2003-2004

HOUSE LOCAL GOVERNMENT I

COMMITTEE MINUTES

NORTH CAROLINA GENERAL ASSEMBLY

LOCAL GOVERNMENT I 2003 – 2004 SESSION



Rep. Tracy Walker Chair



Rep. Becky Carney Vice chair



Rep. Bobby Barbee Member



Rep. Margaret Dickson Member



Rep. Mitch Gillespie Member



Rep. Mary McAllister Member



Rep. Eugene McCombs Member



Rep. Bill McGee Member



Rep. Bill Owens Member



Rep. Deborah Ross Member



Rep. Edith Warren Member



Rep Gene Wilson Member



Rep. Harold Brubaker Ex- officio



Rep. Bill Culpepper Ex-officio



Rep. Rick Eddins Ex-officio



Rep. Cunningham Ex-officio

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
WALKER, Tracy Chair	Barbara Powell	733-5935	1111	39
	Committee Clerk			
CARNEY, Becky Vice-Chair	Joyce Langdon	733-5900	631	106
BARBEE, Bobby	Rosa Murray	733-5908	1025	52
DICKSON, Margaret	Jennifer Edwards	733-5776	1219	91
GILLESPIE, Mitch	Cindy Hobbs	733-5987	1201	87
McCALLISTER, Mary	Johnna Smith	733-5959	638	58
McCOMBS, Eugene	Suzanne Erskine	733-5881	514	64
McGEE, Bill	Jayne Nelson	715-3009	418C	54
OWENS, Bill	Linda A. Johnson	733-0010	632	9
ROSS, Deborah	Cleta Covington	733-5773	2223	104
WARREN, Edith	Nancy Willis	715-3019	417A	35
WILSON, Gene	Rebecca Jones	733-7727	1109	51
Brubaker, Harold	Cindy Coley	715-4946	1229	2
Culpepper, William	Dot Crocker	715-3028	404	36
Cunningham, Pete	Valerie Rustin	733-5778	541	7
Eddins, Rick	Dorie Monroe	733-5800	1319	26
Erika Churchill, Research		733-2578	549	
Giles Perry, Research		733-2578	545	
Judy Collier, Research		733-2578	545	

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

March 12, 2003 Room 415 11:00 a.m.

OPENING REMARKS

Representative Tracy Walker, Chairman Local Government I Committee

AGENDA ITEMS:

- HB 35 WAYNESVILLE REZONING NOTICES
 Representatives Phil Haire and Ray Rapp, Primary Sponsors
- HB 57 RANDOLPH TOURISM DEVELOPMENT AUTHORITY
 Representatives Harold Brubaker and Arlie Culp, Primary Sponsors

MINUTES HOUSE COMMITTEE ON GENERAL GOVERNMENT I

March 12, 2003

The House Committee on Local Government I met on Wednesday, March 12, 2003, in Room 415 of the Legislative Building at 11:00 A.M. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Barbee, Dickson, Gillespie, McCombs, McGee, Ross, Warren, and Wilson. Erika Churchill, Staff Counsel was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and introduced committee members and staff. The following bills were considered:

Representative Haire was recognized to explain HB35, A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF WAYNESVILLE FROM THE MAILED NOTICE PROVISION OF G.S. 160A-384 WHEN THE ENTIRE ZONING JURISDICTION IS REZONED. Representative Warren offered an amendment to House Bill 35 and moved for its adoption. Motion carried and the amendment was adopted. Representative Warren then made the motion to roll the amendment into a committee substitute and give the committee substitute a favorable report and unfavorable to the original bill. Motion carried.

The Chair recognized Representative Brubaker to explain HB57, A BILL TO BE ENTITLED AN ACT TO ALLOW RANDOLPH COUNTY TO REAPPOINT MEMBERS OF ITS TOURISM DEVELOPMENT AUTHORITY. Upon motion made by Representative McCombs, the Committee voted for a favorable report.

There being no further business, the Chair adjourned the meeting at 11:40 A.M.

Respectfully submitted,

Representative Walker

Chairman

Barbara Powell

Committee Assistant

The	following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on LOCAL GOVERNMENT I
_	Committee Substitute for
H.E	3. 35 A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF WAYNESVILLE FROM THE MAILED NOTICE PROVISION OF G.S. 160A-384 WHEN THE ENTIRE ZONING JURISDICTION IS REZONED.
	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	With a favorable report, as amended.
	With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
Ø	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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	With an unfavorable report, with a Minority Report attached.
	Without prejudice.
	With an indefinite postponement report.
	With an indefinite postponement report, with a Minority Report attached.
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 3/06/03

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDIT	ION No.						
H. B.	No. 35			DATE	3-12	2.03	-
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	Sen.)	KYNKKEI~					
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The	e following report from standing committee is/are presented: By Representative Walker, Chair for the Committee on LOCAL GOVERNMENT I.
	Committee Substitute for 3. 57 A BILL TO BE ENTITLED AN ACT TO ALLOW RANDOLPH COUNTY TO REAPPOINT MEMBERS OF ITS TOURISM DEVELOPMENT AUTHORITY.
X	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	With a favorable report, as amended.
	With a 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	With an unfavorable report, with a Minority Report attached.
	Without prejudice.
	With an indefinite postponement report.
	With an indefinite postponement report, with a Minority Report attached.
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

HOUSE BILL 57

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Short Title: Randolph TDA. (Local) Sponsors: Representatives Brubaker and Culp. Referred to: Local Government L.

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW RANDOLPH COUNTY TO REAPPOINT MEMBERS OF ITS TOURISM DEVELOPMENT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3(a) of S.L. 1997-342 reads as rewritten:

- Appointment and membership. When the board of commissioners adopts a "(a) resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The Authority shall be composed of nine members to be appointed by the board of commissioners as follows:
 - Seat 1 shall represent the hotel and motel industry, seat 4 shall (1) represent the North Carolina Zoological Park, seat 7 is unrestricted, and seat 9 shall represent the county.
 - (2) Seats 2, 3, 5, and 6 shall be appointed upon the recommendation of the Archdale/Trinity Chamber of Commerce, the Asheboro/Randolph Chamber of Commerce, the Liberty Chamber of Commerce, and the Randleman Chamber of Commerce, respectively.
 - Seat 8 shall represent the hotel and motel industry and shall be (3) appointed upon the recommendation of the Asheboro/Randolph Chamber of Commerce.

In appointing and recommending members, each entity shall strive to select individuals who either have expertise in promoting and developing travel and tourism or are affiliated with organizations that collect the tax. The board of commissioners may reject the recommendation of a chamber of commerce and require the chamber to submit additional names within 30 days after the rejection. If the chamber does not submit additional names within this period, the board of commissioners may appoint someone to the seat based upon its own recommendation.

All members of the Authority serve at the pleasure of the board of commissioners and may be removed by the board at any time. The board of commissioners shall

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designate one member of the Authority as chair and another as cochair. Members shall serve without compensation.

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Except for initial terms, the term of office shall be for three years. No member may serve more than two consecutive three-year terms. Members may serve unlimited threeyear terms at the pleasure of the appointing authority. The initial terms for seats 1, 2, and 3 shall be one year. The initial terms for seats 4, 5, and 6 shall be two years. The initial terms for seats 7, 8, and 9 shall be three years.

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The Authority shall meet at the call of the chair and shall adopt bylaws and rules of procedure to govern its meetings. The Finance Officer for Randolph County shall be the ex officio finance officer of the Authority."

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

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK NAME FIRM OR AGENCY AND ADDRESS Dusa blow

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

March 19, 2003 Room 415 11:00 a.m.

OPENING REMARKS

Representative Tracy Walker, Chairman Local Government I Committee

AGENDA ITEMS:

HB 70	PENDER SUBDIVISION REGULATION
	Representative Justice

- HB 89 FORSYTH FIRE DISTRICTS
 Representative McGee
- HB 142 SUNSET BEACH EROSION CONTROL Representative Hill

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT I March 19, 2003

The House Committee on Local Government I met on Wednesday, March 19, 2003 in Room 415 of the Legislative Building at 11:00 A.M. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Barbee, Dickson, Gillespie, McAllister, McCombs, McGee, Owens, Ross, Warren, and Wilson. Erika Churchill and Judy Collier, Staff Counsel was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and recognized attendees.

Representative Justice was recognized to explain HB70, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT THE GENERAL LAW ON DEFINITION OF A SUBDIVISION APPLIES IN PENDER COUNTY. Upon motion by Representative Owens, the Committee voted for a favorable report.

The Chair recognized Representative McGee to explain HB89, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT APPLYING TO FORSYTH COUNTY CONCERNING FIRE AND RESCUE DISTRICTS, SO THE GENERAL LAW WILL APPLY. Representative McAllister moved for a favorable report and recommended that the bill be re-referred to the Committee on Finance. Motion passed.

Representative Hill was recognized to explain HB142, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS. Upon motion by Representative McCombs, the Committee voted for a favorable report.

There being no further business, the Chair adjourned the meeting at 11:30 A.M.

Respectfully submitted,

Representative Walker

Chairman

Barbara Powell

Committee Assistant

The following report(s) from standing committee(s) is/are presented: By Representative(s) Walker (Chair/) for the Committee on Local Government I
Committee Substitute for H.B. 70 A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT THE GENERAL LAW ON DEFINITION OF A SUBDIVISION APPLIES IN PENDER 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) 3/06/03



HB 70: Pender Subdivision Regulation.

Committee: Local Government I

Date: Version: March 19, 2003

First Edition

Introduced by: Representative Justice

Summary by:

R. Erika Churchill Committee Counsel

The bill repeals a local act defining 'subdivision' as it applies to land use planning SUMMARY: in Pender County, thereby making the general law definition applicable to Pender County.

For the purposes of land use planning, G.S. 153A-335 defines **CURRENT GENERAL LAW:** "subdivision" as the division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development; but specifically excludes:

- 1. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased.
- 2. The division of land into parcels greater than 10 acres.
- 3. The public acquisition of strips of land for widening or opening streets.
- 4. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots.

CURRENT LOCAL LAW: In 1991, the General Assembly enacted a local act for Pender County defining 'subdivision' as "all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) that requires the dedication of a new road." The local act further made seven specific exclusions to the definition:

- 1. The combination or recombination of all or any portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its zoning and subdivision ordinances.
- 2. The public acquisition by purchase or gift of strips of land for widening or opening streets.
- 3. The conveyance of land to heirs for the purpose of dividing real estate among said heirs, as described in the North Carolina Court of Appeals decision in Claude A. Williamson, Jr. and wife, Angela C. Williamson vs. Dorothy A. Avant, 21 N. C. App.
- 4. The division of land into two or more parcels or lots for the purpose of conveying the resultant parcels or lots to a grantee or grantees who are in any degree of lineal kinship to the grantor, or to a grantee or grantees who are within four degrees of collateral kinship to the grantor. Degrees of kinship would be computed in accordance with G.S. 104A-1. All parcels or lots so conveyed must meet the size requirements and the access requirements of the County in its zoning ordinance.
- 5. The division of land into parcels of five acres or more, where the grantor records a right-of-way agreement prior to or simultaneously with the recording of the deed. The agreement must provide for access to the parcel by right-of-way width equal to or exceeding, and minimum curve centerline radii equal to or exceeding, the North Carolina Department of Transportation Subdivision Road requirements. The agreement must provide for construction and maintenance of the road.

HB 70

Page 2

- 6. The division of land for cemetery lots or burial plots.
- 7. Any sale, conveyance, or exchange, (including by court order) between tenants in common or joint tenants, when such sale, conveyance, or exchange is solely for the purpose of effecting a division of the lands between such tenants in common or joint tenants, and to set off their interest in severalty, and when such purpose is not for building development (whether immediate or future) or for sale to the general public. Tenants in common and joint tenants shall include all persons owning undivided interests in real property by virtue of conveyance by deed, by will, or by inheritance. S.L. 1991-204, as amended by S.L. 1991-761, s.36

BILL ANALYSIS:

The bill would repeal the local act, and make the general law defining subdivision applicable in Pender County.

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

Local Government I-Wednesday, March 19th, 2003-Room 415-11:00

House Bill 70-An Act To Repeal A Local Act So That The General Law On Definition Of Subdivision Applies in Pender County.

Representative Walker-Chairman

Representative Carney-Vice Chairman

Members-Representatives, Barbee, Dickson, Gillespie, McAllister, McCombs, McGee, Owens, Ross, Warren, G. Wilson

Presented by Representative Carolyn Justice

The State of NC has established a definition of what a subdivision is. 80 counties in NC use this definition as part of their individual subdivision ordinance. In 1991 Pender County was about to adopt a subdivision ordinance but asked their Legislators to adopt a unique definition, different than any other county, defining what a subdivision is.

The Planning Dept in Pender County and the Pender County Commissioners believe this definition has been detrimental to the orderly development of our county and would like to simply revert back to the State standard definition.

Dwight Strickland, Chairman of the Pender County Commissioners said, "The way our zoning ordinance reads, is that you're not creating a subdivision if you don't create a new road. What that effectively does is allow someone with property to dedicate a road and put it on a recorded map even if the road does not even exist on the property. Later, that landowner could develop the land, but since the road is already dedicated, it would not have to meet state standards. At the present time, the county doesn't even know where all the subdivisions are located because they did not have to go through a subdivision process. What has resulted in many cases is families living on roads that may or may not be passable by emergency vehicles. Drainage problems also result, because no storm water drainage plans are incorporated into the development."



April 2, 2002

To Whom It May Concern:

McKim & Creed was contracted to develop a County Stormwater Management Plan for Pender County. In the course of conducting the County-wide stormwater management study, a large number of deficient conditions (from which have arisen numerous citizen complaints) were identified which are directly attributable to a lack of oversight. As an example, many drainage pipes are placed poorly, inadequately sized, or simply non-existent. This results in stormwater backing up and flooding yards and roadsides, and potentially houses, until it reaches the level of the roadway and overtops it. This, in turn, creates a very hazardous condition for the traveling public.

Pender County labors under a unique and very restrictive definition of land subdivision. This serves to drastically limit the ability of the County to monitor and manage development in a way that is responsible, both environmentally and economically, for the betterment of all its citizens.

From an engineering standpoint, I would heartily endorse any effort to allow Pender County to operate under the more common and standard State definition of subdivision.

Sincerely,

McKIM & CREED, P.A.

Timothy J. Baldwin, P.E.

Vice President

/der

S:\0542\0024\10-COMM\04022Letter.doc



Pender County Firefighters Association Inc.

P.O. Box 145 Rocky Point NC 28457

February 27, 2003

Representative Carolyn Justice 506 Legislative Office Building Raleigh, NC 27601-1096

Dear Representative Justice,

The Association appreciates your continued support for Pender County. Introducing HB 70 is a step in improving the quality of life in Pender as well as providing for the safety of our citizens. <u>Currently there are subdivisions that are impassable with emergency vehicles due to obstructions and poor quality roads</u>. Additionally the county needs to have the authority to require public safety items such as all weather roadways and hydrants for better fire protection.

Please contact me if you need any assistance on our behalf. Thanks,

Frankie Pridgen, President Pender County Firefighters Association 910.617.5448 cell 910.675.9035 home

The following report(s) from standing committee(s) is/are presented: By Representative(s) Walker (Chair/) for the Committee on Local Government I.
Committee Substitute for H.B. 89 A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT APPLYING TO FORSYTH COUNTY CONCERNING FIRE AND RESCUE DISTRICTS, SO THE GENERAL LAW WILL APPLY.
☐ With a favorable report.
With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
☐ With a favorable report, as amended.
☐ With a 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)



HB 89: Forsyth Fire Districts.

BILL ANALYSIS

Committee: Local Government I

Date: Version: March 19, 2003

First Edition

Introduced by: Rep. McGee

Summary by: R. Erika Churchill

Committee Counsel

SUMMARY: The bill repeals a local act defining 'fire and rescue protection districts' as it applies to rural fire and rescue protection in Forsyth County, thereby making the general law applicable.

<u>CURRENT GENERAL LAW:</u> G.S. 69-25.4, enacted on April 17, 1981, provides that for the purposes of fire protection districts, the term fire protection and the levy of a tax for that purpose may include: "the levy, appropriation, and expenditure of funds for furnishing emergency medical, rescue and ambulance services to protect persons within the fire district from injury or death...".

<u>CURRENT LOCAL LAW:</u> Chapter 147 of the 1981 Session Laws, enacted on March 31, 1981, provides that whenever the term "fire district," "fire protection district," or "fire protection" is used in Chapter 69 of the General Statutes, the term is deemed to refer to "fire and rescue district" with respect to Forsyth County.

BILL ANALYSIS:

The bill would repeal the local act, and make the general law regarding the formation of rural fire and rescue districts applicable in Forsyth County.

BACKGROUND: Forsyth County has been applying the general law since 1981 when was enacted. Local acts take precedence over subsequent general acts, unless the subsequent general act repeals the local act.

EFFECTIVE DATE: The bill would become effective April 17, 1981.

The following report(s) from standing committee(s) is/are presented: By Representative(s) Walker (Chair/) for the Committee on Local Government I	
Committee Substitute for H.B. 142 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.	
☑ With a favorable report.	
☐ With a favorable report and recommendation that the bill be re-referred to the Committee or Appropriations ☐ Finance ☐ ☐.	1
With a favorable report, as amended.	
☐ With a 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) 3/06/03	ı



HB 142: **Sunset Beach Erosion Control.**

BILL ANALYSIS

Committee: Local Government I

Date: Version: March 19, 2003 First Edition

Introduced by: Representative Hill

Summary by:

R. Erika Churchill

Committee Counsel

The bill would add the Town of Sunset Beach to those municipalities and counties SUMMARY: that currently have the authority to exercise the power of "quick-take" condemnation to acquire property for beach erosion control, flood and hurricane protection works and public beach access.

CURRENT LAW: Under current law, cities and counties may use the power of "quick-take" condemnation for the purposes listed in G.S. 40A-3(a) and G.S. 40A-42(a), such as constructing city streets, building water and sewer lines, parks, etc.

The bill would authorize the Town of Sunset Beach to use "quick-take" **BILL ANALYSIS:** condemnation for the following additional purposes:

- Engaging in or participating with other governmental entities in acquiring, construction, reconstructing, extending, or otherwise building or improving beach erosion control or flood and hurricane protection works, including, but not limited to, the acquisition of any property that may be required as a source for beach renourishment.
- Establishing access.

BACKGROUND:

Similar legislation was enacted for Carolina Beach, Carteret County, Dare County, and the Towns of Atlantic Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Pine Knoll Shores, Surf City, Topsail Beach, and Wrightsville Beach, (S.L. 2001-36 as amended by S.L. 2001-478).

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

VISITOR REGISTRATION SHEET LOCAL & Rog Roverns

Name of Committee	Date
SITORS:: PLEASE SIGN BELOW	AND RETURN TO COMMITTEE CLERK
NAME	•
	FIRM OR AGENCY AND ADDRESS
Johnny Sutton	Pender Plant
Murill alex	Pandas O. 1
Hartin N. Rea	of Peado
Drulys Justice	CEAST Penles Cr. 1
Feablish Dallen	Bon Associates
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

March 26, 2003 Room 415 11:00 a.m.

OPENING REMARKS

Representative Becky Carney, Vice-Chair Local Government I Committee

AGENDA ITEMS:

HB 295	BEECH MTN. GOLF CART/UTILITY VEHICLE REGULATION Representative Frye
HB 396	CHANGE NAME OF EDGECOMBE CO. SCHOOLS Representative Tolson
HB 431	WAKE FOREST FORCE LIMIT Representative Eddins
HB 469	LENOIR UNPAID FEES COLLECTION Representatives LaRoque and Wainwright
HB 480	WILKES COMMISSIONER ELECTION Representative Walker

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT 1 March 26, 2003

The House Committee on Local Government I met on Wednesday, March 26, 2003 in Room 415 of the Legislative Office Building at 11:00 A.M. The following members were present: Chairman, Tracy Walker, Vice-Chair, Becky Carney, Representatives Barbee, Dickson, Gillespie, McAllister, McCombs, McGee, Owens, Warren and Wilson. Erika Churchill, Staff Counsel was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Vice-Chair called the meeting to order and recognized attendees.

