This bill would revise and consolidate the Charter of the Town of China Grove*

Current Law: China Grove's current charter, with a few exceptions, was established with the enactment of Chapter 309 of the 1903 Session Laws. It has been amended 7 times since then, most recently in 2000 by S.L. 2000-10, which amended the charter to provide that the town would operate under a council-manager form of government. Since 1903, the charter has not been consolidated and has not had its amendments engrossed into one statutory document. Not surprisingly much of the charter, as amended, contains provisions or language either obsolescent or covered by portions of Chapter 160A of the General Statutes and other general laws or by local ordinance.

BILL SUMMARIES

Page 2

Bill Analysis:

Section 1 establishes the revised and consolidated charter of the Town of China Grove. The revised and consolidated charter provides, among other things, for continuation of: the current method of governance by a mayor and a four-member Board of Alderman with staggered terms, operation under a council-manager form of government, and municipal elections using the nonpartisan plurality method.

Section 2 states that the act is intended to preserve and continue without interruption provisions of prior acts included in the new charter and consequently all rights and liabilities accruing under those provisions.

Section 3 excludes from being affected by the act:

- Any acts concerning the property, affairs, or government of public schools; and
- Any acts validating official actions, proceedings, contracts or obligations of any kind.

Section 4 repeals the former laws that aggregated to create the current charter.

Sections 5 - 8 preserves:

- The current Mayor and Alderman until successors are elected and qualified;
- All rights or interests that have arisen under provisions repealed by the act;
- All existing ordinances, resolutions and other provisions of the Town of China Grove not inconsistent with the provisions of the act;
- All actions or proceedings by or against the Town or any of its departments or agencies pending on the effective date of the act.

Section 9 contains a severability clause.

Section 10 provides that cross-references to other statutory provisions shall remain current with respect to referring to the law most clearly corresponding to any statutory provision that is amended, superseded, or recodified.

Effective when it becomes law.

House Bill 1627: Filed DD 214 Removal – Nash County

Version: First Edition

Sponsor: Representative Arnold

Summary: *This bill would allow veterans, surviving spouses of veterans, and certain legal representatives of veterans or their estates to request the register of deeds in Nash County to remove certain specified military forms from their official records and would require the register of deeds to redact certain personal identifying information, including social security number, when supplying certified copies of those documents to persons other than those who are authorized to request removal of the forms.*

Current Law: Article 5 of Chapter 47 of the General Statutes sets forth procedures for the registration and maintenance of official discharges and certificates of lost discharges from all branches of the U.S. armed forces. Specifically, G.S. 47-113, authorizes any person to request a certified copy of such

BILL SUMMARIES

Page 3

documents and requires the register of deeds to furnish a certified copy without charge to any current or former member of the U.S. armed forces.

House Bill 1637: Granville Collection of Unpaid Hospital Bills

Version: H1637-CSSO-76 [v. 1]

Sponsor: Representative Fox

Summary: This bill would authorize Granville Medical Center to collect bills unpaid after 120 days following demand using the attachment and garnishment proceedings reserved for tax collection purposes. The PCS simply changes references of "Granville Hospital" to "Granville Medical Center".

Current Law: Article 2A (formerly Article 5A) of Chapter 131E of the General Statutes (G.S. 131E-48 through 131E-54) authorizes public hospitals to garnish the disposable earnings of a debtor to the hospital. The hospital must first file an action and obtain a judgment against the debtor. The hospital can, after 10 days following entry of the judgment, move the court in the debtor's county of residence for an order for garnishment if it has made reasonable efforts to collect from any third-party payors, waited 120 days following mailing of the unpaid bill to the debtor's last known address, and sent a certified letter to that address with notice and information about the proposed garnishment and about the exemption for those whose family income is at or below 200% of the annual federal poverty guidelines. An order can only be issued after notice and a hearing as provided in the Article. The court cannot enter an order if:

- The family income of the debtor is equal to or less than 200% of the federal poverty level;
- The debtor is making payments exceeding 10% or more of the debtor's monthly disposable earnings;
- The debtor demonstrates good faith efforts are being made by the debtor to obtain payment for hospital services from a third-party payor.

Any order for garnishment entered under this Article can neither exceed 10% of the debtor's monthly disposable earnings nor extend beyond 60 months from the time of the initial order of garnishment.

Bill Analysis:

Section 1 would authorize Granville Hospital to treat debts to the hospital unpaid after 120 days following demand as if the debts were delinquent taxes for purposes of collection. Under G.S. 105-364 and G.S. 105-368, which provide for attachment and garnishment of delinquent taxes, the hospital would be able to have wages garnished by virtue of serving the debtor and the garnishee with notice of the garnishment and following other proceedings provided depending on the response of the garnishee and/or debtor to the notice of garnishment. If the garnishee and debtor do not respond to the notice within 10 days, the garnishee would have to submit the garnished wages to the hospital. Also, if neither the garnishee nor debtor offers a defense to the debt and if the garnishee does not have setoff against the debtor, the garnishee would have to submit the garnished wages to the hospital. No additional hospital action would be required for garnishment unless defenses or setoff were offered in a timely manner.

Section 2 clarifies that the authority granted in Section 1 is in addition to (rather than in lieu of) authority provided under general law.

Effective when it becomes law.

BILL SUMMARIES

Page 4

Background: Granville County previously had this authority by the enactment of Chapter 1005 of the 1973 Session Laws but that session law was repealed by Chapter 880 of the 1988 Session Laws, which enacted what is now Article 2A of Chapter 131E. All other similar such grants of authority to other hospitals were repealed by that same enactment.

House Bill 1648: College of the Albemarle Lease with YMCA OK'd

Version: H1648-CSSO-78 [v. 1]

Sponsor: Representative Owens

Summary: *This bill would except the College of the Albemarle from provisions governing the lease of real property by a community college in authorizing it to enter into a lease agreement with the YMCA for 4.5 acres land on which is to be constructed improvements to be jointly owned by the College and the YMCA. The PCS simply changes the expiration date from January 1, 2006 to December 31, 2005.*

Effective when it becomes law and expires December 31, 2005.

Background: There is precedent for legislation appropriating funds and providing exemptions for the YMCA and YWCA for secular purposes. One example is Chapter 283 of the 1985 Session Laws.

House Bill 1689: Pearland Fire District Name Change

Version: First Edition

Sponsor: Representative Starnes

Summary: *This bill would change the name of the Pearland Fire District to the Sawmills Rural Fire District so its name will be consistent with the area that it encompasses.*

Effective when it becomes law.

Background: Pearland was a name that originated in the 1950s. In 1986, the area mostly encompassed within the fire district became incorporated as the town of Sawmills.

LOCAL GOVT II

7/3/02
Date

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
July 10, 2002
11:00 A.M.

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

HB 1698 ALLOW SECOND HISTORICAL MARKER (Rep. Cox)

HB 1723 CARRBORO CEMETERY FUNDS (Reps. Hackney and Insko)

SB 1288 TOWN OF BETHEL ETJ (Sen. Robert Martin)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
July 10, 2002

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, July 10, 2002 in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Capps, Haire, Owens, Walker, West, G. Wilson, and Womble. rank Folger, Committee Counselor, and Kristen Crosson, Research Assistant, were also in attendance.

Representative Jarrell called the meeting to order and recognized the pages and staff. A visitor registration sheet is attached and made a part of the minutes.

The following bills were considered:

HB 1698 – ALLOW SECOND HISTORICAL MARKER. Representative Cox, sponsor, was recognized by the Chair to explain this bill which would provide an exception to the general rule prohibiting the placement of second or additional historical markers for the same person by requiring the placement of a second marker for the same individual, in a different location, in Lillington, with costs being borne by private entities. Representative Haire made a motion to give the bill a favorable report. Motion carried.

HB 1723 – CARRBORO CEMETERY FUNDS. A committee substitute was offered and Representative Hurley made a motion to adopt the committee substitute. Motion carried. Representative Hackney, sponsor, was then recognized to explain the bill. HB 1723 would amend the Carrboro town charter to authorize the board of alderman to abolish trust funds specifically authorized by statute to be created by a city and to appropriate all funds, principal and interest, contained therein for the purposes for which the trust fund was established. Representative Hurley made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

SB 1288 – TOWN OF BETHEL ETJ. This is a bill, identical to HB 1604, which would allow the Town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ power over the area beyond the one-mile area is subject to final approval of the Pitt County Board of Commissioners.

Representative Rogers was to explain the bill for Senator Martin, sponsor, of Pitt County. Being delayed in another meeting, he was unable to do so. Committee members had a lengthy discussion regarding SB 1288. Representative Owens made a motion to give the bill a favorable report. Motion carried.

The meeting adjourned at 11:30 A.M.

Mary L. Jarrell
Rep. Mary L. Jarrell, Chair

Edna Lee Collar
Edna Lee Collar, Committee Assistant

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1698 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF CULTURAL RESOURCES TO ERECT A SECOND HISTORICAL MARKER COMMEMORATING AN INDIVIDUAL.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1698*

Short Title: Allow Second Historical Marker.

(Local)

Sponsors: Representatives Cox; and Davis.

Referred to: Local Government II.

June 13, 2002

A BILL TO BE ENTITLED

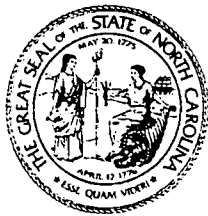
AN ACT AUTHORIZING THE DEPARTMENT OF CULTURAL RESOURCES TO
ERECT A SECOND HISTORICAL MARKER COMMEMORATING AN
INDIVIDUAL.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 121-4(7), any rule, or other provision of law, the Department of Cultural Resources, Division of Archives and History, shall have the Department of Transportation erect a second historical marker commemorating an individual who has been honored previously with a marker provided that the marker is in a location different than the first marker and the information on the second marker is accurate. Notwithstanding G.S. 136-42.3, all costs associated with erecting a second marker shall be borne by private entities.

SECTION 2. This acts applies to the Town of Lillington only.

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



BILL SUMMARIES: HOUSE LOCAL GOV'T II

BILL ANALYSIS

Committee: House Local Government II
Date: July 10, 2002
Version: See Below

Introduced by: See Below
Summary by: Frank W. Folger
Committee Counsel

House Bill 1698: Allow Second Historical Marker(=S1425)

Version: First Edition

Sponsor: Representative Cox

Summary: This bill would provide an exception to the general rule prohibiting the placement of second or additional historical markers for the same person by requiring the placement of a second marker for the same individual, in a different location, in Lillington, with costs being borne by private entities.

Current Law:

G.S. 121-4(7) grants the Dept. of Cultural Resources the authority and duty to select the sites for historical marker and have the markers manufactured and delivered to DOT for payment and erection. It also allows the Secretary to appoint a highway historical marker advisory committee for approving proposed highway historical markers and establishing criteria for carrying out that duty.

G.S. 136-42.3 authorizes DOT to spend annually up to \$40,000 on historical markers and money spent for this purpose constitutes a valid expenditure of the State highway maintenance funds.

The Administrative Code contains Subchapter 7-4T Highway Historical Marker Program (the Program), which sets forth rules and regulations governing the Highway Historical Marker Advisory Committee (the Committee) and criteria for the markers. Specifically the regulations provide that:

- No marker under the Program can be erected without approval of the Committee. [7 N.C.A.C. 4T.0004(a)]
- An individual cannot have a second marker if the individual's birthplace has been marked, except in cases of statewide historical significance. [7 N.C.A.C. 4T.0004(m)]
- If an individual is cited on one marker, no individual marker will be approved except in cases of special historical significance. [7 N.C.A.C. 4T.0004(n)]

Effective when it becomes law.

House Bill 1723: Carrboro Statutorily Authorized Trust Funds(=S1289)

Version: First Edition

Sponsor: Representatives Hackney and Insko

Summary: This bill would amend the Carrboro town charter to authorize the board of alderman to abolish trust funds specifically authorized by statute to be created by a city and to appropriate all funds, principal and interest, contained therein for the purposes for which the trust fund was established.

BILL SUMMARIES

Page 2

Effective when it becomes law.

Senate Bill 1288: Town of Bethel ETJ (= H1604)

Version: First Edition

Sponsor: Senator Martin of Pitt

Bill Analysis: This bill would allow the Town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ power over the area beyond the one-mile area is subject to final approval of the Pitt County Board of Commissioners.

Current Law: G.S. 160A-360 authorizes municipalities with populations under 10,000 to exercise ETJ power over an area extending up to one mile beyond the municipality's corporate limits, by adoption of an ordinance and compliance with procedures to provide impacted residents with notice and an opportunity to be heard before adoption of any such ordinance. Upon compliance with procedures set forth in this section and the rest of Article 19 of Chapter 160A, cities with a population greater than 9999 and less than 25,000 can exercise ETJ powers over a two-mile area. Cities with a population of 25,000 or more can exercise ETJ powers over a three-mile area, upon procedural compliance.

Effective when it becomes law.

Background: The population of Bethel is under 2000. There is precedent for this legislation. For example, S.L. 1999-43 authorized the Town of Farmville to exercise ETJ powers over a two-mile area subject to approval of the Board of County Commissioners regarding the additional area.

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1723 A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH THE TOWN'S CEMETERY PERPETUAL CARE FUND AND TO APPROPRIATE ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OF MAINTAINING THE TOWN'S CEMETERIES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1723*

Short Title: Carrboro Cemetery Funds.

(Local)

Sponsors: Representatives Hackney and Insko.

Referred to: Local Government II.

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH THE TOWN'S CEMETERY PERPETUAL CARE FUND AND TO APPROPRIATE ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OF MAINTAINING THE TOWN'S CEMETERIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of the Carrboro Town Charter, being Chapter 476 of the 1987 Session Laws, is amended by adding thereto a new section to read as follows:

"Section 4-3. **Cemetery Perpetual Care Trust Funds.** Notwithstanding the provisions of G.S. 160A-347, the board of aldermen may by resolution abolish any cemetery perpetual care trust fund that it has established under the authority of that section. Any funds (including principal and interest) previously held in a perpetual care trust fund so abolished may thereafter be appropriated by the board of aldermen only for the maintenance of the town's cemeteries."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1723
PROPOSED COMMITTEE SUBSTITUTE H1723-PCS6453-SO-82

Short Title: Carrboro Statutorily Authorized Trust Funds.

(Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

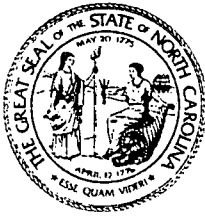
AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH A TRUST FUND SPECIFICALLY AUTHORIZED BY STATUTE TO BE CREATED BY A CITY UPON CONDITION THAT THE TOWN APPROPRIATES ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OR PURPOSES FOR WHICH THE FUND WAS ESTABLISHED.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of the Carrboro Town Charter, being Chapter 476 of the 1987 Session Laws, is amended by adding thereto a new section to read as follows:

"Section 4-3. **Specifically Authorized Statutory Trust Funds.** Notwithstanding any other provisions of law, the board of aldermen may by resolution abolish any trust fund specifically authorized by statute to be created by a city that the board of aldermen has established. Notwithstanding the temporary or perpetual nature of a trust fund abolished under this section, any funds (including principal and interest) previously held in the trust fund so abolished may thereafter be appropriated by the board of aldermen only for the purpose or purposes for which the trust fund was established."

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



BILL SUMMARIES: HOUSE LOCAL GOV'T II

BILL ANALYSIS

Committee: House Local Government II
Date: July 10, 2002
Version: See Below

Introduced by: See Below
Summary by: Frank W. Folger
Committee Counsel

House Bill 1698: Allow Second Historical Marker(=S1425)

Version: First Edition

Sponsor: Representative Cox

Summary: This bill would provide an exception to the general rule prohibiting the placement of second or additional historical markers for the same person by requiring the placement of a second marker for the same individual, in a different location, in Lillington, with costs being borne by private entities.

Current Law:

G.S. 121-4(7) grants the Dept. of Cultural Resources the authority and duty to select the sites for historical marker and have the markers manufactured and delivered to DOT for payment and erection. It also allows the Secretary to appoint a highway historical marker advisory committee for approving proposed highway historical markers and establishing criteria for carrying out that duty.

G.S. 136-42.3 authorizes DOT to spend annually up to \$40,000 on historical markers and money spent for this purpose constitutes a valid expenditure of the State highway maintenance funds.

The Administrative Code contains Subchapter 7-4T Highway Historical Marker Program (the Program), which sets forth rules and regulations governing the Highway Historical Marker Advisory Committee (the Committee) and criteria for the markers. Specifically the regulations provide that:

- No marker under the Program can be erected without approval of the Committee. [7 N.C.A.C. 4T.0004(a)]
- An individual cannot have a second marker if the individual's birthplace has been marked, except in cases of statewide historical significance. [7 N.C.A.C. 4T.0004(m)]
- If an individual is cited on one marker, no individual marker will be approved except in cases of special historical significance. [7 N.C.A.C. 4T.0004(n)]

Effective when it becomes law.

House Bill 1723: Carrboro Statutorily Authorized Trust Funds(=S1289)

Version: First Edition

Sponsor: Representatives Hackney and Insko

Summary: This bill would amend the Carrboro town charter to authorize the board of alderman to abolish trust funds specifically authorized by statute to be created by a city and to appropriate all funds, principal and interest, contained therein for the purposes for which the trust fund was established.

BILL SUMMARIES

Page 2

Effective when it becomes law.

Senate Bill 1288: Town of Bethel ETJ (= H1604)

Version: First Edition

Sponsor: Senator Martin of Pitt

Bill Analysis: This bill would allow the Town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ power over the area beyond the one-mile area is subject to final approval of the Pitt County Board of Commissioners.

Current Law: G.S. 160A-360 authorizes municipalities with populations under 10,000 to exercise ETJ power over an area extending up to one mile beyond the municipality's corporate limits, by adoption of an ordinance and compliance with procedures to provide impacted residents with notice and an opportunity to be heard before adoption of any such ordinance. Upon compliance with procedures set forth in this section and the rest of Article 19 of Chapter 160A, cities with a population greater than 9,999 and less than 25,000 can exercise ETJ powers over a two-mile area. Cities with a population of 25,000 or more can exercise ETJ powers over a three-mile area, upon procedural compliance.

Effective when it becomes law.

Background: The population of Bethel is under 2,000. There is precedent for this legislation. For example, S.L. 1999-43 authorized the Town of Farmville to exercise ETJ powers over a two-mile area subject to approval of the Board of County Commissioners regarding the additional area.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 1723

PROPOSED COMMITTEE SUBSTITUTE H1723-CSSO-82 [v.3]

7/10/2002 10:43:35 AM

Short Title: Carrboro Statutorily Authorized Trust Funds

(Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH A TRUST FUND SPECIFICALLY AUTHORIZED BY STATUTE TO BE CREATED BY A CITY UPON CONDITION THAT THE TOWN APPROPRIATES ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OR PURPOSES FOR WHICH THE FUND WAS ESTABLISHED.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of the Carrboro Town Charter, being Chapter 476 of the 1987 Session Laws, is amended by adding thereto a new section to read as follows:

"Section 4-3. **Specifically Authorized Statutory Trust Funds.** Notwithstanding any other provisions of law, the board of aldermen may by resolution abolish any trust fund specifically authorized by statute to be created by a city that the board of alderman has established. Notwithstanding the temporary or perpetual nature of a trust fund abolished under this section, any funds (including principal and interest) previously held in the trust fund so abolished may thereafter be appropriated by the board of aldermen only for the purpose or purposes for which the trust fund was established."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 1723

PROPOSED COMMITTEE SUBSTITUTE H1723-CSSO-82 [v.3]

7/10/2002 10:43:35 AM

Short Title: Carrboro Statutorily Authorized Trust Funds

(Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO AUTHORIZE THE BOARD OF ALDERMEN TO ABOLISH A TRUST FUND SPECIFICALLY AUTHORIZED BY STATUTE TO BE CREATED BY A CITY UPON CONDITION THAT THE TOWN APPROPRIATES ALL FUNDS CONTAINED THEREIN FOR THE PURPOSE OR PURPOSES FOR WHICH THE FUND WAS ESTABLISHED.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of the Carrboro Town Charter, being Chapter 476 of the 1987 Session Laws, is amended by adding thereto a new section to read as follows:

"Section 4-3. **Specifically Authorized Statutory Trust Funds.** Notwithstanding any other provisions of law, the board of aldermen may by resolution abolish any trust fund specifically authorized by statute to be created by a city that the board of alderman has established. Notwithstanding the temporary or perpetual nature of a trust fund abolished under this section, any funds (including principal and interest) previously held in the trust fund so abolished may thereafter be appropriated by the board of aldermen only for the purpose or purposes for which the trust fund was established."

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

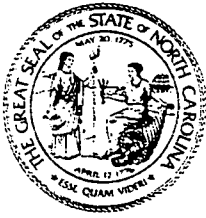
**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

- ☐ Committee Substitute for
S.B. 1288 A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BETHEL
TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER AN AREA
EXTENDING TWO MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL OF
THE PITT COUNTY BOARD OF COMMISSIONERS.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ .
- ☐ With a favorable report as to 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



BILL SUMMARIES: HOUSE LOCAL GOV'T II

BILL ANALYSIS

Committee: House Local Government II
Date: July 10, 2002
Version: See Below

Introduced by: See Below
Summary by: Frank W. Folger
Committee Counsel

House Bill 1698: Allow Second Historical Marker(=S1425)

Version: First Edition

Sponsor: Representative Cox

Summary: This bill would provide an exception to the general rule prohibiting the placement of second or additional historical markers for the same person by requiring the placement of a second marker for the same individual, in a different location, in Lillington, with costs being borne by private entities.