Representative Frye was recognized to explain HB295, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CART/UTILITY VEHICLES, at which time he offered a proposed committee substitute. Representative Gillespie moved for adoption of the proposed committee substitute for committee consideration, motion carried. Representative Frye explained the committee substitute and after some discussion, Representative McAllister moved for favorable report to the committee substitute, unfavorable to the original bill. Motion carried.

The Vice-Chair recognized Representative Tolson to explain HB 396, AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM. A proposed committee substitute was offered at this time. Representative Gene Wilson moved for adoption of the proposed committee substitute for committee discussion, motion carried. Representative Tolson then explained the committee substitute. After some discussion, Representative Owens moved for favorable report to the committee substitute bill and unfavorable to the original bill.

Representative Walker was recognized to explain HB480, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM. Representative Owens moved to give HB480 a favorable report. Motion carried.

At the sponsors request, HB's 431 and 469, scheduled for today's meeting, will be rescheduled for a later time.

There being no further business, the Vice-Chair adjourned the meeting at 11:30 A.M.

Respectfully submitted,

Representative Carney

Vice-Chair

Barbara Powell

Committee Assistant



HOUSE BILL 295: Beech Mtn Golf Cart/Utility Veh Regulation.

Committee: Local Government I

Date:

March 26, 2003

Version:

H295-CSST-3 v.1

Introduced by: Representative Frye

Summary by:

R. Erika Churchill

Committee Counsel

SUMMARY: The bill would authorize the Town of Beech Mountain to regulate the operation of golf carts and utility vehicles on public streets within the municipality.

CURRENT LAW: Under current law, vehicles intended to be operated on the streets and highways of the State must be registered (G.S. 20-50). Golf carts may not be registered (G.S. 20-54), and therefore may not operate on the streets and highways.

The bill would allow the Town of Beech Mountain to enact an ordinance to **BILL ANALYSIS:** authorize the operation of golf carts and utility vehicles on any public street or road within the Town. By ordinance, the Town may also with respect to golf carts and utility vehicles:

- require the registration of golf carts
- specify the persons authorized to operate golf carts
- specify required equipment, load limits
- specify hours and methods of operation.

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

BACKGROUND: The General Assembly has previously enacted similar legislation for Cary (S.L. 2001-485), Lake Waccamaw (S.L. 2001-356), and Whispering Pines (S.L. 2002-82).

The	e following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
_	Committee Substitute for 3. 295 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CARTS AND UTILITY VEHICLES.
	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	With a favorable report, as amended.
	With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
\boxtimes	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 (#), \square which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	With an unfavorable report, with a Minority Report attached.
	Without prejudice.
	With an indefinite postponement report.
	With an indefinite postponement report, with a Minority Report attached.
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for H.B. 396 A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM.
☐ With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
☐ With a favorable report, as amended.
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report as to the committee substitute bill (#
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
☐ With an unfavorable report.
☐ With recommendation that the House concur.
☐ With recommendation that the House do not concur.
With recommendation that the House do not concur; request conferees.
With recommendation that the House concur; committee believes bill to be material.
With an unfavorable report, with a Minority Report attached.
Without prejudice.
☐ With an indefinite postponement report.
With an indefinite postponement report, with a Minority Report attached.
☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03



HB 396: Change Name of Edgecomble Co. Schools.

Committee: Local Government I

Date:

March 26, 2002

Version:

H396-CSST-2 v.1

Introduced by: Reps. Tolson & Farmer-

Butterfield

Summary by:

R. Erika Churchill

Committee Counsel

SUMMARY: The bill would change the name of the Edgecombe County School Administrative Unit to the Edgecombe County Public School System.

CURRENT LAW: In 1991, the General Assembly enacted a local act merging the then existing Edgecombe County School Administrative Unit and the Tarboro City School Administrative Unit. The merged entity was to be known as the Edgecombe County School Administrative Unit.

BILL ANALYSIS: The bill would change the name of the Edgecombe County School Administrative System to the Edgecombe County Public School System.

EFFECTIVE DATE: The act would become effective July 1, 2003.

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I. Committee Substitute for A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-H.B. 480 YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM. With a favorable report. With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance With a favorable report, as amended. With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance), which changes the With a favorable report as to the committee substitute bill (# 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)

03/19/03



HB 480: Wilkes Commissioner Elections.

BILL ANALYSIS

Committee: Local Government I

Date:

March 26, 2002

Version:

Edition 1

Introduced by: Representative Walker

Summary by:

R. Erika Churchill

Committee Counsel

SUMMARY: The bill would create staggered terms for the Wilkes County Board of Commissioners.

The Board of County Commissioners in Wilkes County has five (5) CURRENT LAW: members. Four of the five serve staggered four (4) year terms, and one (1) serves a two (2) vear term. All members run at large.

BILL ANALYSIS: The bill would create staggered four (4) year terms for all five (5) members of the board. Beginning with the 2004 election, three (3) members will be elected to a four (4) year term in 2004 and then two (2) members will be elected to a four (4) year term in 2006. This will create the staggered four (4) year terms for all members, without effecting the term of any currently seated member of the board.

Currently, 79 of the 100 counties have staggered four year terms for the BACKGROUND: county board of commissioners.

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

VISITOR REGISTRATION SHEET

Name of Committee	3-26-03
·	Date
VISITORS: PLEASE SIGN BELOW AT	ND RETURN TO COMMITTEE CLERK
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

April 2, 2003 Room 415 11:00 a.m.

OPENING REMARKS

Representative Walker, Chair Local Government I Committee

AGENDA ITEMS:

HB 511	ANDREWS SATELLITE ANNEXATION
	Representative West

- HB 512 NAGS HEAD HISTORIC PRESERVATION COMMISSION Representative Culpepper
- HB 517 HOLLY SPRINGS TREE ORDINANCES
 Representative Stam
- HB 520 OAK ISLAND CHARTER AMENDMENTS
 Representative Stiller
- HB 542 OAK ISLAND/CASWELL/OCEAN ISLE CONDEMNATIONS Representative Stiller

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT I April 2, 2003

The House Committee on Local Government I met at 11:00 A.M. on Wednesday, April 2, 2003 in Room 415 of the Legislative Office Building. The following members were present: Chairman Tracy Walker, Vice Chair Becky Carney, Representatives Barbee, Dickson, Gillespie, McAllister, McCombs, McGee, Ross, Warren, and G. Wilson. Erika Churchill and Judy Collier, Staff Counsel, were in attendance. A Visitor Registration sheet is attached and made a part of these minutes.

The Chairman called the meeting to order and recognized staff and pages.

The following bills were considered:

HB 511 - ANDREWS SATELLITE ANNEXATION. Representative West, sponsor, was called on to explain this bill which would exempt the Town of Andrews from the requirement in G.S. 160-A-58.4(b)(5) of the area within the proposed satellite annexation not exceeding ten percent (10%) of the Town with respect to the annexation of four stated properties owned by the Town. Representative Ross made a motion for a favorable report. Motion carried.

HB 512 – NAGS HEAD HISTORIC PRESERVATION COMMISSION.

Representative Culpepper, sponsor, was called on to explain the bill. This bill would allow the Town of Nags Head, when appointing individuals to the Nags Head historic Preservation Commission, to appoint persons who own real property in the town's jurisdiction but do not physically reside in the town's jurisdiction. Representative Ross made a motion for a favorable report. Motion carried.

HB 517 – HOLLY SPRINGS TREE ORDINANCES. A committee substitute was offered and adopted upon motion of Representative Barbee. Motion carried. Representative Stam, sponsor, was then recognized to explain the bill. The proposed committee substitute would bring together the pieces of the charter into one document and amend the charter to include a provision allowing the Town to enact a tree ordinance. Representative Wilson made a motion to give proposed committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 520 OAK ISLAND CHARTER AMENDMENTS. A proposed committee substitute was offered and adopted upon motion of Representative McGee. Erica Churchill, Committee Counsel, explained the proposed committee substitute. Representative Stiller, sponsor, spoke on the bill and explained how the bill would amend the charter of the Town of Oak Island. Representative Barbee moved for a favorable report to committee substitute, unfavorable to original bill. Motion carried.

HB 542 - OAK ISLAND/CASWELL OCEAN ISLE CONDEMNATIONS.

Representative Stiller, sponsor, was recognized to explain this bill which would authorize the Town of Sunset Beach to use "quick-take" condemnation to acquire property for beach erosion control, flood and hurricane protection works and public beach access. Representative McGee moved for a favorable report to be re-referred to Finance. Motion carried with one member opposing.

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

Respectfully submitted,

Representative Walker

Chairman

Edna Lee Collar

Acting Committee Assistant



HOUSE BILL 511: Andrews Satellite Annexation

BILL ANALYSIS

Committee: House Local Government I

Date:

April 2, 2003

Version: First Edition

Introduced by: Representative West

Summary by: R. Erika Churchill

Committee Counsel

The bill would allow the Town of Andrews to annex property owned by the town **SUMMARY:** without limitation on the area of the property.

CURRENT LAW:

G.S. 160A-58.1 governs the voluntary annexation by a municipality of noncontiguous property. All property owners in the satellite area may petition a city for voluntary annexation of the noncontiquous property if the property meets the following five standards:

- 1. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- 2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
- 3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- 4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
- 5. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

BILL ANALYSIS: The bill would exempt the Town of Andrews from the requirement in G.S. 160A-58.4(b)(5) of the area within the proposed satellite annexation not exceeding ten percent (10%) of the area within the primary corporate limits of the Town with respect to the annexation of the following four stated properties owned by the Town:

- Town of Andrews Wastewater Treatment Plant. A 12-acre tract of land located at the (1) end of Reagan Street near Andrews. This tract of land is located on the western side of the current Town limits with a tract of open, undeveloped land separating the existing Town limits from the Wastewater Treatment Plant.
- (2) Town of Andrews Water Treatment Plant. A three and one-half acre tract of land located north of the existing town limits on Dan Holland Creek Road.
- (3) Town of Andrews Reservoir and Dam. A 60-acre tract of land located north of the existing Town limits at the end of Dan Holland Creek Road.
- Town of Andrews Watershed. An 883-acre tract of land located on the headwaters of (4) Beaver Creek north of the Town of Andrews.

BACKGROUND: The cities of Hickory, New Bern, Statesville, Kenly, Troy, Mt. Airy, Mooresville, Marion, Oxford, Rockingham, Newton, Conover, and Claremont and the Towns of Calabash, Catawba, Dallas, Godwin, Louisburg, Mocksville, Pembroke, Rutherfordton, Maiden, Swansboro and Waynesville have already eliminated the 5th standard for all annexations by the municipality.

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

Cindy Avrette contributed to this summary.

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
	Committee Substitute for 3. 511 A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TOWN-OWNED PROPERTIES OF THE TOWN OF ANDREWS FROM THE CEILING ON VOLUNTARY SATELLITE ANNEXATIONS.	
X	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
	With a 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.	
	With an unfavorable report.	
	With recommendation that the House concur.	
	With recommendation that the House do not concur.	
	With recommendation that the House do not concur; request conferees.	
	With recommendation that the House concur; committee believes bill to be material.	
	With an unfavorable report, with a Minority Report attached.	
	Without prejudice.	
	With an indefinite postponement report.	
	With an indefinite postponement report, with a Minority Report attached.	
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)	



HB 512: Nags Head Historic Preservation Comm.

Committee: Local Government I

Date: Version:

April 2, 2003 First Edition

Introduced by: Representative Culpepper

Summary by:

R. Erika Churchill

Committee Counsel

The bill would allow the Town of Nags Head to appoint absentee landowners to SUMMARY: serve on the town's Historic Preservation Commission.

CURRENT LAW: Under current law, all members of a municipally appointed historic preservation commission must reside within that municipality's jurisdiction. When appointing a historic preservation commission, a municipality must appoint at least three (3) members whose terms are no more than four (4) years. A majority of the members appointed must have demonstrated a special interest, experience or education in history, architecture, archaeology or related fields. G.S. 160A-400.7.

BILL ANALYSIS: The bill would allow the Town of Nags Head, when appointing individuals to the Nags Head Historic Preservation Commission, to appoint persons who own real property in the town's jurisdiction but do not physically reside in the town's jurisdiction.

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

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
Committee Substitute for H.B. 512 A BILL TO BE ENTITLED AN ACT TO ALLOW NONRESIDENT PROPERTY OWNERS TO SERVE ON THE HISTORIC PRESERVATION COMMISSION IN THE TOWN OF NAGS HEAD.		
With a favorable report.		
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.		
☐ With a favorable report, as amended.		
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.		
With a favorable report as to 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)		



HB 517: Holly Springs Charter Revision.

Committee: Local Government I

Date:

April 2, 2003

Version:

H517-CSST-6 v. 2

Introduced by: Representative Stam

Summary by:

R. Erika Churchill

Committee Counsel

The proposed committee substitute would make revise and consolidate the charter **SUMMARY:** of the Town of Holly Springs.

CURRENT LAW: The charter of the Town of Holly Springs was last revised and consolidated in 1951. Since then, several amendments have been enacted in separate pieces of local legislation.

The proposed committee substitute would bring together the pieces of the charter **BILL ANALYSIS:** into one document and amend the charter to include a provision allowing the Town to enact a tree ordinance.

The Town would be granted the authority to adopt ordinances regulating the cutting of trees and shrubs prior to development within a perimeter buffer zone. The buffer zone may be up to 50' along public roadways and property boundaries adjacent to developed property and up to 25' along property boundaries adjacent to undeveloped property.

The ordinance must also provide that:

- 1. The buffer area will not exceed 20% off the area of the tract net of public right of way and required conservation easements.
- 2. The buffer zones adjoining public roadways shall be measured from the edge of the road right of
- 3. Tracts 2 acres or less are exempt from the buffer requirements.
- 4. Buffer ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted municipal plans and zoning regulations.
- 5. Surveys of individual trees is not required.
- 6. There will be reasonable provisions for access to and within the property.
- 7. Normal forestry activities on property that is taxed at use value or is managed under a forestry management plan will be excluded. The town may deny a building permit or refuse a subdivision plan for 3 years after the completion of the harvest of the perimeter trees that would have otherwise been protected. This period may be reduced to 2 years if the owner replants the buffer area within 120 days with appropriate plant material.

BACKGROUND: Other municipalities with similar authority to regulate clear cutting of trees are: Durham, Cary, Garner, Knightdale, Fuquay Varina, Morrisville and Spencer. S.L. 2001-191.

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

Th	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
H.)	Committee Substitute for B. 517 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT		
	With a favorable report.		
	☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.		
	With a favorable report, as amended.		
	With a 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)		



HB 520: Oak Island Charter Amendments.

Committee: Local Government I

Date:

April 2, 2003

Version:

H520-CSST-5 v.1

Introduced by: Representative Stiller

Summary by:

R. Erika Churchill

Committee Counsel

The bill would amend the charter of the Town of Oak Island to: SUMMARY:

• Reduce the number of town commissioners from eight to six,

· Clarify that the Mayor must be a town resident,

• State the Mayor Pro Tem serves for one year

• Clarify that the town council meetings are subject to the open meetings law.

CURRENT LAW: The Town of Oak Island was formed in 1999 by merging two existing towns, Long Beach and Yaupon Beach. The town council of Oak Island has eight (8) members. The charter is silent on the residency of the Mayor, and on the term of the Mayor pro tem. The town is subject to the generally applicable statutes governing open meetings, but the town charter does not so specifically state.

BILL ANALYSIS: follows:

The proposed committee substitute would amend the charter of Oak Island as

- To provide that the town council is to have six (6) members as of 2005. This is done by eliminating one of the 5 seats slated for re-election in 2003 and one of the 3 slated for re-election in 2005. No sitting members will be removed from office.
- To add the position of Mayor to those elected positions that in order to be eligible to run for the position, one must be a resident of the town and a qualified voter.
- To change the term of the position of Mayor Pro Tempore for open ended, to a fixed period of one year.
- To specifically state that the Open Meetings Law applies to all meetings of the town council.

EFFECTIVE DATE:

The bill would become effective when it becomes law.

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
Committee Substitute for H.B. 520 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND.		
☐ With a favorable report.		
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.		
With a favorable report, as amended.		
☐ With a 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) 03/19/03		



HB 542: Oak Island/Caswell/Ocean Isle Condemnations.

Committee: Local Government I

Date: Version: April 2, 2003

First Edition

Introduced by: Representative Stiller

Summary by:

R. Erika Churchill

Committee Counsel

The bill would add the Towns of Oak Island, Caswell Beach and Ocean Isle to SUMMARY: those municipalities and counties that currently have the authority to exercise the power of "quick-take" condemnation to acquire property for beach erosion control, flood and hurricane protection works and public beach access.

CURRENT LAW: Under current law, cities and counties may use the power of "quick-take" condemnation for the purposes listed in G.S. 40A-3(a) and G.S. 40A-42(a), such as constructing city streets, building water and sewer lines, parks, etc.

BILL ANALYSIS: The bill would authorize the Town of Sunset Beach to use "guick-take" condemnation for the following additional purposes:

- Engaging in or participating with other governmental entities in acquiring, construction. reconstructing, extending, or otherwise building or improving beach erosion control or flood and hurricane protection works, including, but not limited to, the acquisition of any property that may be required as a source for beach renourishment.
- Establishing access.

BACKGROUND:

Similar legislation was enacted for Carolina Beach, Carteret County, Dare County, and the Towns of Atlantic Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Pine Knoll Shores, Surf City, Topsail Beach, and Wrightsville Beach. (S.L. 2001-36 as amended by S.L. 2001-478). House Bill 89, Sunset Beach Erosion Control, also adds the town of Sunset Beach to the list. This committee recommended that bill on March 19, 2003.

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

Th	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
	Committee Substitute for B. 542 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, AND OCEAN ISLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL, FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH ACCESS.	
	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
	With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report as to the committee substitute bill (#), \(\subseteq \) 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) 03/19/03	

VISITOR REGISTRATION SHEET

Name of Committee	4-2-03
·	Date
VISITORS: PLEASE SIGN BELOW AN	ND RETURN TO COMMITTEE OF EDIN
. NAME	·
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Dave simpsi	CAMULINAS AUC
John Phelps	a New mod
- SHOY WIND	1000 has
Lot Jocem	DC Tourty area
DOBO FET	FORCES OF DARKNESS
R. Kinl Wilms	NC434
Tin Mida	N C Hine Building
Rob Ouge Stero	NC Stableton
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

April 9, 2003 Room 415 11:00 a.m.

OPENING REMARKS

Representative Walker, Chair Local Government I Committee

AGENDA ITEMS:

HB 571	ROCKY MOUNT OVERGROWN VEGETATION ORDINANCE Representative Daughtridge - Removed From todays and lay bill sponsor.
HB 645	CURRITUCK COUNTY ANNEXATION LIMITATION Representative Owens
HB 679	RALEIGH/WAKE CLEAR-CUTTING Representatives Weiss, Ross and Miner
HB 680	GRANITE QUARRY CHARTER REVISION Representative McCombs
HB 683	GASTON SHERIFF VACANCY Representative Rayfield
HB 706	CHARLOTTE TRANSIT PROCUREMENT Representative Saunders

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT I April 9, 2003

The House Committee on Local Government I met at 11:00 A.M. on Wednesday, April 9, 2003 in Room 415 of the Legislative Office Building. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Barbee, Dickson, McAllister, McCombs, McGee, Owens, Ross, Warren, and G. Wilson. Erika Churchill, Staff Counsel, was in attendance. A Visitor Registration list is attached and made a part of these minutes.

The Chairman called the meeting to order and recognized staff and pages.