Current Law:

G.S. 121-4(7) grants the Dept. of Cultural Resources the authority and duty to select the sites for historical marker and have the markers manufactured and delivered to DOT for payment and erection. It also allows the Secretary to appoint a highway historical marker advisory committee for approving proposed highway historical markers and establishing criteria for carrying out that duty.

G.S. 136-42.3 authorizes DOT to spend annually up to \$40,000 on historical markers and money spent for this purpose constitutes a valid expenditure of the State highway maintenance funds.

The Administrative Code contains Subchapter 7-4T Highway Historical Marker Program (the Program), which sets forth rules and regulations governing the Highway Historical Marker Advisory Committee (the Committee) and criteria for the markers. Specifically the regulations provide that:

- No marker under the Program can be erected without approval of the Committee. [7 N.C.A.C. 4T.0004(a)]
- An individual cannot have a second marker if the individual's birthplace has been marked, except in cases of statewide historical significance. [7 N.C.A.C. 4T.0004(m)]
- If an individual is cited on one marker, no individual marker will be approved except in cases of special historical significance. [7 N.C.A.C. 4T.0004(n)]

Effective when it becomes law.

House Bill 1723: Carrboro Statutorily Authorized Trust Funds(=S1289)

Version: First Edition

Sponsor: Representatives Hackney and Insko

Summary: This bill would amend the Carrboro town charter to authorize the board of alderman to abolish trust funds specifically authorized by statute to be created by a city and to appropriate all funds, principal and interest, contained therein for the purposes for which the trust fund was established.

BILL SUMMARIES

Page 2

Effective when it becomes law.

Senate Bill 1288: Town of Bethel ETJ (= H1604)

Version: First Edition

Sponsor: Senator Martin of Pitt

Bill Analysis: This bill would allow the Town of Bethel to exercise extraterritorial jurisdiction (ETJ) powers over a two (2) mile area beyond the town's corporate limits, rather than a one (1) mile area as provided in G.S. 160A-360. Exercise of ETJ power over the area beyond the one-mile are is subject to final approval of the Pitt County Board of Commissioners.

Current Law: G.S. 160A-360 authorizes municipalities with populations under 10,000 to exercise ETJ power over an area extending up to one mile beyond the municipality's corporate limits, by adoption of an ordinance and compliance with procedures to provide impacted residents with notice and an opportunity to be heard before adoption of any such ordinance. Upon compliance with procedures set forth in this section and the rest of Article 19 of Chapter 160A, cities with a population greater than 9999 and less than 25,000 can exercise ETJ powers over a two-mile area. Cities with a population of 25,000 or more can exercise ETJ powers over a three-mile area, upon procedural compliance.

Effective when it becomes law.

Background: The population of Bethel is under 2000. There is precedent for this legislation. For example, S.L. 1999-43 authorized the Town of Farmville to exercise ETJ powers over a two-mile area subject to approval of the Board of County Commissioners regarding the additional area.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S

1

SENATE BILL 1288*

Short Title: Town of Bethel ETJ.

(Local)

Sponsors: Senator Martin of Pitt.

Referred to: Finance.

June 10, 2002

A BILL TO BE ENTITLED

AN ACT ALLOWING THE TOWN OF BETHEL TO EXTEND ITS
EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO
MILES BEYOND ITS LIMITS SUBJECT TO THE APPROVAL OF THE PITT
COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 160A-360, the Town of Bethel may exercise the extraterritorial jurisdiction powers granted by Article 19 of Chapter 160A of the General Statutes within a defined area extending not more than two miles beyond the corporate limits, provided that the Pitt County Board of Commissioners shall have final approval authority of any extraterritorial jurisdiction beyond one mile.

SECTION 2. This act applies to the Town of Bethel and to Pitt County only.

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

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

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

NAME

FIRM OR AGENCY AND ADDRESS

Nicole Carpenter	meck
Michael Houser	The Insider
Eatherine Davis	Electricities
Frank Lewis	OSB M
Andy Romanst	NCLM
ELLIS HANKINS	NCLM
ZEB ALLEY	ALLEY ASSOCIATES

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB**

**July 17, 2002
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

**HB 1627 FILED DD 214 REMOVAL-NASH COUNTY
(Representative Arnold)**

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
July 17, 2002

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, July 17, 2002 in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representatives Barbee, Capps, Fox, Haire, Warren, West, G. Wilson and Womble. Frank Folger, committee counselor, was also in attendance.

Representative Jarrell called the meeting to order and recognized the pages, Sergeants-at-Arms, and staff. A visitor registration sheet is attached and made a part of the minutes.

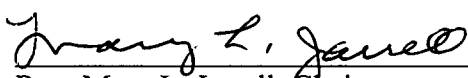
The following bill was considered:

HB 1627 – FILED DD 214 REMOVAL-NASH COUNTY. A proposed committee substitute was offered and adopted on motion of Representative Barbee. Motion carried. Representative Arnold, sponsor of the bill, then explained that HB 1627 would allow veterans, surviving spouses of veterans, and certain legal representatives of veterans or their estates to request the register of deeds in Craven, Nash and Pamlico counties to remove certain specified military forms from their official records and would require the register of deeds to redact certain personal identifying information, including social security number, when supplying certified copies of those documents to persons other than those who are authorized to request removal of the forms. The proposed committee substitute would add Craven and Pamlico counties to the bill. Frank Folger, committee counsel, explained that the PCS differs from the original bill in that it makes provision for redaction of information.

Representative Arnold explained that this is a local bill, but that there will probably be a lot of counties who would want to add on.

Representative Haire had some reservations concerning the bill, i.e., discarding military records, etc., and felt that it should be postponed until a later date. After further discussion, members of the committee voted 5-3 in opposition to postponement of the bill. Representative Warren then made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

The meeting adjourned at 11:40.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

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

☐ Committee Substitute for

H.B. 1627 A BILL TO BE ENTITLED AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 OR FOR THE REDACTING OF THE FORM WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN NASH 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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1627

Short Title: Filed DD 214 Removal-Nash County.

(Local)

Sponsors: Representatives Arnold; and Tolson.