The following bills were considered:

HB 645 - CURRITUCK COUNTY ANNEXATION LIMITATION. A proposed committee substitute was offered and adopted upon motion of Representative Warren. Motion carried. Representative Owens, sponsor, was recognized to explain the bill which would prohibit any municipality located outside of Currituck County from annexing any land within the borders of Currituck County, and would prohibit any municipality located outside Currituck County from exercising extraterritorial jurisdiction inside Currituck County. Representative Wilson made a motion to give proposed committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 679 - RALEIGH/WAKE CLEAR-CUTTING. A proposed committee substitute was offered and adopted upon motion of Representative McAllister. Representative Weiss, sponsor, was recognized to explain the bill which would allow the City of Raleigh and the County of Wake to enact local ordinances regulating the removal of trees in the respective jurisdiction. Representative McGee made a motion to give the proposed committee substitute a favorable report. Motion carried.

HB 680 - GRANITE QUARRY CHARTER REVISION. Representative McCombs, sponsor, was recognized to explain the bill which would revise and consolidate the charter of the Town of Granite Quarry. Representative Barbee made a motion to give the bill a favorable report and be re-referred to Finance. Motion carried.

HB 683 - GASTON SHERIFF VACANCY. Representative Rayfield, sponsor, was recognized to speak on the bill. He requested that the bill be delayed until a later date. He would like more time to talk with the Delegation. They are not in complete agreement with request by county commissioners.

HB 706 - CHARLOTTE TRANSIT PROCUREMENT. Representative Saunders, sponsor, was recognized to explain the bill which would allow the City of Charlotte to utilize methods substantially similar to the provisions of G.S. 143-129(g) when making purchases for their transit system. Representative Wilson made a motion to give the bill a favorable report. Motion carried.

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

Respectfully submitted,

Representative Walker

Chairman

Edna Lee Collar

Acting Committee Assistant



HOUSE BILL 645: Currituck County Annexation Limitation.

BILL ANALYSIS

Committee: Local Government I

Date:

April 9, 2003

H645-CSST-7 v.1 Version:

Introduced by: Representative Owens

Summary by: R. Erika Churchill

Committee Counsel

SUMMARY: The bill would prohibit any municipality located outside of Currituck County from annexing any land within the borders of Currituck County, and would prohibit any municipality located outside Currituck County from exercising extraterritorial jurisdiction inside Currituck County.

CURRENT GENERAL LAW: The General Statutes permit municipalities to grow and expand their municipal boundaries through the process of annexation. Prior to annexing an area, the municipality may elect to exercise their extraterritorial jurisdiction (ETJ) over the area. ETJ power is generally exercised over the area one mile from the existing corporate limits. The exercise of ETJ power permits the municipality to enforce its land use planning tools within the one-mile area outside the corporate limits.

BILL ANALYSIS:

The bill would prohibit any municipality located outside of Currituck County from exercising the power of annexation or extraterritorial jurisdiction inside the borders of Currituck County. Currently there are no hoorporated areas in Currituck County. The two closest municipalities are Duck in Dare County and Elizabeth City in Pasquotank County.

BACKGROUND: Similar provisions have been enacted in the past for Davie County (Chapter 91 of the 1981 Session Laws) and Forsyth County (Chapter 453 of the 1973 Session Laws.)

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

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.			
	Committee Substitute for H.B. 645 A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENT ENTITY OUTSIDE OF CURRITUCK COUNTY MAY ANNEX ANY PORTION OF CURRITUCK COUNTY INTO ANY GOVERNMENT ENTITY THAT EXISTS IN WHOLE OR IN PART IN CURRITUCK COUNTY.		
	With a favorable report.		
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .		
	With a favorable report, as amended.		
	With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .		
	With a favorable report as to the committee substitute bill (#), which changes the title, unfavorable as to (the original bill) (Gemmittee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee en .)		
	With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.		
	With an unfavorable report.		
	With recommendation that the House concur.		
	With recommendation that the House do not concur.		
	With recommendation that the House do not concur; request conferees.		
	With recommendation that the House concur; committee believes bill to be material.		
	With an unfavorable report, with a Minority Report attached.		
	Without prejudice.		
	With an indefinite postponement report.		
	With an indefinite postponement report, with a Minority Report attached.		
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)		



HOUSE BILL 679: Raleigh/Wake Clear Cutting.

BILL ANALYSIS

Date:

Committee: Local Government I

April 2, 2003

Version: H679-CSST-8 v.2

Introduced by: Representative Weiss

Summary by: R. Erika Churchill

Committee Counsel

The proposed committee substitute would allow the City of Raleigh and the County of SUMMARY: Wake to enact local ordinances regulating the removal of trees in the respective jurisdiction. **BILL ANALYSIS:**

The City of Raleigh would be authorized to adopt an ordinance 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 under the following:

- 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 would 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.
- The ordinance must allow access onto and within the property.
- The city may deny a building permit or refuse to approve a site or subdivision plan for a period of 5 years 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.

Regardless of the limitations of this act, Raleigh could adopt an ordinance to regulate the preservation and removal of "champion" trees on sites planned for new development.

Before adopting ordinances under this act, Raleigh must hold a public hearing according to G.S. 160A-364.

The County of Wake would be granted the authority to adopt ordinances regulating the cutting of trees and shrubs prior to development within a perimeter buffer zone. The buffer zone may be up to 50' along public roadways and property boundaries adjacent to developed property and up to 25' along property boundaries adjacent to undeveloped property.

The ordinance must also provide that:

- The buffer area will not exceed 20% off the area of the tract net of public right of way and required conservation easements.
- The buffer zones adjoining public roadways shall be measured from the edge of the road right of way.
- Tracts 2 acres or less are exempt from the buffer requirements.
- Buffer ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted municipal plans and zoning regulations.
- Surveys of individual trees are not required.
- There will be reasonable provisions for access to and within the property.
- Normal forestry activities on property that is taxed at use value or is managed under a forestry management plan will be excluded.
- The county may deny a building permit or refuse a subdivision plan for 3 years after the completion of the harvest of the perimeter trees that would have otherwise been protected. This period may be reduced to 2 years if the owner replants the buffer area within 120 days with appropriate plant material.

The provisions for the City of Raleigh are identical to previously enacted for the BACKGROUND: municipalities of Durham, Cary, Garner, Knightdale, Fuguay Varina, Morrisville and Spencer. S.L. 2001-191.

The provisions for the County of Wake are identical to those recommended by this committee on April 2, 2003, for the Town of Holly Springs in House Bill 517.

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

Legislative Services Office

North Carolina General Assembly

Research Division, 733-2578

The	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
	Committee Substitute for 3. 679 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH AND WAKE COUNTY TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT 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 the committee substitute bill (#		
	With a favorable report as to House committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.		
	With an unfavorable report.		
	With recommendation that the House concur.		
	With recommendation that the House do not concur.		
	With recommendation that the House do not concur; request conferees.		
	With recommendation that the House concur; committee believes bill to be material.		
	With an unfavorable report, with a Minority Report attached.		
	Without prejudice.		
	With an indefinite postponement report.		
	With an indefinite postponement report, with a Minority Report attached.		
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)		



HB 680: **Granite Quarry Charter Revision.**

BILL ANALYSIS

Committee: Local Government I

Date: Version:

April 9, 2003 First Edition

Introduced by: Representative McCombs

Summary by:

R. Erika Churchill

Committee Counsel

SUMMARY:

The bill would make revise and consolidate the charter of the Town of Granite

Quarry.

CURRENT LAW: The charter of the Town of Granite Quarry has not been previously revised and consolidated. The Town was incorporated in 1901 under the name of Woodside. The name was changed to Granite Quarry in 1905. The last changes that were made to the charter were in 1957 and 1959, when the present primary and general election schedule were established.

BILL ANALYSIS: The bill would bring together the pieces of the charter into one document, providing for the continuance of 5 board members, the mayor-council form of government and nonpartisan elections.

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

THE STATE OF THE PROPERTY OF T

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
Committee Substitute for	_	
H.B. 680 A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY.		
CHARLER OF THE TOWN, OF GRAWITE QUINCET.		
☐ With a favorable report.		
With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance X.		
With a favorable report, as amended.		
☐ With a 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) 03/19/03		



HOUSE BILL 706: Charlotte Transit Procurement.

Committee: Local Government I

Date: Version: April 9, 2003

First Edition

Introduced by: Representative Saunders

R. Erika Churchill Summary by:

Committee Counsel

SUMMARY: The bill would allow the City of Charlotte to utilize methods substantially similar to the provisions of G.S. 143-129(g) when making purchases for their transit system.

Under generally applicable law in North Carolina, a local government **CURRENT LAW:** entity is required to formally bid out purchases of apparatus, supplies, materials, or equipment estimated to expend more than \$90,000. G.S. 143-129(a). If the purchase of such stated items is estimated to be more than \$5,000, but not more than \$90,000, an informal bid process is to In conducting a formal bidding process for apparatus, supplies, be used. G.S. 143-131. materials, or equipment, a local governing body may opt to "tack on" to a contract entered into by the United States, the State of North Carolina, or any other state or any agency or political subdivision of that state when:

- The contract was entered into in the last 12 months.
- The contract was awarded after a public, formal bid process substantially similar to that required in Article 8 of Chapter 143.
- The person or entity is willing to furnish the items at the same or more favorable prices. terms, and conditions as those provided under the contract with the other unit of government or governmental agency.

The bill would allow the City of Charlotte, allowing the City to follow **BILL ANALYSIS:** procurement methods substantially similar to those in G.S. 149-129(g) as described above. The City would be allowed to "tack on" to contracts made within the previous 36 months. The other remaining requirements of G.S. 143-129(g) would apply to the contract.

EFFECTIVE DATE: The bill is effective when it becomes law.

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
Committee Substitute for H.B. 706 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT OF PUBLIC TRANSIT PURPOSES FROM PERSONS OR ENTITIES THAT HAVE RECENTLY MET STATE BIDDING LAW REQUIREMENTS AND PROVIDED APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT TO THE FEDERAL GOVERNMENT, STATE OF NORTH CAROLINA, OR ANOTHER STATE.		
With a favorable report.		
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.		
With a favorable report, as amended.		
☐ With a 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)		

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT I	4/9/03
Name of Committee	Date
VISITORS: PLEASE SIGN I	N BELOW AND RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
Ban Smal	Fredom Veurgaser
Ampleson	we Stewatzh.
Boyd Guble	City of Charlette
Tin Min	NE Home Be, Iday
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Leas Martin	De Home Bulders Assa
Mike January	nake County Environmental Service
Bilan Milhons	NCHSA
Juris Corke	Wake County
Michael Ferell	Wall Count
Andy Romenst	NCLM
Dari Illay LA	NCAPA
Estherine Dais	Elachilities

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

April 16, 2003 Room 415 11:00 a.m.

OPENING REMARKS

Representative Walker, Chair Local Government I Committee

AGENDA ITEMS:

SB 288	POLK SCHOOL ACQUISITION Senator Apodaca
HB 469	LENOIR UNPAID FEES COLLECTION Representative LaRoque
HB 571	ROCKY MOUNT OVERGROWN VEGETATION ORDINANCE Representative Daughtridge
HB 652	CPCC LAND Representative Alexander
HB 695	TROY RED LIGHT CAMERAS Representative Gibson
HB 696	WADESBORO/ANSONVILLE GOVERNING BODY TERMS Representative Gibson
HB 697	MONTGOMERY AIRPORT QUICK TAKE Representative Gibson

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT I April 16, 2003

The House Committee on Local Government I met at 11:00 A.M. on Wednesday, April 16, 2003 in Room 415 of the Legislative Office Building. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Barbee, Dickson, McCombs, McGee, Owens, Ross, Warren, and G. Wilson. Erika Churchill and Judy Collier, Staff Counsel, were in attendance. A Visitor Registration list is attached and made a part of these minutes.

The Chairman called the meeting to order and recognized staff and pages.

The following bills were considered:

SB 288 - POLK SCHOOL ACQUISITION. Senator Apodaco, sponsor, was recognized to explain the bill which adds Polk County to the list of 87 counties authorized to acquire real or personal property on behalf of their boards of education. Representative McGee made a motion to give the bill a favorable report and be rereferred to Finance. Motion carried.

HB 469 - LENOIR UNPAID FEES COLLECTION. A proposed committee substitute was offered and adopted upon motion of Representative Barbee. Representative LaRoque was then recognized to explain the committee substitute which would permit the Counties of Lenoir and Duplin, any municipality located wholly part in those counties, or a water or sewer authority located in those counties to collect any fee owed to the local government that is past due for 90 days as if it were a property tax. Representative Owens made a motion to give the proposed committee substitute a favorable report, unfavorable to original bill, and be re-referred to Finance. Motion carried.

HB 571 -ROCKY MOUNT OVERGROWN VEGETATION ORDINANCE.

Representative Daughtridge, sponsor, was recognized to explain the bill which would add the City of Rocky Mount to the list of municipalities authorized to give annual notice to chronic violators of the municipality's overgrown vegetation ordinance. Representative McCombs made a motion to give the bill a favorable report. Motion carried.

HB 652 - CPCC LAND. Representative Alexander, sponsor, was recognized to explain the bill which would allow the County of Mecklenburg to purchase land for the Central Piedmont Community College without complying with the provisions of G.S. 153-A-158.2(c), and lease that land to the Community College. Bill Scoggin, Attorney, spoke and stated that these would be long-term leases. After committee discussion, Representative Owens made a substitute motion to table this bill until the next meeting. Motion carried.

HB 695 – TROY RED LIGHT CAMERAS. Representative Gibson, sponsor, was recognized to explain this bill which would add the Town of Troy to the list of municipalities that may utilize traffic photographic systems under G.S. 16A-300.1. Representative Barbee made a motion to give the bill a favorable report. Motion carried.

HB 696 - WADESBORO/ANSONVILLE GOVERNING BODY TERMS.

Representative Gibson, sponsor, was recognized to explain this bill which would extend the term of the office of the Mayor from two to four years in both Wadesboro and Ansonville. Representative Ross made a motion to give the bill a favorable report. Motion carried.

HB 697 – MONTGOMERY AIRPORT QUICK TAKE. A proposed committee substitute was offered and adopted upon motion of Representative Barbee. Representative Gibson, sponsor, was recognized to explain the bill which would allow the City of Troy and the Troy Redevelopment Commission to use the "quick-take" condemnation process to acquire real property for limited reasons. Representative Ross made a motion to give the committee substitute a favorable report, unfavorable to original bill. Motion carried.

There being no further business, the meeting was adjourned at 11:45 A.M.

Respectfully submitted,

Representative Walker

Chairman

Edna Lee Collar

Acting Committee Assistant



SENATE BILL 288: Polk School Acquisition

BILL ANALYSIS

Date:

Committee: House Local Government I

April 16, 2003

1st Edition Version:

Introduced by: Sen. Apodaca Summary by:

R. Erika Churchill

Committee Counsel

SUMMARY: Senate Bill 288 adds Polk County to the list of 87 counties authorized to acquire school property on behalf of their boards of education. The bill is effective when it becomes law.

CURRENT LAW & BILL ANALYSIS:

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

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

The effect of these changes is to allow installment purchase financing to be used for public school construction or renovation in Polk County. Installment purchase financing is a type of local government debt in which the local unit enters into an installment contract secured by a security interest in the building constructed or renovated. Unlike the issuance of general obligation bonds, installment purchase financing is not subject to a vote of the people. Certificates of participation may be issued as part of the installment purchase financing. A certificate of participation is a document setting out the share of the local unit's debt that is owed to the holder of the certificate. In practice, the holder receives interest and principal payments in a manner similar to interest and principal payments on a bond issued by the borrowing unit.

BACKGROUND: Under current law, installment purchase financing is available to counties³ but is not generally available to local school administrative units. G.S. 160A-20 grants installment purchase financing authority only to a local school administrative unit located in a county whose local board of education can levy a school tax. There are only two such local units: Mooresville and Roanoke Rapids. A related provision, G.S. 143-64.17C, authorizes school administrative units and community colleges to use installment purchase financing to finance energy conservation measures. In addition, G.S. 115D-58.15 authorizes community colleges to use installment purchase financing for equipment.

The substance of the bill is the same as that enacted in past legislative sessions for 87 other counties.

किमिनिया है। से सीली स्थापनी के के विकास कहा है। है सुन्हें

¹ G.S. 115C-40; G.S. 115C-521.

² G.S. 115C-518; G.S. 160A-274.

³ The Local Government Commission must approve installment purchase contracts and certificates of participation. The Local Government Commission cannot approve such a contract if the net debt of the contracting unit, after execution of the contract, would exceed 8% of the assessed value of property subject to taxation by the unit.

^{**}Cindy Avrette contributed substantially to this summary.

111	By Representative Walker (Chair) for the Committee on Local Government I.			
S.I	Committee Substitute for 3. 288 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE POLK COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS BOARD OF EDUCATION.			
	With a favorable report.			
\boxtimes	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .			
	With a favorable report, as amended.			
	With a 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) 03/19/03			

Gilbert Stanley
5 Stirrup Downs
Columbus, NC 28722
Tel: (828)863-0598 Fax: (828)863-2521

Fax

To: 7/19Cy WALKER Fax: 919-733-2599		6尺 From:	Pages: 3 w. R. ATTACHNENTS.		
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It has come to our attention that your committee is going to consider the subject bill on 16 April. Pleased be advised that polk county voters are largely apposed to this bill. On Monday 13 April approximately 200 voters appeared at the commissioners meeting to protest this method of funding. They were successful in delaying action on the purchase of a 85 acre tract of land because of the dangerous location but it almost took a riot to accomplish this. The commissioners and the county manager are involved in an illegal scheme where they were to pay approximately 40% more than the appraised value of the property and the seller would contribute back part of that as a charitable contribution. This would give the seller the advantage of a tax deduction without really spending anything and the county manager the ability to place the contributed fund where they wanted in the county funds. This would allow them to spend the money outside of an approved budget. This is typical of what has been going on this issue. The District 29 District Attorney and the Federal Attorney are being asked to investigate this illegal scam.

We are respectfully requesting that this Bill not be reported out of committee at this time. We have attached some samples of a petition that is in the process of making the rounds. Unfortunately, we did not anticipate your meeting and can only reasonably send this sample. Please give us some time to fix this problem and reserve action on this Bill. Gilbert Stanley, 7050 Route 9 South, Columbus, NC 28722 828-863-0598

Aff.

NAME

Petition to Preserve Voters Rights

The undersigned voters of Polk County, North Carolina request that Representative Trudi Walend and Senator Tom Apodaca refrain from introducing or voting for any bill that facilitates the local county commissioners or school board financing school improvements without voter approval of a referendum. The undersigned are not against improvement of our schools but think that a viable plan must be submitted to the voters before any action is taken.

ADDRESS

1/24/VIE	11001000		
GILBERT STANLEY	Columbus		
Dorothy Stonley	Columbus		
Synn Zolin	STIRRUP DOWNS COWHOUS		
George John	STIRRUP DOWNS Co Wy bus		
Jean Runge	RT#9 Columbus		
Ball Range	RT=9 Columbus		
Paul Prunge	RT#9 Columbus.		
James Vare	GREEN CREEK		
BS Vara	Green creek		
albut Stanley	STIRRUP DOWNS, Columber		
James Storley	591 RRUP Dawns. Columbus		
STANLEY, SCOTT	Co Lumbu s		
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Petition to Preserve Voters Rights

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NAME

ADDRESS

Judy H. Comparetto	1140 Warrison Dr. , Tryon, NC 28
Judy H. Comparetto Georgan manetto	1140 Karrin Dr. Tryon MC 2818
Joseph TIERE JR	80 Melpose Crede Reporte 287
Lois Time	& Melrose Circle Type NC28.
Joseph Ruma	30 Sawel Circle Columbas,
Ges Harrison	121 Ridgeview Columbus:
Char Pathanan	
Margaret a fillman	110 Masser 72 Dingn 28





Jack Lingafelter
Chairman

Daryl Kim Talbot
Vice-Chairman

Harry Denton
Commissioner
Jesse Foy
Commissioner
Bill McKaig
Commissioner

March 18, 2003

Honorable Trudi Walend 418A Legislative Office Building Raleigh, North Carolina 27603

Dear Trudi:

Per our telephone conversation and to clarify any potential local issues, the enclosed Resolution was approved by a 5-0 unanimous vote by the Polk County Board of Commissioners at its March 17, 2003 regular meeting.