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

June 12, 2002

A BILL TO BE ENTITLED
AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 OR FOR THE
REDACTING OF THE FORM WHEN A COPY IS REQUESTED BY PERSONS
OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN NASH
COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 47 of the General Statutes is amended by adding a
new section to read:

**"§ 47-113.1. Removal or review of discharge papers from files of the register of
deeds.**

**(a) Any veteran of the United States armed forces or his or her widow or
widower, attorney, personal representative, executor, or court-appointed guardian may
request that the register of deeds remove from the official records any of the following
forms recorded before, on, or after the effective date of this act, by or on behalf of the
requesting veteran: DD-214, DD-215, WD AGO 53, WD AGO 55, WD AGO 53-55,
NAVMC 78-PD, and NAVPERS 553. The request shall specify the identification page
number of the form to be removed. The request shall be made in person and with
appropriate identification to allow determination of the identity of the requester. The
register of deeds has no duty to inquire beyond the request to verify the identity of the
person requesting the removal. No fee shall be charged for the removal. When the
request for removal is made, the register of deeds shall provide a written notice to the
requesting party that the removal of the document from the official records is permanent
and no further record of the document will exist in the official records of the county.**

**(b) If any person, other than those listed in subsection (a) of this section
authorized to request the removal of the discharge documents listed in subsection (a) of
this section requests a certified copy of the document, the register of deeds shall redact
the personal information on the discharge document before certifying the document.
Personal information shall include the social security number of the veteran. The
certification shall indicate the nature of the personal information that was redacted. A**

1 request for a certified copy from a person listed in subsection (a) of this section shall be
2 made in person so that the register of deeds may verify the identity of the requester. All
3 documents sent in response to requests for certified copies of discharge documents not
4 made in person shall have personal information redacted."

5 **SECTION 2.** This act applies to Nash County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

D

HOUSE BILL 1627

PROPOSED COMMITTEE SUBSTITUTE H1627-CSSO-83 [v.5]

7/17/2002 10:22:28 AM

Short Title: Filed DD 214 Removal-Nash County.

(Local)

Sponsors:

Referred to:

June 12, 2002

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 47 of the General Statutes is amended by adding a new section to read:

"§ 47-113.1. Removal or review of discharge papers from files of the register of deeds.

(a) Any veteran of the United States armed forces or his or her widow or widower, attorney-in-fact, personal representative, executor, or court-appointed guardian may request that the register of deeds remove from the official records any of the following forms recorded before, on, or after the effective date of this act, by or on behalf of the requesting veteran: DD-214, DD-215, WD AGO 53, WD AGO 55, WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553. The request shall specify the identification page number of the form to be removed. The request shall be made in person and with appropriate identification to allow determination of the identity of the requester. The register of deeds has no duty to inquire beyond the request to verify the identity of the person requesting the removal. No fee shall be charged for the removal. When the request for removal is made, the register of deeds shall provide a written notice to the requesting party that the removal of the document from the official records is permanent and only microfilm, microfiche, or a similar archived copy of the document remains. Any index of the microfilm, microfiche, or similar archived copy of the document shall be annotated concerning the request for removal.

(b) If any person not authorized to request removal of the discharge documents pursuant to subsection (a) of this section requests a certified copy of any of the

1 discharge documents listed in subsection (a) of this section, the register of deeds shall
2 review the discharge documents and the register of deed's index of archived copies of
3 documents for any annotations required under subsection (a) of this section. Upon
4 retrieving a record of a discharge document which is the subject of an annotation
5 required under subsection (a) of this section, the register of deeds shall make a paper
6 copy of the archived discharge document, redact the personal information on the paper
7 copy before certifying or distributing the document or disclosing to the requester its
8 contents, and provide the redacted certified copy of the record to the requester. For
9 purposes of this section, the term 'personal information' includes the social security
10 number of the veteran. The certification shall indicate the nature of the personal
11 information that was redacted. A request for a certified copy of a veteran's discharge
12 document by a person authorized under subsection (a) of this section to request removal
13 of the document shall be made in person so that the register of deeds may verify the
14 identity of the requester. All documents sent in response to requests for certified copies
15 of discharge documents not made in person shall have personal information redacted.
16 The register of deeds may charge a fee for the actual cost of this procedure.

17 (c) The words 'register of deeds' appearing in this section shall be interpreted to
18 mean 'register of deeds, assistant register of deeds, or deputy register of deeds.'

19 SECTION 2. These procedures shall apply to the copies of the same records
20 located in the State Archives.

21 SECTION 3. This act applies to Craven, Nash, and Pamlico counties only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

D

HOUSE BILL 1627
PROPOSED COMMITTEE SUBSTITUTE H1627-PCS6458-SO-83

Short Title: Filed DD 214 Removal-Nash County.

(Local)

Sponsors:

Referred to:

June 12, 2002

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE REMOVAL OF FILED DD FORM 214 AND OTHER
DISCHARGE PAPERS OR FOR THE REDACTING OF THE FORM OR FORMS
WHEN A COPY IS REQUESTED BY PERSONS OTHER THAN THE FILER OR
A MEMBER OF HIS FAMILY IN CRAVEN, NASH, AND PAMLICO
COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 47 of the General Statutes is amended by adding a
new section to read:

**"§ 47-113.1. Removal or review of discharge papers from files of the register of
deeds.**

(a) Any veteran of the United States armed forces or his or her widow or
widower, attorney-in-fact, personal representative, executor, or court-appointed
guardian may request that the register of deeds remove from the official records any of
the following forms recorded before, on, or after the effective date of this act, by or on
behalf of the requesting veteran: DD-214, DD-215, WD AGO 53, WD AGO 55, WD
AGO 53-55, NAVMC 78-PD, and NAVPERS 553. The request shall specify the
identification page number of the form to be removed. The request shall be made in
person and with appropriate identification to allow determination of the identity of the
requester. The register of deeds has no duty to inquire beyond the request to verify the
identity of the person requesting the removal. No fee shall be charged for the removal.
When the request for removal is made, the register of deeds shall provide a written
notice to the requesting party that the removal of the document from the official records
is permanent and only microfilm, microfiche, or a similar archived copy of the
document remains. Any index of the microfilm, microfiche, or similar archived copy of
the document shall be annotated concerning the request for removal.

(b) If any person not authorized to request removal of the discharge documents
pursuant to subsection (a) of this section requests a certified copy of any of the

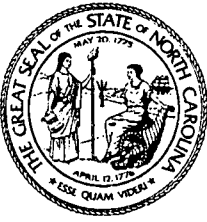
1 discharge documents listed in subsection (a) of this section, the register of deeds shall
2 review the discharge documents and the register of deed's index of archived copies of
3 documents for any annotations required under subsection (a) of this section. Upon
4 retrieving a record of a discharge document which is the subject of an annotation
5 required under subsection (a) of this section, the register of deeds shall make a paper
6 copy of the archived discharge document, redact the personal information on the paper
7 copy before certifying or distributing the document or disclosing to the requester its
8 contents, and provide the redacted certified copy of the record to the requester. For
9 purposes of this section, the term 'personal information' includes the social security
10 number of the veteran. The certification shall indicate the nature of the personal
11 information that was redacted. A request for a certified copy of a veteran's discharge
12 document by a person authorized under subsection (a) of this section to request removal
13 of the document shall be made in person so that the register of deeds may verify the
14 identity of the requester. All documents sent in response to requests for certified copies
15 of discharge documents not made in person shall have personal information redacted.
16 The register of deeds may charge a fee for the actual cost of this procedure.

17 (c) The words 'register of deeds' appearing in this section shall be interpreted to
18 mean 'register of deeds, assistant register of deeds, or deputy register of deeds'."

19 **SECTION 2.** These procedures shall apply to the copies of the same records
20 located in the State Archives.

21 **SECTION 3.** This act applies to Craven, Nash, and Pamlico counties only.