If you have questions, please feel free to call.

Sincerely,

Jack Lingafelter Chairman

Board of Commissioners

RESOLUTION OF THE POLK COUNTY BOARD OF COMMISSIONERS

- WHEREAS, School funding and School property are major issues in Polk County, the Polk County Board of Commissioners is making a concerted effort to work more closely with the Polk County Board of Education; and,
- WHEREAS, through discussions and meetings with the Polk County Board of Education, it has been determined that it would be in the best interest of Polk County Schools, Polk County Government, and the citizens of Polk County if the County was allowed to own the property on which any future school buildings are built; and,
- WHEREAS, action was taken to this end at the February 17, 2003, Polk County Board of Commissioners meeting, and notice of that action was forwarded to our Polk County Legislative delegation.
- NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Commissioners formally adopts this Resolution requesting that Polk County be included in legislation that would allow Polk County to own school buildings with Polk County, and that this Resolution be forwarded to Polk County's Legislative delegation.

ADOPTED this 17 h day of March, 2003.

POLK COUNTY BOARD OF COMMISSIONERS

Jack Lingafelter, Chairman

ATTEST:

Pam Thomas, Clerk to the Board

Barbara Powell (Rep. Walker)

From: JackFYB@aol.com

Sent: Tuesday, April 15, 2003 4:03 PM

To: Tracyw@ncleg.net

Cc: trudiw@ncleg.net; pcmanager@skyrunner.net; dktalbot@hotmail.com

Subject: Senate Bill 288 (House Bill 239)

Representative R. Tracy Walker,

I understand Senate Bill 288 (House Bill 239), an act to authorize Polk County to acquire property for use by its Board of Education, is scheduled for hearing tomorrow. I further understand that Mr. Larry Poe, resident of Polk County, will speak against the bill at tomorrow's' hearing. Circumstances prevent me from attending to speak in favor of the bill.

Please be aware that Mr. Poe does not speak for a majority of Polk County citizens. Mr. Poe was defeated in last years' primary for County Commissioner by a substantial margin. As I'm sure you are aware, our resolution to Representative Walend to submit this bill was passed by the Polk County Board of Commissioners by unanimous vote. On behalf of the Board of Commissioners, I would appreciate your Committee's passage of this bill.

Thank you.

Jack Lingafelter, Chair
Polk County Board of Commissioners

Barbara Powell (Rep. Walker)

om:

Subject:

hilltopnc@axcess.net

Tuesday, April 15, 2003 11:23 PM

williamm@ncleg.net; tracyw@ncleg.net; mitchg@ncleg.net; genew@ncleg.net;

genem@ncleg.net; bobby@ncleg.net

Polk School Acquisition

Dear Representative

On April 16, 2003, House Bill 239 is scheduled to be read at the Local Government 1 committee meeting. This bill, introduced at the request of the Polk County commissioners without public notification, will permit the county to own school property. The intent is to allow our county commissioners to borrow money without seeking the approval of the residents.

There are a significant number of Polk County voters not in favor of this bill. A petition drive has been started, the weekly paper has published an editorial pointing out the pitfalls, and many people have called Representative Walend requesting that she withdraw her bill.

Let us have a say in the way our money is spent.

Please do not give HB239 a favorable vote.

Thanks, George Comparetto 828-859-5251



HOUSE BILL 469: Lenoir-Duplin Unpaid Fees.

Committee: Local Government I

Summary by:

Introduced by: Representative LaRoque

April 16, 2003

R. Erika Churchill

Date: Version:

H521-CSST-12 v.3

Committee Counsel

SUMMARY: The proposed committee substitute would permit the Counties of Lenoir and Duplin, any municipality located wholly or partly in either county, and water and waste-water authorities in those counties to collect any fee owed to the local government that remains unpaid 90 days as if that fee were a property tax.

CURRENT LAW: Local governments are authorized to charge fees for various services provided to the citizens of the jurisdiction. Examples of programs that might charge fees include: participating in recreational activities, solid waste, water and waste water system, transportation systems, mental health services, health services, environmental health, concealed handgun permit, animal control, etc.

Several of the fees have statutory provisions for collection. Examples include:

- PUBLIC ENTERPRISES. G.S. 153A-277(b) provides that a county operating a public enterprise may disconnect services after an account is delinquent for 10 days. G.S. 160A-314(b) provides like authority for municipalities operating public enterprises. G.S. 162A-9 provides a similar authority for water and sewer authorities after an account is delinquent 30 days.
- AMBULANCE SERVICES. G.S. 44-51.4 allows a local government to collect an account 90 days delinquent through the use of attachment and gamishment proceedings set forth for the collection of property taxes. G.S. 44-51.1 also allows the placement of a lien on real property for unpaid ambulance fees.
- SOLID WASTE FEES. G.S. 153A-293 permits a county to enact an ordinance providing that a solid waste fee may be billed and collected as a property tax. G.S. 160A-214.1(b) provides like authority for municipalities.

BILL ANALYSIS: The proposed committee substitute would allow the Counties of Lenoir and Duplin, any municipality located wholly or partly in those counties, or a water or sewer authority located in those counties to collect any fee owed to the local government that is past due for 90 days as if it were a property tax. The proposed committee substitute would require the local government to enact an ordinance stating this is a method of collection in that local government's jurisdiction, and would exempt the ambulance and solid waste fees.

Currently under general law, property taxes may be collected in the following ways:

- Placement of a lien on real and personal property that are superior to all other liens.
- Sale of personal property.
- Attachment and garnishment of wages and bank accounts.
- Sale of real property.

EFFECTIVE DATE:

The act would become effective when it becomes law.

The	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
H.B	Committee Substitute for . 469 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LENOIR COUNTY TO USE THE SAME ATTACHMENT AND GARNISHMENT PROCEEDINGS TO COLLECT UNPAID WATER, SEWER, OR OTHER COUNTY FEES THAT ARE AVAILABLE TO COLLECT UNPAID TAXES.	
	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
Ė	With a 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 (#), \(\infty\) 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 \(\infty\).	
	With a favorable report as to House committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.	
	With an unfavorable report.	
	With recommendation that the House concur.	
	With recommendation that the House do not concur.	
	With recommendation that the House do not concur; request conferees.	
	With recommendation that the House concur; committee believes bill to be material.	
	With an unfavorable report, with a Minority Report attached.	
	Without prejudice.	
	With an indefinite postponement report.	
	With an indefinite postponement report, with a Minority Report attached.	
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)	



HOUSE BILL 571: Rocky Mount Vegetation Ordinance

Date:

Committee: House Local Government I

April 9, 2003

Version: First Edition

Introduced by: Representative Daughtridge

Summary by:

R. Erika Churchill

Committee Counsel

SUMMARY: The bill would add the City of Rocky Mount to the list of municipalities authorized to give annual notice to chronic violators of the municipality's overgrown vegetation ordinance.

BACKGROUND:

In 1999, the General Assembly gave the City of Roanoke Rapids the authority to notify annually a chronic violator of the city's overgrown vegetation ordinance that the city may take action to remedy the violation, and charge the cost to the chronic violator, without further notice at the time of the remedial action. If this is done, the costs are a lien against the property and may be collected as unpaid property taxes. A chronic violator is defined as someone who owns property upon which the city has taken remedial action under the overgrown vegetation ordinance at least 3 times in the previous calendar year.

The Cities of High Point and Gastonia were granted this same authority in 2000. The cities of Lexington and Winston-Salem were added in 2001.

SILL ANALYSIS: The bill would add Rocky Mount to the list of cities that may exercise the authority described above.

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

Th	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
_	Committee Substitute for 3. 571 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.	
X	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
	With a 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) 03/19/03	



HOUSE BILL 695: Troy Red Light Cameras.

BILL ANALYSIS

Committee: Local Government I

Date:

April 16, 2003

Version:

First Edition

Introduced by: Representative Gibson

Summary by:

R. Erika Churchill

Committee Counsel

The bill would the Town of Troy to the list of municipalities that may utilize traffic SUMMARY: control photographic systems under G.S. 160A-300.1.

CURRENT LAW: Certain municipalities are authorized to use traffic control photographic systems when enforcing standard traffic control statute or ordinance. Those municipalities are: Albemarle. Charlotte, Durham, Fayetteville, Greensboro, Greenville, High Point, Lumberton, Rocky Mount, Wilmington, Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, Pineville, and all of the municipalities in Union County.

The parameters in which this must be done are as follows:

- 1. Traffic control photographic systems and traffic control systems must comply with Department of Transportation requirements.
- 2. Traffic control photographic systems must be identified by warning signs posted no more than 300 feet from the system.
- 3. A violation at a location at which a traffic control photographic system is in operation is not an infraction. If the violation is detected by a traffic control photographic system, it 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.
- 4. The citation must state the manner in which the violation may be challenged.
- 5. 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:
 - The name and address of the person or company who leased, rented, or otherwise had control of the vehicle.
 - An affidavit stating that the vehicle was stolen or in the custody of a person who did not have permission to use it.
- 6. The municipality must institute a non-judicial administrative hearing to review objections to citations and penalties.
- 7. Duration of yellow lights at intersections where traffic control photographic systems are in use may not be less than specified by the Department of Transportation.

BILL ANALYSIS: The bill would add the Town of Troy to the list of municipalities that may utilize this mechanism of enforcement of traffic control laws.

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

Jeff Hudson contributed to this summary.

The	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
	Committee Substitute for 3. 695 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TROY TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.	
\boxtimes	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
	With a 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 (#), \(\subseteq \) 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.	
	With an unfavorable report.	
	With recommendation that the House concur.	
	With recommendation that the House do not concur.	
	With recommendation that the House do not concur; request conferees.	
	With recommendation that the House concur; committee believes bill to be material.	
	With an unfavorable report, with a Minority Report attached.	
	Without prejudice.	
	With an indefinite postponement report.	
	With an indefinite postponement report, with a Minority Report attached.	
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03	



HOUSE BILL 696: WADESBORO/ANSONVILLE GOVERNING **BODY TERMS.**

Committee: Local Government I

Date:

April 16, 2003

Version:

Edition 1

Introduced by: Representative Gibson

Summary by:

R. Erika Churchill

Committee Counsel

SUMMARY: The bill would extend the term of the office of Mayor from two to four years in both Wadesboro and Ansonville.

CURRENT LAW: The mayor of the Town of Wadesboro is elected for two years. The mayor of the Town of Ansonville is elected for two years.

The bill would change the term of the office of mayor from two years to four **BILL ANALYSIS:** years, beginning in 2003. The bill would not effect the term of either incumbent mayor, as both are up for re-election this year. The person elected to fill the seat in 2003 would serve for a term of four years.

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

The	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
	Committee Substitute for 3. 696 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WADESBORO TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO TO FOUR YEARS AND TO AMEND THE CHARTER OF THE TOWN OF ANSONVILLE TO EXTEND THE MAYOR'S AND COUNCIL MEMBERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS.	
X	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
	With a 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)	



HOUSE BILL 697: Troy Quick Take.

BILL ANALYSIS

Committee: Local Government I

Date: Version: April 16, 2003 First Edition

Introduced by: Representative Gibson

Summary by:

R. Erika Churchill Committee Counsel

The bill would allow the City of Troy and the Troy Redevelopment Commission to SUMMARY: use the "quick-take" condemnation process to acquire real property for limited reasons.

CURRENT LAW: Both municipalities and redevelopment commissions are granted the authority to acquire real property by eminent domain in accordance with Chapter 40A. Under current general law. municipalities may use the power of "quick-take" condemnation only for the purposes listed in G.S. 40A-3(b)(1), (4) and (7) and in G.S. 160A-311(1), (2), (3), (4), (6), and (7) such as: roads, sidewalks, water supply and distribution systems, wastewater collection, treatment and disposal systems, solid waste collection systems, and other public enterprises.

The bill would allow the Town of Troy and the Troy Redevelopment Commission **BILL ANALYSIS:** to use the "quick take" method of condemnation when complying with the purposes in Article 22 of Chapter 160A, Urban Redevelopment. The authority is only with respect to property acquired for the Smitherman Village project.

BACKGROUND: Currently, the commissioners of the Town of Troy comprise the membership of the Troy Redevelopment Commission.

EFFECTIVE DATE: expire July 1, 2008.

The bill would become effective when it becomes law, and the authority would

Th	e following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
	Committee Substitute for B. 697 A BILL TO BE ENTITLED AN ACT TO ALLOW MONTGOMERY COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY 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 .	
X	With a favorable report as to the committee substitute bill (#), \(\subseteq \substitute \) 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) 03/19/03	

VISITOR REGISTRATION SHEET

Loca	1 GOV'T I	4/16/03
Nam	ne of Committee	Date
VISITORS: PL	LEASE SIGN BELOW AT	ND RETURN TO COMMITTEE CLERK
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

April 23, 2003 Room 415 11:00 a.m.

OPENING REMARKS

Representative Walker, Chair Local Government I Committee

AGENDA ITEMS:

HB 214 MADISON COUNTY LOCAL ACT-1
Representative Rapp

HB 445 CASWELL COUNTY LOCAL ACT-2
Representative Cole

HB 514 MOUNT PLEASANT CHARTER REVISAL
Representative Barnhart But intidians by sponsor

HB 683 GASTON SHERIFF VACANCY - Bill Withdrawn Representative Rayfield

HB 708 EXTEND SUNSET/HAL MARSHALL CENTER
Representative Saunders Vithdraum from today agenda
by bile sponsor.

HB 748 CAMDEN COUNTY TELECOMMUNICATIONS
Representative Owens

HB 750 PINEBLUFF PROPERTY CONVEYANCE
Representative Culpepper

HB 755 CARY/GARNER CONDEMNATIONS
Representatives Ross, Ellis, Miner and Weiss

SB 355 WAKE FOREST FORCE LIMIT
Senator Stevens

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT I April 23, 2003

The House Committee on Local Government I met at 11:00 a.m. on Wednesday, April 23, 2003 in Room 415 of the Legislative Office Building. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Dickson, McCombs, McGee, Owens, Ross, Warren and G. Wilson. Erika Church, Staff Counsel, was in attendance. A Visitor Registration list is attached and made a part of these minutes.

The Chairman called the meeting to order and recognized staff and pages.

The following bills were considered:

HB 214 – MADISON COUNTY TAX COLLECTOR APPOINTED. A proposed committee substitute was offered and adopted upon motion of Representative Warren. Motion carried. Representative Rapp was then recognized to explain the committee substitute which allows the Madison County Board of Commissioners to appoint the Tax Collector of Madison County when the current term of office expires or the office is vacated for any reason. Representative McGee made a motion to give the proposed committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 445 – CASWELL COUNTY LOCAL ACT-2 – A committee substitute was offered and adopted upon motion of Representative Warren. Motion carried. Representative Cole, sponsor, was then recognized to explain the bill. The proposed committee substitute would allow the town of Yanceyville to extend its extraterritorial jurisdiction over an area extending two miles beyond its primary corporate limits and to annex certain territory to the corporate limits of the town of Yanceyville. Representative Owens made the motion to give proposed committee substitute a favorable report, unfavorable to original bill and be re-referred to Finance. Motion carried.

HB 750 – PINEBLUFF PROPERTY CONVEYANCE – A proposed committee substitute was offered and adopted upon motion of Representative Wilson. Motion carried. Representative Culpepper, bill sponsor, was called upon to explain the proposed committee substitute, which would allow the town of Pinebluff to make conveyances of certain properties by private negotiations and sale, and affirm such conveyances that have already been done. Representative McAllister made the motion to give proposed committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 755 – CARY/GARNER CONDEMNATIONS – A proposed committee substitute was offered and adopted upon motion of Representative Wilson. Motion carried. Representative Ross, one of the bill sponsors, was then recognized to explain the proposed committee substitute which would authorize the towns of Cary and Garner to acquire property for the present or future location or relocation of telephone, telegraph, electric, or other lines to be operated by public utilities. Representative McAllister made

the motion to give the proposed committee substitute a favorable report, unfavorable to original bill. Motion carried.

SB 355 – WAKE FOREST FORCE LIMIT – Representative Eddins, sponsor of companion bill, HB431, was called on the explain the bill which would allow the Town of Wake Forest to use Town labor for two construction projects (electrical distribution feeder circuits and an electric substation) without regard to dollar limits set out in the North Carolina General Statutes regarding public construction contracts. Representative Ross made a motion for a favorable report. Motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Representative Walker

Chairman '

Barbara W. Powell

Committee Assistant

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on LOCAL GOVERNMENT I.		
Committee Substitute for		
H.B. 214 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MADISON.		
☐ With a favorable report.		
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.		
With a favorable report, as amended.		
☐ With a 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) 03/19/03		



HOUSE BILL 214: Madison County Tax Collector Appointed

BILL ANALYSIS

Committee: Local Government I

April 23, 2003

Version:

Date:

H214-CSLY-3 v.1

Introduced by: Representative Rapp

Summary by:

R. Erika Churchill Committee Counsel

The proposed committee substitute would allow the Madison County Board of SUMMARY: Commissioners to appoint the tax collector of Madison County when the current term of office expires or the office is vacated for any reason.

CURRENT LAW: The General Statutes provide that tax collectors are appointed by the governing body of the county or municipality. Three counties have local acts specifying that the office of tax collector is an elected office: Haywood, Henderson, and Madison.

BILL ANALYSIS: The proposed committee substitute would repeal the local act, and an amendment to that act, and allow Madison County to follow the general law for appointing tax collectors. The repeal would not affect the term of office of the current Madison County Tax Collector. However, if the office is vacated prior to the expiration of that term, then the Madison County Board of Commissioners would appoint the tax collector from that point on.

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

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
Committee Substitute for H.B. 445 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CASWELL	
☐ With a favorable report.	
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.	
With a favorable report, as amended.	
☐ With a 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———————————————————————————————————	
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.	
With an unfavorable report.	
With recommendation that the House concur.	
With recommendation that the House do not concur.	
With recommendation that the House do not concur; request conferees.	
☐ With recommendation that the House concur; committee believes bill to be material.	
With an unfavorable report, with a Minority Report attached.	
☐ Without prejudice.	
☐ With an indefinite postponement report.	
☐ With an indefinite postponement report, with a Minority Report attached.	
With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)	

The	e following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
	Committee Substitute for 3. 750 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS INTERNAL CENTER COURTS AND ALLEYS AT PRIVATE NEGOTIATED 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 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) 03/19/03

The	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
	Committee Substitute for 3. 755 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CARY AND GARNER TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES.	
	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
	With a 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.	
	With an unfavorable report.	
	With recommendation that the House concur.	
	With recommendation that the House do not concur.	
	With recommendation that the House do not concur; request conferees.	
	With recommendation that the House concur; committee believes bill to be material.	
	With an unfavorable report, with a Minority Report attached.	
	Without prejudice.	
	With an indefinite postponement report.	
	With an indefinite postponement report, with a Minority Report attached.	
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03	



HOUSE BILL 755: Cary/Garner Condemnations.

BILL ANALYSIS

Committee: House Local Government I Int

Date: April 24, 2003

Version: H755-CSST-17 v.1

Introduced by: Rep. Ross

Summary by: R. Erika Churchill*

Committee Counsel

SUMMARY: The proposed committee substitute would authorize the Towns of Cary and Garner to acquire property for the location or relocation of utility lines when it acquires property for streets, using the procedures under either Chapter 136 or Chapter 40A.

CURRENT LAW and BILL ANALYSIS:

Ability To Acquire Property For The Location Of Utility Lines.

Cities and towns can acquire property for the construction and improvement of streets and roads. Often the construction and improvement of streets and roads involves the placement or movement of utility lines and the need to acquire property for their location or relocation. The utility companies can acquire property for the placement of their lines, but municipalities cannot do it for them.