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



HOUSE BILL 1627: Filed DD 214 Removal - Nash County

BILL ANALYSIS

Committee: House Local Government II
Date: July 17, 2002
Version: H1627-CSSO-83[v.5]

Introduced by: Representative Arnold
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would allow veterans, surviving spouses of veterans, and certain legal representatives of veterans or their estates to request the register of deeds in Craven, Nash and Pamlico counties to remove certain specified military forms from their official records and would require the register of deeds to redact certain personal identifying information, including social security number, when supplying certified copies of those documents to persons other than those who are authorized to request removal of the forms.*

CURRENT LAW: Article 5 of Chapter 47 of the General Statutes sets forth procedures for the registration and maintenance of official discharges and certificates of lost discharges from all branches of the U.S. armed forces. Specifically, G.S. 47-113, authorizes any person to request a certified copy of such documents and requires the register of deeds to furnish a certified copy without charge to any current or former member of the U.S. armed forces.

CHANGES IN THE PCS: The PCS:

- Adds Craven and Pamlico counties to the bill.
- Allows the register of deeds to maintain the records of the removed document within its archived records (microfilm or microfiche, for example) but the index to the archives would be annotated indicating the request for removal and certified copies delivered to those other than persons authorized to request removal would have personal information redacted from it.
- Clarifies that all references to register of deeds in the act also means deputy and assistant register of deeds, too.
- Applies the procedures to these same records held by the State Archives.
- Allows the register of deeds to charge a fee to the requester for the actual cost of providing certified copies of the discharge documents.



North Carolina General Assembly Legislative Services Office

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(919) 733-2578

Memorandum

To: Members of the House Local Government II Committee

From: Frank W. Folger
Committee Counsel

Date: July 18, 2002

Re: House Bill 1627 – Filed DD 214 Removal - Nash County
Identifying Military Forms Included in the Bill

Thanks to some fine research provided by Heather Messera in Representative Haire's office and Brad Krehely in the Research Division, I can provide you, at least, a brief description of the military documents included in the provisions of House Bill 1627, sponsored by Representative Arnold, the proposed committee substitute for which received a favorable report in the meeting of the House Local Government II Committee on Wednesday, July 17, 2002.

The bill, on lines 16 and 17 of page 1, refers to the following military forms: DD-214, DD-215, WD AGO 53, WD AGO 55, WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553. Those forms can be categorized either as a currently used form or a pre-1950 form. The forms currently used are:

- **DD-214** - This form is the Certificate of Release or Honorable Discharge from Active Duty.
- **DD-215** – This form is used as an addendum to DD-214 detailing the civilian and academic equivalency of military training completed.

Prior to 1950, each branch of the armed services issued its own separate documentation of enlisted service. These forms served the same function as the DD-214 but were distinctly provided by each branch. The pre-1950 forms are:

- **WD AGO 53-55** – This form was the Army Enlisted Record and Notice of Separation, Honorable Discharge (WWII and earlier).
- **WD AGO 53** – This form is the Air Force equivalent of the **WD AGO 53-55** (WWII and earlier).
- **NAVMC 78-PD** – This form is the Marine Corps equivalent of the **WD AGO 53-55** (WWII and earlier).

- **NAVPERS 553** – This form was the Navy equivalent of the **WD AGO 53-55** (WWII and earlier).
- **WD AGO 55** – This form was another equivalent of the **WD AGO 53-55** (WWII and earlier).

The information typically provided on these forms include:

1. Personal data, including date and place of birth; sex; race; physical characteristics; civilian occupation; marital status; education
2. Transfer or discharge data
3. Selective Service data including serial number; local board number; date of induction; service number; rank; branch of service; military occupation; date, type, reason, and location of discharge
4. Service data including means of entry; rank at entry; date and place of entry; home address; length of service; bonuses paid; foreign service locations; decorations awarded; service schools; and wounds received
5. Veterans Administration insurance and pay data
6. Authentication and signatures

At least one website dedicated to information for veterans contains a "DD 214 Warning" that suggests that the recommendation that veterans file their DD-214s with their county courthouse is being reconsidered because the information from these forms, which become a readily accessible public record when filed, is being used to commit identity theft. (If you would like additional information on this website, please let me know.)

As a matter of background, the impetus for encouraging the filing of these forms in the county courthouse (register of deeds office) in part seems to have arisen from the fact that a fire in 1973 at the National Personnel Records Center in St. Louis, Missouri, destroyed an estimated 16-18 million Official Military Personnel Files (an estimated 75-80% of Army and Air Force personnel discharge papers) housed there.

If I can provide additional information on this issue, please let me know.

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

At Campbell	City Council, H.P. 27262
for Mr. Killian	more Va. cells
Cam. Oper	BPMHL
July 1. 1955	Vanu County Manager
ELLIS HANKINS	NCLM
Rev. A. Cock	NC ASSN Co. COMM ASSO C

**HOUSE COMMITTEE ON LOCAL GOVERNMENT II
ROOM 1425 LB
August 14, 2002
11:00 A.M.**

AGENDA

CALL TO ORDER

Representative Mary Jarrell, Chair

CONSIDERATION OF BILLS

SB 1367 BERTIE/COLUMBUS/GREENE LAND FOR PRISONS (Senator Kerr)

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
August 14, 2002

The House Committee on Local Government II met at 11:00 a.m. on Wednesday, August 14, 2002 in Room 1425 of the Legislative Building with the following members present: Representative Jarrell, Chair; Representative Hurley, Vice Chair; Representatives Barbee, Capps, Fox, Gillespie, Owens, Rogers, Walker, Warren, West, G. Wilson and Womble. Frank Folger, committee counselor, was also in attendance.

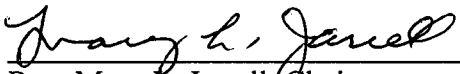
Representative Jarrell called the meeting to order and recognized the pages and staff. A visitor registration sheet is attached and made a part of the minutes.

The following bill was considered:

SB 1367 – BERTIE/COLUMBUS/GREENE LAND FOR PRISONS. Representative Rogers was called upon to explain SB 1367 for Senator Kerr, sponsor. This bill would allow Bertie County, Columbus County, and Greene County, and the Town of Windsor to acquire real or personal property and convey it to the State for use as correctional facilities. There would be no limitation on the terms of the acquisition or conveyance; it may be with or without consideration. Each is authorized to use the power of eminent domain for such purpose.

Wayne Yancey, Legislative Counsel for Senator Ballance, and Lynn Phillips, Assistant Secretary, Department of Corrections, spoke on the merits of the bill. After a brief question and answer period, Representative Owens made a motion to give the bill a favorable report. Motion carried.

The meeting adjourned at 11:20.


Rep. Mary L. Jarrell, Chair


Edna Lee Collar, Committee Assistant

**2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) Jarrell (Chair/Chairs) for the Committee on Local Government II.

☐ Committee Substitute for

S.B. 1367 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BERTIE, COLUMBUS, AND GREENE COUNTIES AND THE TOWN OF WINDSOR MAY PURCHASE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS CORRECTIONAL FACILITIES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

☐ With a favorable report as to 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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 1367
State and Local Government Committee Substitute Adopted 7/18/02
Third Edition Engrossed 7/25/02**

Short Title: Bertie/Columbus/Greene/Land for Prisons. (Local)

Sponsors:

Referred to:

June 12, 2002

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT BERTIE, COLUMBUS, AND GREENE COUNTIES,
AND THE TOWN OF WINDSOR MAY PURCHASE AND CONVEY
PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS
CORRECTIONAL FACILITIES.