The proposed committee substitute authorizes the Towns of Cary and Garner to acquire rights-of-way for the location or relocation of utility lines when it acquires right-of-way for the construction or improvement of streets. In practice, this right-of-way would then be given to the utility companies. This authority would enable the towns to acquire rights-of-way on a timelier basis, resulting in the completion of road improvement projects on a timelier basis. The Department of Transportation has this authority under G.S. 136-18(2) and the City of Raleigh has had this authority since 1991.

The acquisition of the property for the purpose of utilities could be either under Chapter 40A or Chapter 136. There are two primary differences between the acquisition authority granted by Chapter 40A and Article 9 of Chapter 136:

- Under Chapter 40A, a condemnor must give the owner of the property to be acquired 30 days notice of its intent to institute an action to condemn the property.² Under Article 9 of Chapter 136, the condemnor is not required to give this 30–day notice.
- Under Chapter 40A, the just compensation for the value of the property taken is generally its fair market value prior to the taking.³ Under Chapter 136, the just compensation for the property taken is its fair market value, taking into consideration any benefits resulting from the utilization of the part taken for highway purposes.

² For purposes of road construction and improvement, the title to the property and the right to immediate possession vests automatically with the city subject to the filing of the condemnation complaint and deposit of the estimated just compensation. Chapter 40A and Article 9 of Chapter 136 do not differ in this point.

¹ S.L. 1991-312.

³ Under Chapter 40A, the measure of compensation is the greater of either (i) the amount by which the fair market value of the entire tract immediately before the taking exceeds the fair market value of the remainder immediately after the taking or (ii) the fair market value of the property taken. The value of the property does not include an increase or decrease in value that is cause by the proposed improvement or project for which the property is taken.

^{*}Cindy Averett substantially contributed to this summary...

The	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
S.E	Committee Substitute for 3. 355 A BILL TO BE ENTITLED AN ACT TOALLOW THE TOWN OF WAKE FOREST TO USE TOWN LABOR FOR PHASED CONSTRUCTION OF ELECTRICAL DISTRIBUTION FEEDER CIRCUITS AND FOR CONSTRUCTION OF AN ELECTRIC SUBSTATION WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR	
囟	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
	With a 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)	



SENATE BILL 355: Wake Forest Force Limit

Committee:

Senate Commerce

Date: Version:

April 1, 2003 First Edition

Introduced by: Senator Stevens

Summary by:

Wendy Graf Ray

Committee Counsel

SUMMARY: Senate Bill 355 would allow the Town of Wake Forest to use Town labor for two construction projects without regard to dollar limits set out in the North Carolina General Statutes regarding public construction contracts.

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes sets out requirements for the bidding of public contracts. G.S. 143-135 exempts from the requirements of Article 8 construction or repair work undertaken by the State or subdivisions of the State when both of the following apply:

- The work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned.
- Either the total cost of the project does not exceed \$125,000, or the total cost of labor on the project does not exceed \$50,000.

BILL ANALYSIS: Senate Bill 355 would allow the Town of Wake Forest to use qualified labor on the payroll of the Town, without regard to the dollar limitations set out in G.S. 143-135, on the following projects:

Electrical distribution feeder circuits, to be built in phases. The act only applies to this project if construction on the first phase begins no later than December 31, 2003, and applies to the final phase only if construction on that phase begins no later than December 31, 2009.

Electrical Substation. The act only applies to this project if construction begins no later than December 31, 2006.

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

VISITOR REGISTRATION SHEET

Name of Committee	Date
VISITORS:: PLEASE SICH BELOW AND	RETURN TO COMPUTATE OF STA
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NAME	FIRM OR AGENCY AND ADDRESS
David Crawford	ALA NORM CONTRA
MAR Williams	TOUN OF WAKE POKEST
Aleen tochavet	Hafer i Caldwell, P.H.
Kim teibberd	NCLM NCLM
AmyDobson	NC Strewatch
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Bruce YHansa	NC the Bilder
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MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT I

April 29, 2003

The House Committee on Local Government I met after session on the floor of the House of Representatives. The following members were present; Chairman Walker, Vice-Chair Becky Carney, Representatives Dickson, McAllister, McCombs, McGee, Ross, Warren, and G. Wilson. Ericka Churchill, Staff Counsel, was in attendance.

After calling the meeting to order, the following bills were considered:

HB 84 – CABARRUS COUNTY LOCAL ACT-2. A Proposed Committee substitute was offered and adopted upon motion of Representative Dickson. Motion passed. Representative Barnhart, sponsor, explained the bill which amends the Cabarrus County Work Over Welfare Program and extends the program until September 30, 2005. Representative McAllister made the motion to give proposed committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 773 – CHAPEL HILL SPRINKLERS. A proposed committee substitute was offered and adopted upon motion of Representative Ross. Motion passed. Representative Insko, sponsor, explained the bill which allows the town of Chapel Hill to require sprinklers in bars, clubs, and other similar places of public assembly that have alcoholic licenses. A sprinkler ordinance may apply to any new occupancy or to existing occupancies within a period of 5 years after the enactment of the ordinance. Representative McAllister made the motion to give the proposed committee substitute a favorable report, unfavorable to the original bill. Motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted

Representative Walker

Chairman

Barbara W. Powell

Committee Assistant

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
Committee Substitute for H.B. 84 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS.		
☐ With a favorable report.		
☐ With a favorable report and recommendation that the bill be re-referred to the Committee of Appropriations ☐ Finance ☐ ☐.		
☐ With a favorable report, as amended.		
☐ With a 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 (#), \(\subseteq \) 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)		



HOUSE BILL 84: Cabarrus Work Over Welfare Changes

BILL ANALYSIS

Committee: House Local Government I

Date:

April 29, 2003

H84-CSST-26v.2 Version:

Introduced by: Representative Barnhart

Summary by:

R. Erika Churchill

Committee Counsel

SUMMARY: The Proposed Committee Substitute for House Bill 84 amends the Cabarrus County Work Over Welfare Program and extends the program until September 30, 2005.

BILL ANALYSIS:

The Proposed Committee Substitute amends S.L. 1998-106, as amended by S.L. 2001-354. Section 1 of the PCS includes the following amendments to Section 2 of S.L. 1998-106 as amended by S.L. 2001-354:

- Subsection (2) regarding the creation of job opportunities in the public, the private, nonprofit, and the private, for-profit sectors is amended to delete the specification that opportunities be primarily in the human services areas.
- Subsection (8) is amended to specify that job search training is required only for participants who are assessed as needing it.
- Subsection (10) deletes the reference to Food Stamp benefits that was added in 2001.
- Subsection (11) is amended to provide that social worker monitoring shall not exceed three months form the date of termination, unless, in the judgment of the social worker, there is reason to monitor for a longer period of time.
- Subsection (15) inserts the word "benefit" before "diversion payment" in all subsection references to the Work First diversion payment.
- Subsections (12) and (18) are amended with technical (punctuation) changes.
- Subsection (19) is a new section requiring that the Cabarrus County demonstration Work Over Welfare Program assist children in Work First child-only cases in securing permanent stable homes through adoption by allowing federal funds for Work First cash assistance to be transferred from the TANF Block Grant to the Social Services Block Grant to be used to pay for home studies, attorney fees, and other adoptions expenses, as well as an ongoing cash payment for the adoptive family, similar to cash payments received through Adoption Assistance. This applies to children in Work First child-only cases, where the children are living with relatives other than the biological parents.

Section 5 of S.L. 1998-106, as amended by S.L. 2001-354, is amended to extend the program until September 30, 2005.

EFFECTIVE DATE:

The pcs would become effective when it becomes law.

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
_	Committee Substitute for 3. 773 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY.	
	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
	With a 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)	



HOUSE BILL 773: Chapel Hill Sprinklers.

BILL ANALYSIS

Committee: House Local Government I

Introduced by: Representative Insko

Date: April 29, 2003

Summary by: R. Erika Churchill

Version: H773-CSSA-15v.2

Committee Counsel

SUMMARY: The proposed committee substitute authorizes the Town of Chapel Hill to require sprinklers in places of public assembly that have alcoholic beverage licenses. A sprinkler ordinance may apply to any new occupancy or to existing occupancies within a period of 5 years after the enactment of an ordinance.

CURRENT LAW: The North Carolina Building Code sets forth requirements for automatic sprinkler systems for a number of different use and occupancy classifications. The occupancy classifications most relevant to House Bill 773 include A-2 and A-3 assembly occupancies. The A-2 assembly is assigned for use of a building for food and drink consumption and includes restaurants, nightclubs, taverns and bars. A-3 assembly uses include worship, recreation or amusement. Examples of A-3 occupancies include churches, dance halls, pools and billiard parlors. North Carolina Building Code Section 303. Automatic sprinkler systems are required under the Code for A2 occupancies that exceed 5,000 square feet, have an occupancy load of 300 or more or if the fire area is located on a floor other than the level of exit discharge. Automatic sprinklers systems are required in A-3 occupancies that exceed 12,000 square feet, or have an occupancy load of 300 or more, or if the fire area is located on a floor other than the level of exit discharge. (i.e. a nightclub or the second floor or in a basement). Building code requirements are applicable to new construction only.

BILL ANALYSIS: The proposed committee substitute allows Chapel Hill to adopt an ordinance that would require sprinklers in places of public assembly that are licensed to serve alcoholic beverages as follows:

- (1) Prior to the issuance of a certificate of occupancy:
 - Any new occupancy to be established with a rated occupancy load exceeding 200 persons and serving alcohol under a North Carolina ABC classification of private club or retail on-site consumption of mixed drink or malt beverage.
 - Any new occupancy to be established with a rated occupancy loadexceeding 100 persons and serving alcohol under a North Carolina ABC classification of private club or retail on-site consumption of mixed drink or malt beverage and that has any of its required egress points one story or more above or below grade.
- (2) Within 5 years of the enactment of the requiring ordinance:
 - Any existing occupancy with a rated occupancy load exceeding 200 persons and serving alcohol under a North Carolina ABC classification of private club or retail on-site consumption of mixed drink or malt beverage.
 - Any existing occupancy with a rated occupancy load exceeding 150 persons and serving alcohol under a North Carolina ABC classification of private club or retail on-site consumption of mixed drink or malt beverage and that has any of its required egress points one story or more above or below grade.

The act may raise a State constitutional question. Matters involving the building codes have been held to violate the prohibition against local laws affecting health. N.C.Const. Art II, Sec. 24 (1)(a).

EFFECTIVE DATE: The act is effective when it becomes law. Barbara Riley contributed to this summary.

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT 1

April 30, 2003 Room 415 11:00 a.m.

OPENING REMARKS

Representative Carney Vice Chair

AGENDA ITEMS:

HB 197 BLADEN COUNTY LOCAL ACT-1
Representative Nye

HB 163 111th HOUSE DISTRICT LOCAL ACT-1 Representative Moore

HB 1042 REVOCATION OF LOCAL INSPECTION PERMITS Representative LaRoque

HB 1099 CITY, COUNTY & SCHOOL BOARD VOTING REQUIRED Representative LaRoque

HB 652 CPCC LAND Withdrawn by sporoco Representative Alexander

HB 249 18th HOUSE DISTRICT LOCAL ACT-3 Representative Wright

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT 1 April 30, 2003

The House Committee on Local Government I met at 11:00 a.m. on Wednesday, April 30, 2003 in Room 415 of the Legislative Office Building. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Dickson, McCombs, McGee, Ross, Warren, and G. Wilson. Erika Churchill and Judy Collier, Staff Counsel, were in attendance. A Visitor Registration list is attached and made a part of these minutes.

Vice-Chair, Becky Carney, called the meeting to order and recognized staff and pages.

The following bills were considered:

HB 197 – BLADEN COUNTY LOCAL ACT-1. A proposed committee substitute was offered and adopted upon motion of Representative Walker. Motion passed. Representative Nye, sponsor, was recognized to explain the bill which would allow the Bladen County Board of Education to utilize the private sale method of disposal for 5 specifically described properties. The transfer may be with or without monetary consideration. Representative McAllister made a motion to give the substitute bill a favorable report, unfavorable to the original bill. Motion carried.

HB 163 – 111TH HOUSE DISTRICT LOCAL ACT-1. A proposed committee substitute was offered and adopted upon motion of Representative Ross. Motion passed. Representative Moore, sponsor, was recognized to explain the bill. House Bill 163 would exempt the City of Kings Mountain from having to meet the requirements in G.S. 160A-58.1 when annexing two particularly described tracts of property owned by the city as used as the water treatment facility. Representative Dickson made the motion to give the proposed committee substitute a favorable report, unfavorable to original bill and be rereferred to Finance. Motion carried.

HB 1042 – REVOCATION OF LOCAL INSPECTION PERMITS. A proposed committee substitute was offered and adopted upon motion of Representative Gillespie. Representative LaRoque, sponsor, was then recognized to explain the committee substitute which would require a county or municipality to pay to the holder of the permit all project costs, expenses, and other losses incurred when the county or municipality revokes the permit because it was issued in violation of any applicable State or local law. There was much discussion with this bill including comments that it would create serious problems for Building Inspectors and that it has statewide implications, rather than just a local situation for Rep. LaRoque's district. Representative McAllister moved to give the proposed committee substitute a favorable report, unfavorable as to the original bill and be re-referred to the Committee on Rules, Operations and Calendar of the House. Motion carried.

HB 1099 – CITY, COUNTY & SCHOOL BOARD VOTING REQUIRED. A proposed committee substitute was offered and adopted upon motion of Representative Gillespie. Motion passed. Representative LaRoque was then recognized to explain the committee substitute, which would enforce the duty of City Council members and County Commissioners to vote on nonprocedural issues and to impose a similar duty to vote on School Board members. Discussion included comments that it had statewide implications – not just local, constitutionality was questioned and the feeling was that the General Assembly would be getting involved in local issues. Representative Ross made a motion to give the proposed committee substitute a favorable report, unfavorable to original bill and be re-referred to Rules, Operations and Calendar of the House. Motion passed.

HB 249 – 18TH HOUSE DISTRICT LOCAL ACT-3. A proposed committee substitute was offered and adopted upon motion of Representative Wilson. Motion passed. Representative Wright, sponsor, was recognized to explain the bill which would permit the city of Wilmington to engage in conditional zoning. Representative Ross made a motion to give the proposed committee substitute a favorable report, unfavorable to original bill. Motion carried.

HB 124 – DURHAM COUNTY LOCAL ACT. A proposed committee substitute was offered and adopted upon motion of Representative Warren. Motion carried. Representative Crawford, sponsor, was recognized to explain the bill which would adopt a zoning protest petition requirement for Durham County. Representative Ross made a motion to give the proposed committee substitute a favorable report, unfavorable to original bill. Motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

enresentative Carney

Vice Chair

Barbara W. Powell
Committee Assistant

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
_	Committee Substitute for B. 197 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BLADEN	
	With a favorable report.	
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
	With a favorable report, as amended.	
	With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .	
Ø	With a favorable report as to the committee substitute bill (#), \(\bigsize \) which changes the title, unfavorable as to (the original bill) (\(\cap \) (Committee Substitute Bill #), (and recommendation-that-the-committee substitute bill #) be re-referred to the Committee on)	
	With a favorable report as to House committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.	
	With an unfavorable report.	
	With recommendation that the House concur.	
	With recommendation that the House do not concur.	
	With recommendation that the House do not concur; request conferees.	
	With recommendation that the House concur; committee believes bill to be material.	
	With an unfavorable report, with a Minority Report attached.	
	Without prejudice.	
	With an indefinite postponement report.	
	With an indefinite postponement report, with a Minority Report attached.	
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)	



HOUSE BILL 197: Bladen School Board Private Sale.

Committee: House Local Government 1

April 30, 2003

Version:

Date:

H197-PCS45064-LB-25

Introduced by: Representative Nye

Summary by:

R. Erika Churchill

Committee Counsel

The bill would allow the Bladen County Board of Education to convey, by SUMMARY: private sale, certain described property.

County Boards of Education are authorized to dispose of property in accordance **CURRENT LAW:** with Article 12 of Chapter 160A, which governs disposal of real and personal property by counties and cities. G.S. 115C-518. Before the county board of education can dispose of real property, the county board of commissioners must be afforded the opportunity to acquire the property. If the county board of commissioners does not acquire the property, then the board of education may proceed to dispose of the property in accordance with statutory quidelines. The governing disposal statutes provide for a private sale in limited circumstances – property sold by private sale must be of "special interest," such as historical properties, and sold to a non-profit corporation. G.S. 160A-266.

The bill would allow the Bladen County Board of Education to utilize the private **BILL ANALYSIS:** sale method of disposal for 5 specifically described properties. The transfer may be with or without monetary consideration.

The transfers would be:

- The Martin Luther King Drive Site to the Bladen County Youth Focus Project, Inc.
- Four tracts to the Spaulding-Monroe Association, Inc.

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

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
Co H.B.	ommittee Substitute for	
□ w	ith a favorable report.	
	ith a favorable report and recommendation that the bill be re-referred to the Committee on ppropriations Finance .	
□ w	ith a favorable report, as amended.	
	ith a favorable report, as amended, and recommendation that the bill be re-referred to the ommittee on Appropriations Finance .	
tit re	which changes the cle, unfavorable as to (the original bill) (Committee Substitute Bill #), (and commendation that the committee substitute bill #) be re-referred to the Committee at the committee substitute bill #).	
	ith a favorable report as to House committee substitute bill (#), ☐ which changes e title, unfavorable as to Senate committee substitute bill.	
□ w	ith an unfavorable report.	
□ w	ith recommendation that the House concur.	
□ w	ith recommendation that the House do not concur.	
□ w	ith recommendation that the House do not concur; request conferees.	
□ w	ith recommendation that the House concur; committee believes bill to be material.	
□ w	ith an unfavorable report, with a Minority Report attached.	
□ w	ithout prejudice.	
□ w	ith an indefinite postponement report.	
□ w	ith an indefinite postponement report, with a Minority Report attached.	
□ w	ith recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03	



HOUSE BILL 163: Kings Mnt. Annex Water System.

BILL ANALYSIS

Committee: House Local Government I

Introduced by: Representative Moore

Date:

Summary by:

R. Erika Churchill

Version:

April 30, 2003 H163-CSST-28 v.2

Committee Counsel

SUMMARY:

The bill would allow the City of Kings Mountain to annex certain described

property owned by the town.

CURRENT LAW:

G.S. 160A-58.1 and 160A-58.7 govern the voluntary annexation by a municipality of noncontiguous property. G.S. 160A-58.1 provides that all property owners in the satellite area may petition a city for voluntary annexation of the noncontiquous property if the property meets the following five standards:

- 1. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- 2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
- 3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- 4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
- 5. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

G.S. 160-58.7 provides the process a city must follow when the city is the property owner of the satellite area. This process requires that the city comply with the provisions of G.S. 160A-58.1 as described above.

BILL ANALYSIS: The bill would exempt the City of Kings Mountain from having to meet the requirements in G.S. 160A-58.1 when annexing two particularly described tracts of property owned by the city as used as the water treatment facility.

The cities of Hickory, New Bern, Statesville, Kenly, Troy, Mt. Airy, Mooresville, **BACKGROUND:** Marion, Oxford, Rockingham, Newton, Conover, and Claremont and the Towns of Calabash, Catawba, Dallas, Godwin, Louisburg, Mocksville, Pembroke, Rutherfordton, Maiden, Swansboro and Waynesville have already eliminated the 5th standard for all annexations by the municipality. This committee also recommended similar legislation for the town of Andrews in House Bill 511.

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

Cindy Avrette contributed to this summary.

The	e following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
	Committee Substitute for
H.I	3. 1042 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURES FOR REVOCATION OF COUNTY AND MUNICIPAL INSPECTION PERMITS.
	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	With a favorable report, as amended.
	With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
\square	With a favorable report as to the committee substitute bill (#
	With a favorable report as to House committee substitute bill (#), \square which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	With an unfavorable report, with a Minority Report attached.
	Without prejudice.
	With an indefinite postponement report.
	With an indefinite postponement report, with a Minority Report attached.
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03



HOUSE BILL 1042: Revocation of Local Inspection Permits.

BILL ANALYSIS

Committee: Local Government I

Date:

April 30, 2003

Version:

H1042-CSST-29 v.1

Introduced by: Representative LaRoque

Summary by:

R. Erika Churchill

Committee Counsel

The proposed committee substitute would require a county or a municipality SUMMARY: to pay to the holder of the permit all project costs, expenses, and other losses incurred when the county or municipality revokes the permit because it was issued in violation of any applicable State or local law.

County and city building inspectors may revoke and require the return of any **CURRENT LAW:** permit by giving written notice to the permit holder, stating the reason for the revocation. Permits must be revoked in the following situations:

- 1. For any substantial departure from the approved application or plans and specifications.
- 2. For refusal or failure to comply with the requirements of any applicable State or local laws or local ordinances or regulations.
- 3. For false statements or misrepresentations made in securing the permit.

A permit mistakenly issued in violation of an applicable State or local law or local ordinance or regulation may be revoked.

BILL ANALYSIS: The proposed committee substitute would change the existing law regarding revocation of inspections permits in the following ways:

- The revocations are permissive, not mandatory for the three reasons set out above.
- The written notice is not required to contain the reason for the revocation.
- The county or municipality revoking the permit for the reason that the permit was issued in violation of State or local law is liable to the permit holder for the project costs, expenses and other losses incurred by the permit holder. This liability includes interest at the legal rate from the date of the revocation until payment. If the permit applicant made false or misleading statements to obtain the permit, then the county or city is not liable to the permit holder.

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

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for H.B. 1099 A BILL TO BE ENTITLED AN ACT TO ENFORCE THE DUTY OF CITY COUNCIL MEMBERS AND COUNTY COMMISSIONERS TO VOTE ON NONPROCEDURAL ISSUES AND TO IMPOSE A SIMILAR ENFORCEABLE DUTY TO VOTE ON SCHOOL BOARD 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 (#
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
With an unfavorable report.
☐ With an unfavorable report.
 ☐ With an unfavorable report. ☐ With recommendation that the House concur.
 □ With an unfavorable report. □ With recommendation that the House concur. □ With recommendation that the House do not concur.
 □ With an unfavorable report. □ With recommendation that the House concur. □ With recommendation that the House do not concur. □ With recommendation that the House do not concur; request conferees.
 □ With an unfavorable report. □ With recommendation that the House concur. □ With recommendation that the House do not concur. □ With recommendation that the House do not concur; request conferees. □ With recommendation that the House concur; committee believes bill to be material.
 □ With an unfavorable report. □ With recommendation that the House concur. □ With recommendation that the House do not concur. □ With recommendation that the House do not concur; request conferees. □ With recommendation that the House concur; committee believes bill to be material. □ With an unfavorable report, with a Minority Report attached.
 □ With an unfavorable report. □ With recommendation that the House concur. □ With recommendation that the House do not concur. □ With recommendation that the House do not concur; request conferees. □ With recommendation that the House concur; committee believes bill to be material. □ With an unfavorable report, with a Minority Report attached. □ Without prejudice.

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for H.B. 249 A BILL TO BE ENTITLED AN ACT RELATING TO THE 18 TH HOUSE DISTRICT.
☐ With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
☐ With a favorable report, as amended.
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report as to the committee substitute bill (#
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
☐ With an unfavorable report.
With recommendation that the House concur.
☐ With recommendation that the House do not concur.
With recommendation that the House do not concur; request conferees.
With recommendation that the House concur; committee believes bill to be material.
☐ With an unfavorable report, with a Minority Report attached.
Without prejudice.
With an indefinite postponement report.
With an indefinite postponement report, with a Minority Report attached.
☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for H.B. 124 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DURHAM.
☐ With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
☐ With a favorable report, as amended.
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report as to the committee substitute bill (#
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
☐ With an unfavorable report.
With recommendation that the House concur.
With recommendation that the House do not concur.
With recommendation that the House do not concur; request conferees.
With recommendation that the House concur; committee believes bill to be material.
With an unfavorable report, with a Minority Report attached.
Without prejudice.
With an indefinite postponement report.
With an indefinite postponement report, with a Minority Report attached.
With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03

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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

May 7, 2003 Room 415 11:00 a.m.

OPENING REMARKS
Representative Walker, Chair
Local Government I Committee

AGENDA ITEMS:

SB 57 CAROLINA BEACH WHEEL LOCK AUTHORIZATION
Senator Ballantine

SB 181 APEX QUICKTAKE ROADS/HISTORIC STRUCTURES
Senator Stevens

SB 330 RALEIGH/HOLLY SPRINGS/RUTHERFORDTON CLEAR-CUTTING
Senator Reeves Sponsor withdrew

SB 425 CABARRUS ELECTRONIC NOTICE

Senator Hartsell

Sponear withdrew

SB 490 WILMINGTON CITY MANAGER AUTHORITY Senator Ballantine

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT I May 7, 2003

The House Committee on Local Government I met on Wednesday, May 7, 2003 in Room 415 of the Legislative Building at 11:00 a.m. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Barbee, Dickson, McCombs, McGee, Ross and Wilson. Erika Churchill and Judy Collier, Staff Counsel were in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and recognized attendees.

SB 181 – APEX QUICKTAKE ROADS/HISTORIC STRUCTURES. Senator Stevens, sponsor, was recognized to explain the bill which authorizes the town of Apex to (1) use the same condemnation procedures and authority for roads that the Department of Transportation uses in Chapter 136 in certain circumstances and (2) adopt ordinances regulating the demolition of historic structures in its Historic District. After some discussion, Representative Ross moved for a favorable report. Motion passed.

SB 490 – WILMINGTON CITY MANAGER AUTHORITY. In the absence of Senator Ballantine, Representative Bonner Stiller was recognized to explain the bill which would amend the charter of the City of Wilmington to allow the city manager to settle certain claims not in excess of \$2,500.00 against the city. Representative Barbee moved that the bill receive a favorable report. Motion carried.

The additional three bills on todays calendar were withdrawn by the sponsors to be brought before committee at a later time.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Top State Walker

Representative Walker

Chairman

Barbara Powell

Committee Assistant

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I. Committee Substitute for S.B. 181 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THE APEX HISTORIC 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 # recommendation that the committee substitute bill #) be re-referred to the Committee on .) With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill. With an unfavorable report. With recommendation that the House concur. With recommendation that the House do not concur. With recommendation that the House do not concur; request conferees. With recommendation that the House concur; committee believes bill to be material. With an unfavorable report, with a Minority Report attached. Without prejudice. With an indefinite postponement report. With an indefinite postponement report, with a Minority Report attached. With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

03/19/03



SENATE BILL 181: Apex Quicktake Roads/Historic Structures

BILL ANALYSIS

Date:

Committee: House Local Government I

May 7, 2003

Version: Second Edition Introduced by: Sen. Stevens

Summary by: R. Erika Churchill

Committee Counsel

SUMMARY: Senate Bill 181 authorizes the Town of Apex to do two different things:

To use the same condemnation procedures and authority for roads that the Department of Transportation uses in Chapter 136 in certain circumstances.

To adopt ordinances regulating the demolition of historic structures in its Historic District.

CONDEMNATION PROCEDURES FOR ROADS: Cities and towns may condemn property under Chapter 40A for opening, widening, extending, or improving roads and streets. The Department of Transportation may acquire property under Article 9 of Chapter 136 for the construction and improvement of highways. Municipalities may also use the condemnation provisions in Article 9 of Chapter 136 for the acquisition of property related to the construction and improvement of roads and streets within their corporate boundaries that are part of the state-highway-system, but not for city streets. There are two primary differences between the acquisition authority granted by Chapter 40A and Article 9 of Chapter 136:

- Under Chapter 40A, a condemnor must give the owner of the property to be acquired 30 days notice of its intent to institute an action to condemn the property. Under Article 9 of Chapter 136, the condemnor does not have to give this 30-day notice.
- Under Chapter 40A, the just compensation for the value of the property taken is generally its fair market value prior to the taking.² Under Chapter 136, the just compensation for the property taken is its fair market value, taking into consideration any benefits resulting from the utilization of the part taken for highway purposes.

Section 1 of Senate Bill 181 provides that the Town of Apex may use the procedure and authority of Article 9 of Chapter 136 for the acquisition of property for roads. It currently has this authority for the acquisition of property for water and sewer lines and treatment facilities. It also establishes a floor for determining just compensation by specifying that just compensation may be no less than \$1.00 per square foot of real property taken or the prorated property tax value of the parent tract, whichever is less. Therefore, for the Town of Apex, the determination of just compensation under Article 9 of Chapter 136 would be the fair market value of the property taking into consideration any benefit the property derives

¹ For purposes of road construction and improvement, the title to the property and the right to immediate possession vests automatically with the city subject to the filing of the condemnation complaint and deposit of the estimated just compensation. Chapter 40A and Article 9 of Chapter 136 do not differ in this point.

² Under Chapter 40A, the measure of compensation is the greater of either (i) the amount by which the fair market value of the entire tract immediately before the taking exceeds the fair market value of the remainder immediately after the taking or (ii) the fair market value of the property taken. The value of the property does not include an increase or decrease in value that is cause by the proposed improvement or project for which the property is taken.

SENATE BILL 181

Page 2

from the road improvement, but in no event may that value be less than \$1.00 per square foot or the prorated property tax value of the parent tract, whichever is less.

Section 1 becomes effective when it becomes law and expires on December 31, 2008. The Town of Apex plans to spend approximately \$30 million over the next 5-6 years to construct the "Apex Peakway". This provision will allow the Town to use the procedures of Article 9 of Chapter 136 to make the road improvements anticipated over the next few years.

REGULATE DEMOLITION OF HISTORIC BUILDINGS: Section 2 of Senate Bill 181 would allow the Town of Apex to adopt ordinances regulating the demolition of historic structures after notice and a public hearing. The bill defines the term "historic structure". The Town may not prohibit the demolition of an historic structure unless the structure has statewide significance as defined in the criteria of the National Register of Historic Places, as determined by the State Historic Preservation Officer. The Town of Apex's downtown is Federally-designated and recognized as an historic district.

Under current law, municipalities may designate historic districts and historic landmarks if they establish or designate a historic preservation commission and follow the numerous landmark designation procedures outlined in Part 3C of Article 19 of Chapter 160A. Those procedures include preparing and adopting guidelines and procedures, conducting investigations and reports, consulting with the Department of Cultural Resources, etc. A person with property located in an historic district must file an application for a certificate of appropriateness before the person may alter the exterior of a building located in the district or relocate or demolish a building in the district.

Section 2 of this bill would allow the Town of Apex to regulate the demolition of historic structures located in its zoning jurisdiction without having to meet the procedural requirements of Part 3C. Likewise, the Town will not be able to regulate historic structures as extensively as would otherwise be allowed under Part 3C. This bill allows the Town to only regulate the demolition of those structures.

^{*}Cindy Avrette contributed substantially to this summary.

³ G.S. 160A-400.14. Under this statute, the property may be demolished even if it meets this standard if the property owner would otherwise suffer extreme hardship or be permanently deprived of all beneficial use of the property.

By Representative Walker (Chair) for the Committee on Local Government I.
☐ Committee Substitute for S.B. 490 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO ALLOW THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY WHEN THE AMOUNT OF THE CLAIMS DO NOT EXCEED THE CITY'S INSURANCE DEDUCTIBLE.
☑ With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
☐ With a favorable report, as amended.
☐ With a 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) 03/19/03



SENATE BILL 490: Wilmington City Manager Authority.

BILL ANALYSIS

Committee: Local Government I

Date: May 7, 2003

Version: First Edition **Introduced by:** Senator Ballantine

Summary by: R. Erika Churchill

Committee Counsel

SUMMARY: The bill would amend the charter of the City of Wilmington to allow the city manager to settle certain claims not in excess of \$2,500.00 against the city.

CURRENT LAW: G.S. 160A-148 states the authority of municipal managers. The manager is responsible to the city council for administering all municipal affairs placed in the manager's charge by council, and has the following powers and duties:

- 1. Personnel. Appoint and suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the council may adopt.
- 2. Administration. Direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council, except as otherwise provided by law.
- 3. Meetings. Attend all meetings of the council and recommend measures deemed expedient.
- 4. Enforcement. See that all laws of the State, the city charter, and the ordinances, resolutions, and regulations of the council are faithfully executed within the city.
- 5. Budget. Prepare and submit the annual budget and capital program to the council.
- 6. Finances. Annually submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.
- 7. Operation of the city. Make any other reports that the council may require concerning the operations of city departments, offices, and agencies subject to the manager's direction and control.
- 8. Other duties. Perform any other duties that may be required or authorized by the

G.S. 160A-152 further contemplates that a city charter may provide for powers and duties of manager in addition to these.

The bill would amend the charter of Wilmington in the following manner: **BILL ANALYSIS:**

- Repeal Section 29.1 of that charter. This section forth the procedure under which a party could sue the city of Wilmington, which is in conflict with G.S. 1-539.16. The repeal of the section clarifies that the general law applies to the City of Wilmington.
- Allows the city manager to settle claims against the city in the following situations:
 - Personal injury or damage to property not in excess of \$2500 or such other amount set by the council.
 - The taking of real property for streets, utility, or storm water rights-of-way no/in excess of \$2500.

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

<u>VISITOR R</u>	REGISTRATION SHEET
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I May 21, 2003 Room 415 11:00 a.m.

OPENING REMARKS
Representative Walker, Chair
Local Government I

AGENDA ITEMS:

- SB 57 MUNICIPAL WHEEL LOCK AUTHORIZATION Senator Ballantine
- SB 83 ROCKY MOUNT OVERGROWN VEGETATION ORDINANCE Senator Swindell
- SB 90 CLEVELAND COUNTY SANITARY DISTRICT SALARIES Senator Dalton
- SB 425 CABARRUS ELECTRONIC NOTICE Senator Hartsell

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT I May 21, 2003

The House Committee on Local Government I met on Wednesday, May 21, 2003 in Room 415 of the Legislative Office Building at 11:00 a.m. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Barbee, Dickson, McAllister, McGee, Owens, and Wilson. Erika Churchill, Staff Counsel, was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and recognized attendees.

SB 57 – MUNICIPAL WHEEL LOCK AUTHORIZATION. A Proposed Committee Substitute was offered and adopted upon motion of Representative Wilson. Motion passed. In the absence of Senator Ballantine, Representative Bonner Stiller was recognized to explain the bill which would allow the towns of Carolina Beach and Wrightsville Beach to use wheel locks on any illegally parked vehicle that has three or more outstanding, unpaid and overdue parking tickets for that vehicle. Representative McGee moved that the House substitute bill receive favorable report and that the Senate substitute bill be given an unfavorable report. Motion carried.

SB 83 – ROCKY MOUNT OVERGROWN VEGETATION ORDINANCE. Senator Swindell was recognized to explain the bill which would add the City of Rocky Mount to the list of municipalities authorized to give annual notice to chronic violators of the municipality's overgrown vegetation ordinance. Representative Owens moved that the bill receive a favorable report. Motion carried.

SB 90 – CLEVELAND COUNTY SANITARY DISTRICT SALARIES. A Proposed Committee Substitute was offered and adopted upon the motion of Representative Carney. Senator Dalton was recognized to explain the bill which would remove the cap on the monthly compensation and allow sanitary district boards to set their compensation in the same manner as other local elected boards. Representative Wilson made the motion the give the House substitute bill a favorable report and that the Senate substitute bill be given an unfavorable report. Motion carried.

SB 425 – CABARRUS ELECTRONIC NOTICE. Senator Hartsell was recognized to explain the bill which would allow Cabarrus County to adopt ordinances providing that electronic means may be use to provide legal notice of public hearing in lieu of the newspaper. This bill could not supersede generally applicable state law requiring notice to be mailed directly to a class of persons or requiring the posting of signs on certain property. Representative Barbee moved that the bill be given a favorable report. Motion carried.

Senate Bill 330 was removed from the calendar, indefinitely, by bill sponsor, Senator Eric Reeves.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Representative Walke

Chairman

Barbara Powell

Committee Assistant

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

By Representative Walker (Chair) for the Committee on Local Government I.

Committee Substitute for S.B. 57 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH AND WRIGHTSVILLE BEACH TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES. With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance			
_	B. 57 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH AND WRIGHTSVILLE BEACH TO USE WHEEL LOCKS ON ILLEGALLY		
	With a favorable report.		
	With a favorable report, as amended.		
	title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee		
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	With an unfavorable report.		
	With recommendation that the House concur.		
	With recommendation that the House do not concur.		
	With recommendation that the House do not concur; request conferees.		
	With recommendation that the House concur; committee believes bill to be material.		
	With an unfavorable report, with a Minority Report attached.		
	Without prejudice.		
	With an indefinite postponement report.		
	With an indefinite postponement report, with a Minority Report attached.		
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03		



SENATE BILL 57: Municiapl Wheel Lock Authorization.

BILL ANALYSIS

Committee: House Local Government I

Date:

May 21, 2003

Version: S57-CSST-41 v.1 Introduced by: Senator Ballentine

R. Erika Churchill **Summary by:**

Committee Counsel

SUMMARY: The proposed committee substitute for Senate Bill 57 would allow the towns of Carolina Beach and Wrightsville Beach to use wheel locks on any illegally parked vehicle that has three or more outstanding, unpaid and overdue parking tickets for that vehicle.

A number of local bills passed over the past several years allow local **CURRENT LAW:** governments to provide by ordinance for the use of wheel locks on illegally parked vehicles that have 3 or more unpaid parking tickets for 90 days or more. The ordinance has to provide for notice or warning to be put on the vehicle, immobilization through the wheel locks and an immobilization fee of not more than \$50.00. The ordinance shall also provide for towing, impoundment, and an appeal hearing. The cities are not responsible for any damage that may occur to immobilized, illegally parked vehicles that results from unauthorized attempts to free or move the vehicle.

The proposed committee substitute allows the Town of Wrightsville Beach BILL ANALYSIS: to pass an ordinance to allow for the use of wheel locks as several other cities have already done. Wheel locks can be used on illegally parked vehicles that have three or more unpaid and overdue parking tickets for 90 days or more.

The proposed committee substitute also allows the Town of Carolina Beach to pass an ordinance permitting the use of wheel locks, similar to the authority granted to other municipalities. In Carolina Beach, the wheel locks could be used on illegally parked vehicles that have three or more unpaid and overdue parking tickets that were issued on at least three separate days.

BACKGROUND: Several cities and towns throughout North Carolina have had this local legislation passed for them over the past several years. The cities include Durham, Greensboro, Lenoir, Monroe, Raleigh, Winston-Salem, and Wilmington. Wilmington uses wheel locks in its central business district as defined by its zoning ordinance.

EFFECTIVE DATE: This act is effective when it becomes law.

Drupti Chuan contributed substantially to this summary.

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I. Committee Substitute for A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROCKY S.B. 83 MOUNT TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE. With a favorable report. With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance With a favorable report, as amended. With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance With a favorable report as to 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), which changes With a favorable report as to House committee substitute bill (# the title, unfavorable as to Senate committee substitute bill. With an unfavorable report. With recommendation that the House concur. With recommendation that the House do not concur. With recommendation that the House do not concur; request conferees. With recommendation that the House concur; committee believes bill to be material. With an unfavorable report, with a Minority Report attached. Without prejudice. With an indefinite postponement report. With an indefinite postponement report, with a Minority Report attached. With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

03/19/03



SENATE BILL 83: Rocky Mount OvergrownVegetation Ordinance

Committee: House Local Government I

Date:

May 21, 2003

Version:

Second Edition

Introduced by: Senator Swindell

Summary by:

R. Erika Churchill Committee Counsel

The bill would add the City of Rocky Mount to the list of municipalities authorized to SUMMARY: give annual notice to chronic violators of the municipality's overgrown vegetation ordinance.

BACKGROUND:

In 1999, the General Assembly gave the City of Roanoke Rapids the authority to notify annually a chronic violator of the city's overgrown vegetation ordinance that the city may take action to remedy the violation, and charge the cost to the chronic violator, without further notice at the time of the remedial action. If this is done, the costs are a lien against the property and may be collected as unpaid property taxes. A chronic violator is defined as someone who owns property upon which the city has taken remedial action under the overgrown vegetation ordinance at least 3 times in the previous calendar year.