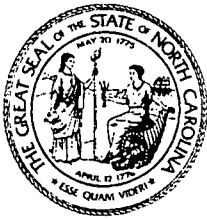
The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 600 of the 1995 Session Laws, as amended by S.L. 2000-31, reads as rewritten:

"Section 1(a). The Counties of Alexander, Anson, Bertie, Columbus, Greene, Scotland, and Stanly have power under general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as correctional facilities.

Section 1(b). The Town of Windsor has the power under the general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as a correctional facility. It may acquire that property by eminent domain, and such power under this subsection is supplementary to any other power it may have to take property by eminent domain."

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



SENATE BILL 1367 PCS: Bertie/Greene/Windsor Land for Prisons.

BILL ANALYSIS

Committee: House Local Government II
Date: August 14, 2002
Version: Third Edition

Introduced by: Senators Kerr and Ballance.
Summary by: Frank W. Folger
Committee Counsel

SUMMARY: *This bill would authorize Bertie, Columbus, and Greene counties, and the Town of Windsor to acquire property and convey it to the State for use as correctional facilities. The act is effective when it becomes law.*

BILL ANALYSIS:

Section 1: This bill would allow Bertie County, Columbus County, and Greene County, and the Town of Windsor to acquire real or personal property and convey it to the State for use as correctional facilities. There would be no limitation on the terms of the acquisition or conveyance; it may be with or without consideration. Each is authorized to use the power of eminent domain for such purpose.

Section 2: The act is effective when it becomes law.

BACKGROUND: In *Carter v. Stanly County*, 125 N.C.App. 628 (1997), the Court of Appeals reviewed a case in which the plaintiffs had sued Stanly County and its Board of Commissioners to prevent the acquisition of private property, and its conveyance to the State for use as a correctional facility. The court reviewed the statutes in effect at the time of the action, and found that the Commissioners had exceeded their authority under the applicable statutes, G.S. 153A-158 and G.S. 160A-274(b) as limited by Dillon's Rule. However, the court noted that after the filing of the lawsuit, the General Assembly had enacted a local law specifically authorizing Stanley County to acquire real and personal property and convey it to the State. Based upon the act, the court held that the Commissioners acted within their authority and affirmed the trial court's dismissal of the lawsuit. The bill amends the same local law relied upon by the court in *Carter v. StanlyCounty*.

[Note: a change to one of the applicable statutes has been made since the lawsuit. General Statute 160A-274(b) was amended to delete a requirement that the property be jointly used with another governmental agency].

H. Allen Pell, counsel to the Senate Committee on State and Local Government, contributed to this summary.

§ 160A-240.1. Power to acquire property.

A city may acquire, by gift, grant, devise, bequest, exchange, purchase, lease, or any other lawful method, the fee or any lesser interest in real or personal property for use by the city or any department, board, commission or agency of the city. In exercising the power of eminent domain a city shall use the procedures of Chapter 40A. (1981, c. 919, s. 29; 1983, c. 768, s. 23.)

§ 160A-274. Sale, lease, exchange and joint use of governmental property.

(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

(c) Action under this section shall be taken by the governing body of the governmental unit. Action hereunder by any State agency, except the Department of Transportation, shall be taken only after approval by the Department of Administration. Action with regard to State property under the control of the Department of Transportation shall be taken by the Department of Transportation or its duly authorized delegate. Provided, any county board of education or board of education for any city administrative unit may, upon such terms and conditions as it deems wise, lease to another governmental unit for one dollar (\$1.00) per year any real property owned or held by the board which has been determined by the board to be unnecessary or undesirable for public school purposes. (1969, c. 806; 1971, c. 698, s. 1; 1973, c. 507, s. 5; 1975, c. 455; c. 664, s. 9; c. 879, s. 46; 1977, c. 464, s. 34; 2001-328, s. 6.)

§ 153A-158. Power to acquire property.

A county may acquire, by gift, grant, devise, bequest, exchange, purchase, lease, or any other lawful method, the fee or any lesser interest in real or personal property for use by the county or any department, board, commission, or agency of the county. In exercising the power of eminent domain a county shall use the procedures of Chapter 40A. (1868, c. 20, ss. 3, 8; 1879, c. 144, s. 1; Code, ss. 704, 707; Rev., ss. 1310, 1318; C.S., ss. 1291, 1297; 1973, c. 822, s. 1; 1981, c. 919, s. 21; 1995, c. 17, s. 14.)

VISITOR REGISTRATION SHEET

DATE _____

8-19-02

Local Govt II

VISITOR: Please sign below and return to clerk.

NAME _____

FIRM OR STATE AGENCY

TELEPHONE

Tracy Little

ΔOC

716-3700

Lynn Phillips

Doc

7.6-3700

Gettha Withrow

NP State Watch

75 4-1995

RULE 36(a)

MEMORANDUM

DATE: October 2, 2002
TO: Representative Larry Womble
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on Local Government II

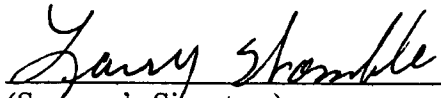
Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests 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 II, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2219 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Larry Womble
Bill Sponsor
SUBJECT: HB 703, WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES (Short Title)

I request that HB 703 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

Oct. 2, 2002

Date

Rep. Lyons Gray

From: Edna Lee Collar (Rep. Jarrell)
Sent: Wednesday, September 25, 2002 11:11 AM
To: Rep. Lyons Gray
Subject: HB 703 WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES
Importance: High

MEMORANDUM

DATE: September 25, 2002
TO: Representative Lyons Gray
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on ^{Local}~~State Government~~ ^{II}

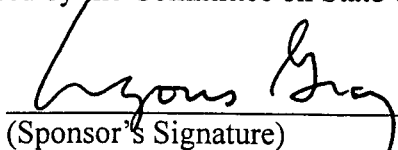
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If you would like to request that your bill not be considered by the Committee on ^{Local}~~State Government~~ ^{II}, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2219 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Lyons Gray
Bill Sponsor
SUBJECT: HB 703 WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES

I request that HB 703 not be considered by the Committee on ^{Local}~~State Government~~ ^{II}.


(Sponsor's Signature)

Oct 1, 2002 Date

MEMORANDUM

DATE: October 1, 2002

TO: Representative Warren Oldham

FROM: Representative Mary Jarrell

SUBJECT: Bills Pending in the Committee on Local Government II

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.

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MEMORANDUM

TO: Representative Mary Jarrell

FROM: Representative Warren Oldham
Bill Sponsor

SUBJECT: HB 703, WINSTON-SALEM/FORSYTH TECHNOLOGY
PURCHASES (Short Title)

I request that HB 703 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

10/2/02 Date

MEMORANDUM

DATE: October 1, 2002

TO: Representative Theresa Esposito

FROM: Representative Mary Jarrell

SUBJECT: Bills Pending in the Committee on Local Government II

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.**

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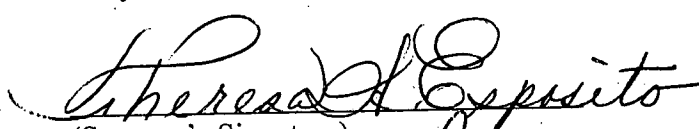
MEMORANDUM

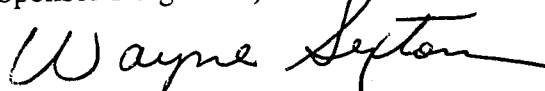
TO: Representative Mary Jarrell

FROM: Representative Theresa Esposito
Bill Sponsor

SUBJECT: HB 703, WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES (Short Title)

I request that HB 703 not be considered by the Committee on Local Government II.


(Sponsor's Signature)



2 Oct 2002 Date

MEMORANDUM

DATE: October 1, 2002

TO: Representative Michael Decker

FROM: Representative Mary Jarrell

SUBJECT: Bills Pending in the Committee on Local Government II

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 II, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2219 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Mary Jarrell

FROM: Representative Michael Decker
Bill Sponsor

SUBJECT: HB 703, WINSTON-SALEM/FORSYTH TECHNOLOGY PURCHASES (Short Title)

I request that HB 703 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

9-30-02 Date

Ellen Picket (Rep. Davis)

From: Edna Lee Collar (Rep. Jarrell)
Sent: Wednesday, September 25, 2002 11:22 AM
To: Rep. Don Davis
Subject: HB 846 HARNETT COUNTY SUBDIVISION DEFINITION
Importance: High

MEMORANDUM

DATE: September 25, 2002
TO: Representative Don Davis
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on ^{Local} ~~State Government~~ II

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 committee that the bill not be considered.**

If you would like to request that your bill not be considered by the Committee on State Government, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2219 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Don Davis
Bill Sponsor
SUBJECT: HB 846 HARNETT COUNTY SUBDIVISION DEFINITION

I request that HB 846 not be considered by the Committee on ^{Local} ~~State Government~~ II

(Sponsor's Signature)

9-25-02

9/25/2002

Ann Jordan (Rep. R. Smith)

m: Edna Lee Collar (Rep. Jarrell)
Sent: Wednesday, September 25, 2002 9:10 AM
To: Rep. Ronald Smith
Importance: High

MEMORANDUM

DATE: September 25, 2002
TO: Representative Ronnie Smith
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on Local Government II

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 II, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2219. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Ronnie Smith
Bill Sponsor
SUBJECT: HB 1524, CARTERET COUNTY PROPERTY LEASES (Short Title)

I request that HB 1524 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

9/24/02 Date

MEMORANDUM

DATE: October 2, 2002
TO: Representative Jean Preston
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on Local Government II

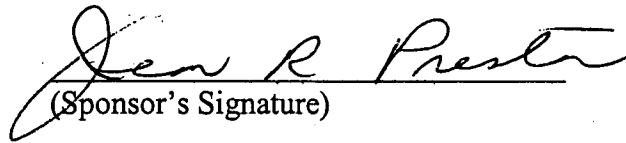
Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests 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 II, for your convenience, a printed form is included at the bottom of this page. Please complete, sign and return the form to Room 2219 LB. This form may not be e-mailed because it requires the sponsor's signature.

MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Jean Preston
Bill Sponsor
SUBJECT: HB 1524, CARTERET PROPERTY LEASES (Short Title)

I request that HB 1524 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

10/3/02 Date

MEMORANDUM

DATE: October 2, 2002
TO: Representative Wilma Sherrill
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on Local Government II

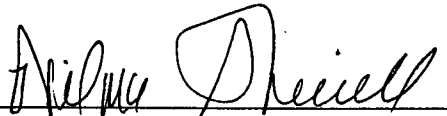
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MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Wilma Sherrill
Bill Sponsor
SUBJECT: HB 1567, AHSEVILLE HOUSING AUTHORITY TERMS (Short Title)

I request that HB 1567 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

10/2/02 Date

Rep. Mark Crawford

From: Edna Lee Collar (Rep. Jarrell)
Sent: Wednesday, September 25, 2002 9:24 AM
To: Rep. Mark Crawford
Subject: HB 1567 ASHEVILLE HOUSING AUTHORITY TERMS
Importance: High

MEMORANDUM

DATE: September 25, 2002
TO: Representative Mark Crawford
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on Local Government II

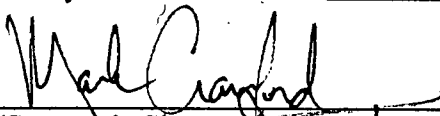
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MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Mark Crawford
Bill Sponsor
SUBJECT: HB 1567, ASHEVILLE HOUSING AUTHORITY TERMS (Short Title)

I request that HB 1567 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

09-25-02

Janette Lee (Rep. Nesbitt)

From: Edna Lee Collar (Rep. Jarrell)
at: Wednesday, September 25, 2002 9:22 AM
To: Rep. Martin Nesbitt
Subject: HB 1567 ASHEVILLE HOUSING AUTHORITY TERMS
Importance: High

MEMORANDUM

DATE: September 25, 2002
TO: Representative Martin Nesbitt
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on Local Government II

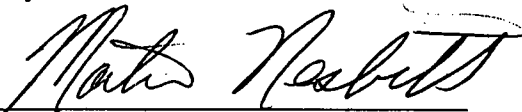
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MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Martin Nesbitt
Bill Sponsor
SUBJECT: HB 1567, ASHEVILLE HOUSING AUTHORITY TERMS (Short Title)

I request that HB 1567 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

9-25-02 Date

Rep. Beverly Earle

From: Edna Lee Collar (Rep. Jarrell)
Sent: Wednesday, September 25, 2002 9:35 AM
To: Rep. Beverly Earle
Subject: H1674 ADOPTION CRIMINAL RECORDS CHECKS/MECKLENBURG
Importance: High

MEMORANDUM

DATE: September 25, 2002
TO: Representative Beverly Earle
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on Local Government II

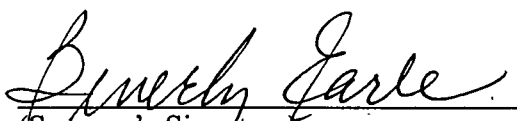
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MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Beverly Earle
Bill Sponsor
SUBJECT: HB 1674, ADOPTION CRIMINAL RECORDS CHECKS/MECKLENBURG
(Short Title)

I request that HB 1674 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

(Sponsor's Signature)

10/2/02 Date

Ann Faust (Rep. Alexander)

From: Edna Lee Collar (Rep. Jarrell)
Sent: Wednesday, September 25, 2002 9:36 AM
To: Rep. Martha Alexander
Subject: H1674 ADOPTION CRIMINAL RECORDS CHECKS/MECKLENBURG
Importance: High

MEMORANDUM

DATE: September 25, 2002
TO: Representative Martha Alexander
FROM: Representative Mary Jarrell
SUBJECT: Bills Pending in the Committee on Local Government II

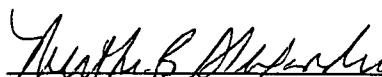
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MEMORANDUM

TO: Representative Mary Jarrell
FROM: Representative Martha Alexander
Bill Sponsor
SUBJECT: HB 1674, ADOPTION CRIMINAL RECORDS CHECKS/MECKLENBURG
(Short Title)

I request that HB 1674 not be considered by the Committee on Local Government II.


(Sponsor's Signature)

September 25, 2002 Date