The Cities of High Point and Gastonia were granted this same authority in 2000. The cities of Lexington and Winston-Salem were added in 2001.

BILL ANALYSIS: The bill would add Rocky Mount to the list of cities that may exercise the authority described above.

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

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I. Committee Substitute for A BILL TO BE ENTITLED AN ACT TO ALLOW THE CLEVELAND COUNTY S.B. 90 SANITARY BOARD TO SET COMPENSATION FOR ITS MEMBERS. With a favorable report. With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance With a favorable report, as amended. With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance), which changes the With a favorable report as to the committee substitute bill (# title, unfavorable as to (the original bill) (Committee Substitute Bill # recommendation that the committee substitute bill #) be re-referred to the Committee on With a favorable report as to House committee substitute bill (# ______), \[\subseteq \text{ which changes} \] the title, unfavorable as to Senate committee substitute bill. With an unfavorable report. With recommendation that the House concur. With recommendation that the House do not concur. With recommendation that the House do not concur; request conferees. With recommendation that the House concur; committee believes bill to be material. With an unfavorable report, with a Minority Report attached. Without prejudice. With an indefinite postponement report. With an indefinite postponement report, with a Minority Report attached. With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03



SENATE BILL 90: Sanitary Districts Compensation.

Committee: House Local Government I

Date: May 21, 2003

Version: S90-CSST-42v.1 Introduced by: Senator Dalton

Summary by: R. Erika Churchill

Committee Counsel

SUMMARY: The proposed committee substitute for Senate Bill 90 would allow elected sanitary district boards, under Chapter 130A of the General Statutes, to set their compensation in the same manner as other local elected boards.

BACKGROUND: Part 2 of Article 2 of Chapter 130A governs the creation and administration of sanitary districts. The people who reside in the area of the sanitary district elect the board of a sanitary district at the local level. In 1985, the General Assembly restricted sanitary boards in their ability to set compensation for themselves. G.S. 130A-56(c) limits monthly compensation to \$150.

Other local elected boards, i.e. boards of county and town commissioners, set their compensation in the annual budget ordinance. G.S. 153A-28; G.S. 160A-64.

BILL ANALYSIS: The proposed committee substitute would remove the cap on the monthly compensation and allow sanitary district boards to set their compensation in the same manner as other local elected boards.

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

By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for S.B. 425 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTY OF CABARRUS TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION.
With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report, as amended.
☐ With a 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) 03/19/03



SENATE BILL 425: Cabarrus Electronic Notice

BILL ANALYSIS

Committee: House Local Government I

Date:

May 7, 2003

Version:

First Edition

Introduced by: Senator Hartsell

Summary by:

R. Erika Churchill

Committee Counsel

SUMMARY: This bill would allow Cabarrus County to adopt ordinances providing that electronic means may be used to provide legal notice of public hearings.

CURRENT LAW: Certain generally applicable laws require counties to conduct public hearings on certain issues, such as adoption of ordinances. Typically each statute requiring the public hearing will set forth the means of publishing the notice of the hearing and the schedule for publishing such notice.

BILL ANALYSIS: The bill would allow Cabarrus County to adopt a local ordinance providing that when notice of public hearings is required to be published in a newspaper, that publication can be via electronic means in lieu of the newspaper. Electronic means may be the county's Internet site or any other means.

The local ordinance could not supercede generally applicable state law requiring notice to be mailed directly to a class of persons or requiring the posting of signs on certain property. The local ordinance, likewise, cannot alter the publication schedule.

EFFECTIVE DATE: The act is effective when it becomes law.

VISITOR REGISTRATION SHEET

	. •	
LOCAL GOV'T. I	5/21/03	
Name of Committee	Date	-

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR	AGENCY	
Com Cover	BPM4L		
John Phelps	NCLM		
Chris Brown	NOFA		
CANIN PECK	TOWN OF	CAROLINA	BEACH
JOEL MACON	1 11	11	1)
RAY ROTHROCK	/:	,1	/1
DEMNIS T BARESOUR	Pf	0.4	а
Stephanie Simpson	NEAR	2	
R. Canl W. Ims	NCHB	A	
Tim Molder	UC Han	Ben Yelser	
PLUCE TOSPARSES	PARION	Res	
Andrea Suratt	Neim	40 /y	Recommendation
avery Release	NILM	,	,,
Vin Bline	Sin Ball	antinio :	offra
Kick ZECHINI	NC Ass	oc. of R	EALTORS

NORTH CAROLINA GENERAL ASSEMBLY

LOCAL GOVERNMENT I 2003 – 2004 SESSION



Rep. Tracy Walker Chair



Rep. Becky Carney Vice chair



Rep. Bobby Barbee Member



Rep. Margaret Dickson Member



Rep. Mitch Gillespie Member



Rep. Mary McAllister Member



Rep. Fred Steen Member



Rep. Bill McGee



Rep. Bill Owens Member



Rep. Deborah Ross Member



Rep. Edith Warren Member



Rep Gene Wilson Member



Rep. Harold Brubaker Ex- officio



Rep. Bill Culpepper Ex-officio



Rep. Rick Eddins Ex-officio



Rep. Cunningham Ex-officio

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

<u>MEMBER</u>	ASSISTANT	PHONE	OFFICE	<u>SEAT</u>	
WALKER, Tracy Chair	Barbara Powell	733-5935	1111	39	
WALKER, Tracy Chair	Committee Clerk	733-3733			
CARNEY, Becky Vice-Chair	Joyce Langdon	733-5900	631	106	
BARBEE, Bobby	Rosa Murray	733-5908	1025	52	
DICKSON, Margaret	Jennifer Edwards	733-5776	1219	91	
GILLESPIE, Mitch	Cindy Hobbs	733-5987	1201	87	
McALLISTER, Mary	Johnna Smith	733-5959	638	58	
Steen, Fred	Suzanne Erskine	733-5881	514	64	
McGEE, Bill	Jayne Nelson	715-3009	418C	54	
OWENS, Bill	Linda A. Johnson	733-0010	632	9	
ROSS, Deborah	Cleta Covington	733-5773	2223	104	
WARREN, Edith	Nancy Willis	715-3019	417A	35	
WILSON, Gene	Rebecca Jones	733-7727	1109	51	
Brubaker, Harold	Cindy Coley	715-4946	1229	2	
Culpepper, William	Dot Crocker	715-3028	404	36	
Cunningham, Pete	Valerie Rustin	733-5778	541	7	
Eddins, Rick	Dorie Monroe	733-5800	1319	26	
Erika Churchill, Research		733-2578	549		
Giles Perry, Research		733-2578	545		
Judy Collier, Research		733-2578	545		

ATTENDANCE

LOCAL GOVERNMENT I

(Name of Committee)

			110 01							 		
DATES	5-19-04	5-22-04	6-2-04	+0-6-	40-11-04	4-23-04	•					
WALKER, Tracy- Chair		70	7	13)						•
CARNEY, Becky - Vice-Chair	/	./		./	_	<i>y</i>						
3	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		,	V	1							
BARBEE, Bobby	·/	1.		/	į	1						
DICKSON, Margaret	/	,.	,	/	/	/						
GILLESPIE, Mitch		· ,	1	·								
McALLISTER, Mary	/	1	/			√			į			
STEEN, Fred	/	/	,	/ \	$\sqrt{}$	V.,						
McGEE, Bill	/	/	\checkmark		./	1						
OWENS, Bill	A	A		/		V						
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WARREN, Edith	/	<u> </u>				\checkmark						
WILSON, Gene	4	√	/	√	√	/					!	
Erika Churchill, Research Giles Perry, Research	/	<u>/</u>	/_/	/	/							
Judy Collier, Research												
Brubaker, Harold Ex-officio												
Culpepper, Bill Ex-officio								 	ļ			
Cunningham, Pete Ex-officio								 ļ				
Eddins, Rick Ex-officio										:		

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

May 19, 2004 Room 415 11:00 a.m.

OPENING REMARKS

Representative Walker, Chair Local Government I Committee

AGENDA ITEMS:

HB 1386	INDIAN TRAIL TOWN ATTORNEY Representative Blackwood
HB 1401	WILKES VISITOR CENTER Representative Walker
HB 1426	GREENVILLE PARKING DECK PROJECTS Representatives McLawhorn and Warren
HB 1433	LAKE COUNTY HISTORIC PRESERVATION COMM. Representative Ross
HB 1447	CITY OF GREENVILLE-ABANDONED/JUNKED VEHICLES Representative Warren

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT I May 19, 2004

The House Committee on Local Government I met on Wednesday, May 19, 2004 in Room 415 of the Legislative Building at 11:00 A.M. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Barbee, Dickson, McAllister, McGee, Ross, Steen, Warren and Wilson. Erika Churchill, Staff Counsel was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and recognized attendees. He also welcomed Representative Steen to the committee who replaced Representative McCombs.

Representative Blackwood was recognized to explain HB1386, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS. A proposed Committee Substitute was offered and adopted upon the motion of. Representative Gene Wilson Motion carried. Representative Blackwood explained the committee substitute. Representative Ross moved for favorable report to the committee substitute bill and unfavorable to the original bill.

Chairman Walker turned the meeting over to Vice-Chair Carney who recognized Representative Walker to explain HB 1401, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA. Representative McGee moved to give HB 1401 a favorable report. Motion carried.

Representative Warren was recognized to explain HB 1426, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT. A proposed Committee substitute was offered. and adopted upon motion of Representative McCallister. Motion carried. Representatives of the mechanics and plumbing industry, the General Contractors of N Carolina and N. C. Architects expressed concerns with the bill feeling that rights of contractors would not be recognized and that a precedence would be set. Representative Warren moved for favorable report to the committee substitute bill and unfavorable to the original bill. Motion carried.

Representative Ross was recognized to explain HB 1433, A BILL TO BE ENTITLED AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY. A proposed committee substitute was

offered and adopted upon the motion of Representative Wilson. Motion carried. Representative Warren moved for favorable report to the committee substitute bill and unfavorable to the original bill.

Representative Warren was recognized to explain HB 1447, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE. Representative Barbee moved to give HB 1447 a favorable report. Motion carried.

There being no further business, the Chairman adjourned the meeting at 11:35 A.M.

Respectfully submitted,

Representative Walker

Chairman

Barbara Powell

Committee Assistant

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on LOCAL GOVERNMENT 1.	
Committee Substitute for H.B. 1386 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.	
☐ With a favorable report.	
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.	
☐ With a favorable report, as amended.	
☐ With a 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) 03/19/03	

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

HOUSE BILL 1386

(Local)

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Sponsors:

Short Title: Indian Trail Town Attorney.

Representatives Blackwood; and Gibson.

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

May 12, 2004

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A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5.2 of the Charter of the Town of Indian Trail, being Chapter 825 of the 1969 Session Laws, reads as rewritten:

"Sec. 5.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Town Council, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend all meetings of the Town Council; and to perform such other duties as may be required of him by virtue of his position of Town Attorney."

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

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1386 PROPOSED COMMITTEE SUBSTITUTE H1386-PCS50364-ST-70

Short Title: Indian Trail Town Attorney. (Local)
Sponsors:
Referred to:
May 12, 2004
A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO
REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.
The General Assembly of North Carolina enacts: SECTION 1. Section 5.2 of the Charter of the Town of Indian Trail, being Chapter 825 of the 1969 Session Laws, reads as rewritten:
"Sec. 5.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Town
Council, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and
other instruments with which the Town may be concerned; to attend all meetings of the Town Council; and to perform such other duties as may be required of him by virtue of
his the position of Town Attorney."
SECTION 2. This act is effective when it becomes law.

· **D**



HOUSE BILL 1386: Indian Trail Town Attorney

Committee: House Local Government I Introduced by: Representative Blackwood

Date: May 19, 2003 **Summary by:** R. Erika Churchill **Version:** Committee Counsel

SUMMARY: The proposed committee substitute would amend the charter of the Town of Indian Trail to delete the requirement that the town attorney attend all meetings of the Board of Town Commissioners.

CURRENT LAW: G.S. 160A-173 requires that all municipalities appoint a city attorney to serve at its pleasure and be its legal advisor. The charter of the Town of Indian Trail as revised and consolidated in 1969 sets forth the duties of the Indian Trail Town Attorney. That charter provides that the Town Attorney must attend all meetings of the Town Council as part of the attorney's duties.

BILL ANALYSIS: The pcs would remove the requirement that the Town Attorney attend all meetings of the Town Council. The act would become effective when it becomes law.



Town of Indian Trail

MAYOR

Sandy B. Moore

MAYOR PRO TEM

Donald G. Helms

TOWN COUNCIL

Mercedes Cass Theron Q. Kindley Ray B. Killough Lane D. Vickery

TOWN MANAGER
John Munn

April 28, 2004

TOWN CLERK
Karen Price

Representative Curtis Blackwood 4620 Homestead Pl. Matthews, NC 28104

Dear Representative Blackwood:

Enclosed is a copy of the Resolution asking for the change in the Town's Charter. Thank you for handling this for us, and please let me know if you have any questions.

Sincerely,

TOWN OF INDIAN TRAIL

Sandy B. Moore

Mayor

Enclosure

RESOLUTION

BE IT RESOLVED by the Town Council of the Town of Indian Trail as follows;

WHEREAS, the present charter of the Town of Indian Trail (Session Laws 1969, Chapter 825) requires the Town Attorney to attend all meetings of the Town Council; and

WHEREAS, the attendance of the Town Attorney at all of said meetings has been found to be unnecessary for the lawful and efficient transaction of the business of Town Council; and

WHEREAS, the expenditure of the funds of the Town to meet the requirement that the Town Attorney attend all meetings is not justified and should be discontinued; and

WHEREAS, Town Council is of the opinion that Town Attorney's presence at all council meetings is not necessary and constitutes an unnecessary expense to the taxpayers; and

WHEREAS, the Town Attorney will attend Town Council meetings as requested by Council.

NOW THEREFORE, BE IT RESOLVED, that the Union County Delegation to the North Carolina General Assembly be requested to cause the charter of the Town of Indian Trail to be amended by deleting the words "to attend all meetings of the Town Council" from Article V Section 5.2 of the charter of the Town of Indian Trail.

Sandy B. Moore, Mayor

Donald Helms, Mayor Pro Tem

Mercedes Cass, Councilmember

Ray Kilough, Councilmember

Theron Kindley, Councilmember

GRIFFIN, SMITH, CALDWELL, HELDER & HELMS, PA.

ATTORNEYS AT LAW 314 NORTH HAYNE STREET MONROE, N.C. 28112

MAILING ADDRESS PO DRAWER 99 MONROE, N.C. 28111-0099

C. FRANK GRIFFIN* HENRY B. SMITH, JR.+ THOMAS J. CALDWELL JAKE C. HELDER R. KENNETH HELMS, JR.

ANNIKA M. BROCK P. S. (TREY) ROBISON *OF COUNSEL

April 27, 2004

TELEPHONE: 704/289-4577 DIRECT CHARLOTTE LINE: 704/372-4808 FAX: 704/289-4218 (REAL ESTATE) OR 704/283-1122

1317 Legislative Building Raleigh, NC 27601-1096

J. Curtis Blackwood, Jr.

Dear Sir:

This firm represents the Town of Indian Trail. The Town Council has requested that I forward to you their request that the Town Charter of the Town of Indian Trail be amended to eliminate the requirement in Article V, Section 5.2 that the Town Attorney attend all council meetings.

The Town is served by John C. Munn as Town Manager, who many of you know, at least by reputation. His extensive experience in County and municipal government is well known, and he attends all council meetings, of course.

The Town Council is of the opinion that requiring the Town Attorney to attend all meetings is not necessary for the efficient conducting of the Town's business nor is it economically justifiable. We have spoken to Jerry Cohen about a bill (perhaps a technical amendment) to remove this requirement from our charter. We urge you to support this measure.

Sincerely,

GRIFFIN SMITH, GALDWELL, HELDER & HELMS, P.A.

v B. Snath

HBSjr/eeh 100 Tal. 17:2

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

By Representative Walker (Chair) for the Committee on LOCAL GOVERNMENT 1.
Committee Substitute for H.B. 1401 A BILL TO BE ENTITLED AN ACT TO PREMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA
With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
☐ With a favorable report, as amended.
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
☐ With an unfavorable report.
☐ With recommendation that the House concur.
With recommendation that the House do not concur.
☐ With recommendation that the House do not concur; request conferees.
☐ With recommendation that the House concur; committee believes bill to be material.
With an unfavorable report, with a Minority Report attached.
☐ Without prejudice.
☐ With an indefinite postponement report.
With an indefinite postponement report, with a Minority Report attached.
With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03

H HOUSE BILL 1401*

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Short Title: Wilkes Visitor Center. (Local)

Sponsors: Representative Walker.

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

May 12, 2004

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA.

The General Assembly of North Carolina enacts:

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SECTION 1. The County of Wilkes has power under general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as a Department of Transportation Visitors' Center/Rest Area.

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



HOUSE BILL 1401: Wilkes Visitor Center

BILL ANALYSIS

Committee: House Local Government I

Date: May 19, 2003

Version: 1st edition Introduced by: Representative Walker

R. Erika Churchill Summary by:

Committee Counsel

SUMMARY: The bill would authorize the County of Wilkes to purchase and transfer real and personal property to the State of North Carolina for use as a NC Department of Transportation Visitor's Center/Rest Area.

The bill would authorize the County of Wilkes to purchase, and transfer to **BILL ANALYSIS:** the State of North Carolina, real and personal property for use as a NC Department of Transportation Visitor's Center/Rest Area. There would be no limits on the terms of acquisition or conveyance. The property could be purchased and transferred to the State with or without consideration.

In Carter v. Stanly County, 125 N.C. App. 628 (1997), the Court of Appeals **BACKGROUND:** reviewed a case in which the plaintiffs sued Stanly County to prevent the acquisition of private property, and its conveyance to the State for use as a correctional facility. The court found that the County had exceeded its authority under the applicable statutes, G.S. 153A-158 and G.S. 160A-274(b), when Dillon's Rule was applied. 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 local act, the court held that the Commissioners acted within their authority and affirmed the trial court's dismissal of the lawsuit.

[Note: a change to one of the applicable statutes has been made since 1997. G.S. 160A-274(b) was amended to delete a requirement that the property be jointly used with another governmental agency.]

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

	By Representative Walker (Chair) for the Committee on Local Government I.
H.I	Committee Substitute for 3. 1426 A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS 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 .
N	With a favorable report as to the committee substitute bill (#
	With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	With an unfavorable report, with a Minority Report attached.
	Without prejudice.
	With an indefinite postponement report.
	With an indefinite postponement report, with a Minority Report attached.
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03

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HOUSE BILL 1426*

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Short Title: Greenville Parking Deck Projects. (Local)

Sponsors: Representatives McLawhorn, Warren (Primary Sponsors); and C. Johnson.

Referred to: Local Government I.

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO EXEMPT FROM THE PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. The provisions of Article 8 of Chapter 143 of the General Statutes do not apply to the construction of parking structure projects in the central business district, as that district is defined by the city council.

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

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



HOUSE BILL 1426: Greenville Parking Deck Projects

Committee: House Local Government I

Introduced by: Reps. McLawhorn & Warren

Date:

May 19, 2004

Summary by: R. Erika Churchill

Version:

Committee Counsel

SUMMARY: The bill would exempt the City of Greenville from the purchase and contract provisions of Article 8 of Chapter 143 with respect to the construction of parking structure projects with the central business district of Greenville.

CURRENT LAW: Any construction or repair contract in excess of \$300,000 must be awarded according to the public bidding requirements of Article 8 of Chapter 143. G.S. 143-128 provides for the types of construction methods allowed. They include single prime, multiple prime, dual bidding, construction management at risk and alternative methods approved by the State Construction Commission. G.S. 143-129 provides the method by which bids are solicited, received, reviewed and awarded. G.S. 143-131 governs the informal bidding procedures for construction contracts under \$300,000 but over \$5,000. G.S. 143-132 requires that at a public board receive at least three competitive bids for a project.

BILL ANALYSIS: The bill would exempt the City of Greenville from the purchase and contract provisions of Article 8 of Chapter 143 with respect to the construction of parking structure projects with the central business district of Greenville.

BACKGROUND:

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HOUSE BILL 1426* PROPOSED COMMITTEE SUBSTITUTE H1426-CSST-72 [v.1]

5/18/2004 4:10:39 PM

Short Title:	Greenville Parking Deck Projects.	(Local)
Sponsors:		
Referred to:		
	May 13, 2004	
	A BILL TO BE ENTITL	LED
AN ACT TO	EXEMPT FROM CERTAIN PUBLIC I	BIDDING LAWS THE CITY OF
GREENVI	LLE IN THE CONSTRUCTION	OF PARKING STRUCTURE
PROJECT	S IN ITS CENTRAL BUSINESS DISTR	RICT.
The General A	ssembly of North Carolina enacts:	
SEC	CTION 1. Except for G.S. 143-128.2 ar	nd G.S. 143-128.3, the provisions
of Article 8 of	f Chapter 143 of the General Statutes do	o not apply to the construction of
parking structi	are projects in the central business distric	ct, as that district is defined by the
city council.		
SEC	CTION 2. This act applies only to the Ci	ity of Greenville.
SEC	CTION 3. This act is effective when it	becomes law and expires January
1, 2010.		•

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HOUSE BILL 1426* PROPOSED COMMITTEE SUBSTITUTE H1426-PCS50363-ST-72

D

Short Title:	Greenville Parking Deck Projects.	(Local)
Sponsors:		
Referred to:		
	May 13, 2004	
	A BILL TO BE ENTITLED	
	O EXEMPT FROM CERTAIN PUBLIC BIDDING LAV	
	VILLE IN THE CONSTRUCTION OF PARKIN	IG STRUCTURE
	CTS IN ITS CENTRAL BUSINESS DISTRICT.	
	l Assembly of North Carolina enacts:	
	ECTION 1. Except for G.S. 143-128.2 and G.S. 143-12	
of Article 8	of Chapter 143 of the General Statutes do not apply to	the construction of
parking stru	cture projects in the central business district, as that distri-	ct is defined by the
city council	•	
S	ECTION 2. This act applies only to the City of Greenvil	le.
S	ECTION 3. This act is effective when it becomes law a	and expires January
1, 2010.		

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

ın	By Representative Walker (Chair) for the Committee on Local Government I.
H.	Committee Substitute for B. 1433 A BILL TO BE ENTITLED AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY.
	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	With a favorable report, as amended.
	With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations [Finance [].
\boxtimes	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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	With an unfavorable report, with a Minority Report attached.
	Without prejudice.
	With an indefinite postponement report.
	With an indefinite postponement report, with a Minority Report attached.
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

SESSION 2003

H

HOUSE BILL 1433

GENERAL ASSEMBLY OF NORTH CAROLINA

Short Title: Wake Cty Historic Preservation Comm. (Local)

Sponsors: Representatives Ross; Adams, B. Allen, Eddins, Miner, Munford, Stam, and Weiss.

Referred to: Local Government I.

May 13, 2004

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-400.7 reads as rewritten:

"§ 160A-400.7. Historic Preservation Commission.

Before it may designate one or more landmarks or historic districts, a municipality shall establish or designate a historic preservation commission. The municipal governing board shall determine the number of the members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than four years. A majority of the members of such a commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. All the members shall reside within the county, and any member may reside within the corporate boundaries of a municipality within the county, including the territorial jurisdiction of the municipality as established pursuant to G.S. 160A-360. The commission may appoint advisory bodies and committees as appropriate.

In lieu of establishing a historic preservation commission, a municipality may designate as its historic preservation commission, (i) a separate historic districts commission or a separate historic landmarks commission established pursuant to this Part to deal only with historic districts or landmarks respectively, (ii) a planning agency established pursuant to this Article, or (iii) a community appearance commission established pursuant to Part 7 of this Article. In order for a commission or board other than the preservation commission to be designated, at least three of its members shall have demonstrated special interest, experience, or education in history, architecture, or related fields. At the discretion of the municipality the ordinance may also provide that

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preservation commission."

SECTION 3.

powers of a planning agency or a community appearance commission.

SECTION 2. This act applies to Wake County only. This act is effective when it becomes law, and all

the preservation commission may exercise within a historic district any or all of the

preservation commission. If a joint commission is established or designated, the county

and cities involved shall determine the residence requirements of members of the joint

A county and one or more cities in the county may establish or designate a joint

appointments made prior to this act by the Wake County Board of Commissioners to the Wake County Historic Preservation Commission are hereby ratified.

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HOUSE BILL 1433 PROPOSED COMMITTEE SUBSTITUTE H1433-CSST-71 [v.1]

5/18/2004 9:32:42 AM

Short Title:	(Local)			
Sponsors:				
Referred to:				
	10.0004			

May 13, 2004

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-400.7 reads as rewritten:

"§ 160A-400.7. Historic Preservation Commission.

Before it may designate one or more landmarks or historic districts, a municipality shall establish or designate a historic preservation commission. The municipal governing board shall determine the number of the members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than four years. A majority of the members of such a commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. All the members shall reside within the county, and any member may reside within the corporate boundaries of a municipality within the county, including the territorial jurisdiction of the municipality as established pursuant to G.S. 160A-360. The commission may appoint advisory bodies and committees as appropriate.

In lieu of establishing a historic preservation commission, a municipality may designate as its historic preservation commission, (i) a separate historic districts commission or a separate historic landmarks commission established pursuant to this Part to deal only with historic districts or landmarks respectively, (ii) a planning agency established pursuant to this Article, or (iii) a community appearance commission established pursuant to Part 7 of this Article. In order for a commission or board other than the preservation commission to be designated, at least three of its members shall have demonstrated special interest, experience, or education in history, architecture, or related fields. At the discretion of the municipality the ordinance may also provide that

General Assembly of North Caro	lina
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Session 2003

the preservation commission may exercise within a historic district any or all of the powers of a planning agency or a community appearance commission.

A county and one or more cities in the county may establish or designate a joint preservation commission. If a joint commission is established or designated, the county and cities involved shall determine the residence requirements of members of the joint preservation commission."

SECTION 2. This act applies to Wake County only.

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

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HOUSE BILL 1433 PROPOSED COMMITTEE SUBSTITUTE H1433-PCS10280-ST-71

Short Title:	(Local)				
Sponsors:	•				
Referred to:					

May 13, 2004

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-400.7 reads as rewritten:

"§ 160A-400.7. Historic Preservation Commission.

Before it may designate one or more landmarks or historic districts, a municipality shall establish or designate a historic preservation commission. The municipal governing board shall determine the number of the members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than four years. A majority of the members of such a commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. All the members shall reside within the county, and any member may reside within the corporate boundaries of a municipality within the county, including the territorial jurisdiction of the municipality as established pursuant to G.S. 160A-360. The commission may appoint advisory bodies and committees as appropriate.

In lieu of establishing a historic preservation commission, a municipality may designate as its historic preservation commission, (i) a separate historic districts commission or a separate historic landmarks commission established pursuant to this Part to deal only with historic districts or landmarks respectively, (ii) a planning agency established pursuant to this Article, or (iii) a community appearance commission established pursuant to Part 7 of this Article. In order for a commission or board other than the preservation commission to be designated, at least three of its members shall have demonstrated special interest, experience, or education in history, architecture, or related fields. At the discretion of the municipality the ordinance may also provide that

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Session 2003

powers of a planning agency or a community appearance commission.	the	preservation	commission	may	exercise	within	a historic	district	any	or	all	of	the
	pov	vers of a plan	ning agency of	or a co	mmunity	appear	ance comi	mission.					

A county and one or more cities in the county may establish or designate a joint preservation commission. If a joint commission is established or designated, the county and cities involved shall determine the residence requirements of members of the joint preservation commission."

SECTION 2. This act applies to Wake County only. **SECTION 3.** This act is effective when it becomes law.



Date:

HOUSE BILL 1433:Wake Cty Historic Preservation Comm.

Committee: House Local Government I

May 19, 2004

Version: H1433-CSST-71 v1

Introduced by: Representative Ross

Summary by: R. Erika Churchill Committee Counsel

SUMMARY: The proposed committee substitute would clarify that a county may appoint any resident of that county to an historic preservation commission without regard to whether or not the resident lives within a municipality in that county.

BILL ANALYSIS: The proposed committee substitute would specifically state that when making appointments to an historic preservation commission that a county may appoint any person residing in that county to the commission. The act would become effective when it becomes law.

BACKGROUND: Counties may appoint historic preservation commissions in accordance with G.S. 160A-400.7, which states that all members of the commission are to reside within the "territorial jurisdiction of the municipality". The term municipality is deemed to include the governing board of a county. The territorial jurisdiction of a county would not include those areas governed by a municipality, therefore meaning that a resident of a municipality within the county could not lawfully be appointed to a county historic preservation commission. Wake County desires to have both county and municipal residents on its historic preservation commission.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on LOCAL GOVERNMENT 1.					
Committee Substitute for H.B. 1447 A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE.					
With a favorable report.					
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.					
With a favorable report, as amended.					
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.					
☐ With a favorable report as to 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)					

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1447*

Ole and Tidle	City of Croonwillo Abandonad/Junkad Vahioles	(Local)
Short Title:	City of Greenville-Abandoned/Junked Vehicles.	(Local)
Sponsors:	Representatives Warren; C. Johnson and McLawhorn.	
Referred to:	Local Government I.	
	May 13, 2004	
MOTOR The General "(a) A abandonment within the regulation, removing or the procedur supplementa section shall of a motor version does not display (1) (2) (3)	Cannot be self-propelled or moved in the manner in which was intended to move; or	prohibit the tvate property ing that such the or enhance to ordinance by according to ection shall be othing in this val or disposal "junkyard" as a vehicle that the chit originally less than one
3 .	ECTION 3. Tills act is circouve when it becomes it.	



HOUSE BILL 1447: City of Greenville-Abandoned/Junked Vehicles

Committee: House Local Government I Introduced by: Rep. Warren

May 19, 2004 Date: Summary by: R. Erika Churchill 1st Edition Version: Committee Counsel

SUMMARY: The bill would amend the definition of "junked motor vehicle" to include a vehicle that is more than 5 years old and appears to be worth less than \$500 as it applies to any ordinance regulating abandoned junked vehicles.

CURRENT LAW: 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. For these purposes, the term "junked motor vehicle" means a vehicle that does not display a current license plate and is at least one of the following:

- (1) Is partially dismantled or wrecked.
- Cannot be self-propelled or moved in the manner in which it originally was intended to **(2)** move.
- (3) Is more than five years old and appears to be worth less than one hundred dollars (\$100.00).

The bill would amend the definition to increase the dollar value of the abandoned **BILL ANALYSIS:** vehicle to \$500 for additional flexibility for the City of Greenville. The act would become effective when it becomes law.

VISITOR REGISTRATION SHEET

Local	Governn	nent I

Name of Committee

5	19	04	
	Date	•	

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paymond B. Light	Walce County
Raymond Boutwell	POBRISSO Raleigh NC 27602
Sen. Tony Moore Elizabeth Seif	House Intern, Rep. Koss
Elizabeth Self	
MAITHEN STOKES	NC out Intern
DAVE HOLEC	City Attorney - Greenville
And Roments	NCLM
Henry Jones	attorny-Raleigh
John Cynes	nc State Grango
David Crawford	AlA North Carolina
Externe Taxes	Electri Cities
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VISITOR REGISTRATION SHEET

Date	
VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK	
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

May 26, 2004 Room 415 11:00 a.m.

OPENING REMARKS

Representative Walker, Chair Local Government I Committee

AGENDA ITEMS:

- HB 1425 MORGANTON/BURKE/BROUGHTON MUTUAL AID Representative Church
- HB 1454 CHOCOWINITY STAGGERED TERMS
 Representative A. Williams
- HB 1484 CLEVELAND CO. BOARD OF EDUCATION ELECTIONS Representatives Moore, Clary and England
- HB 1543 ASHEVILLE ABC BOARD MEMBERSHIP INCREASED Representatives Sherrill, Goforth, and Fisher
- HB 1551 ASHEVILLE CIVIL SERVICE BOARD
 Representatives Sherrill, Goforth, and Fisher
- HB 1566 ABOLISH WILKES COUNTY CORONER Representative Walker

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT 1 May 26, 2004

The House Committee on Local Government I met on Wednesday, May 26, 2004 in Room 415 of the Legislative Office Building at 11:00 A.M. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Barbee McAllister, McGee, Ross, Steen Warren and Wilson. Erika Churchill, Staff Counsel was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and recognized attendees.

Representative Sherrill was recognized to explain HB 1543, AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL. The bill would increase the membership from three (3) to five (5) members. A proposed committee substitute was offered and adopted upon the motion of Representative Warren. Motion carried. Representative McAllister moved for favorable report to the committee substitute bill and unfavorable to the original bill.

Representative Sherrill was again recognized to explain HB 1551, AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE. The bill would clarify that the terms of the members are for two (2) years Representative Ross moved to give HB 1551 a favorable report. Motion carried.

Representative Church was recognized to explain HB 1425, AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND BURKE COUNTY SHERIFF'S OFFICE. A proposed committee substitute was offered and adopted upon motion of Representative Barbee. The committee substitute would allow the Broughton Police Department to exercise its powers at Western Piedmont Community College also. Representative Warren moved for favorable report to the committee substitute bill and unfavorable to the original bill. Motion carried.

HB 1454, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY was explained by Representative Williams. A proposed committee substitute was offered and adopted upon the motion of Representative Ross moving for a favorable report to the committee substitute bill and unfavorable to the original bill. Motion carried.

Representative Moore was recognized to explain HB 1484, AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS. Representative McGee moved to give HB 1484 a favorable report. Motion carried.

Chairman Walker turned the meeting over to Vice-Chair Carney who recognized Representative Walker to explain HB 1566, AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY. Representative McAllister moved to give HB1566 a favorable report. Motion carried.

There being no further business, the Chairman adjourned the meeting at 11:25 A.M.

Respectfully submitted

Representative Walker

Chairman

Barbara Powell

Committee Assistant

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

1 ne	e following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
_	Committee Substitute for 3. 1425 A BILL TO BE ENTITLED AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE.
	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	With a favorable report, as amended.
	With a 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.
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HOUSE BILL 1425

Morganton/Burke/Broughton Mutual Aid. (Local) Short Title: Representatives Church; and Gillespie. **Sponsors:** Referred to: Local Government II. May 13, 2004 A BILL TO BE ENTITLED AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE. The General Assembly of North Carolina enacts: SECTION 1. The Broughton Police Department (the "joint security force" created under G.S. 122C-430) shall be considered a law enforcement agency under G.S. 160A-288(b)(2). SECTION 2. This act applies only to the City of Morganton and to Burke County.

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

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HOUSE BILL 1425: Morganton/Burke/Broughton Mutual Aid/WPCC

Committee: House Local Government I

Date:

May 26, 2004

Version: H1425-PCS70443-LB-101

Introduced by: Reps. Church & Gillespie

Summary by:

R. Erika Churchill Committee Counsel

The proposed committee substitute would allow the Broughton Police Department to SUMMARY: enter into mutual aid agreements with the Morganton Police Department and the Burke County Sheriff, and Western Peidmont Community College.

Law enforcement officers must exercise their police powers within their CURRENT LAW: jurisdiction. With the existence of an agreement between the agency with jurisdiction and another law enforcement agency, the officers may exercise their powers within the jurisdiction of the contracting agency. G.S. 160A-288 grants the ability to enter into such agreements to municipal police departments, county police departments, and sheriff's departments. Joint security forces are not included.

The pcs would: **BILL ANALYSIS:**

- 1. define municipal police departments to include the joint security force designated for Broughton Hospital so that force may enter into mutual aid agreements with the City of Morganton and the County of Burke if it so desires.
- 2. allow the Department and Health and Human Services and the board of Trustees of Western Piedmont Community College to enter into a mutual aid agreement.

The act would become effective when it becomes law.

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HOUSE BILL 1425 PROPOSED COMMITTEE SUBSTITUTE H1425-PCS70443-LB-101

Short Title:	Morganton/Burke/Broughton Mutual Aid/WPCC.	(Local)
Sponsors:		
Referred to:		

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, AND TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO EXERCISE ITS POWERS AT WESTERN PIEDMONT COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Broughton Police Department (the "joint security force" created under G.S. 122C-430) shall be considered a law enforcement agency under G.S. 160A-288(b)(2).

SECTION 1.(b) This section applies only to the City of Morganton and to Burke County.

SECTION 2.(a) G.S. 122C-430 reads as rewritten:

"§ 122C-430. Joint security force.

(a) The Secretary may designate one or more special police officers who shall make up a joint security force to enforce the law of North Carolina and any ordinance or regulation adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the Department by any other law on the territory of the Broughton Hospital, North Carolina School for the Deaf, Western Regional Vocational Rehabilitation Facility, Western Carolina Center, and the surrounding grounds and land adjacent to Broughton Hospital allocated to the Department of Agriculture and Consumer Services, all in Burke County. After taking the oath of office for law enforcement officers as set out in G.S. 11-11, these special police officers have the same powers as peace officers now vested in sheriffs within the territory embraced by the named facilities. These special police officers may arrest persons outside the territory of the named institutions but within the confines of Burke County when the person arrested has committed a criminal offense within that territory for which the officers

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could have arrested the person within that territory, and the arrest is made during	the
person's immediate and continuous flight from that territory.	

- (b) With the agreement of the board of trustees of Western Piedmont Community College and the Department of Health and Human Services, these special police officers may exercise any and all of the powers enumerated in this Part upon or in pursuit from the property owned or operated (or both) by the trustees of Western Piedmont Community College."
 - **SECTION 2.(b)** This section applies only in Burke County.
- SECTION 3. This act is effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

	By Representative Walker (Chair) for the Committee on Local Government I.
	☐ Committee Substitute for H.B. 1454 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY.
	☐ With a favorable report.
	☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
	☐ With a favorable report, as amended.
	☐ With a 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)
1	☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	☐ With an unfavorable report, with a Minority Report attached.
	☐ Without prejudice.
	With an indefinite postponement report.
	☐ With an indefinite postponement report, with a Minority Report attached.
	☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03

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HOUSE BILL 1454

Short Title: Chocowinity Staggered Terms. (Local) Sponsors: Representative A. Williams. Referred to: Local Government I. May 17, 2004 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN CHOCOWINITY. The General Assembly of North Carolina enacts: SECTION 1. Section 3 of Chapter 343 of the 1959 Session Laws, being the Charter of the Town of Chocowinity, is rewritten to read: "SECTION 3.(a) The governing body of the Town of Chocowinity shall consist of a Mayor and four Town Commissioners who shall be elected by all the qualified voters of the Town. "SECTION 3.(b) At the regular election to be held in the Town of Chocowinity in 2005 and quadrennially thereafter, a Mayor shall be elected for a four-year term. "SECTION 3.(c) At the regular election to be held in the Town of Chocowinity during 2005, two Commissioner seats shall be designated and elected to two-year terms or until their successors are elected and qualified. Successors to those two seats shall be elected in 2007 and quadrennially thereafter for four-year terms. "SECTION 3.(d) At the regular election to be held in the Town of Chocowinity during 2005 and quadrennially thereafter, two commissioner seats shall be elected for four-year terms. "SECTION 3.(e) Elections are determined by the plurality method as provided in

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

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HOUSE BILL 1454: Chocowinity Staggered Terms

Committee: House Local Government I

Date: May 26, 2004

H1454 -CSST-73v1 Version:

Introduced by: Rep. Williams

R. Erika Churchill Summary by:

Committee Counsel

The proposed committee substitute would create staggered terms for the SUMMARY: governing body of the Town of Chocowinity.

CURRENT LAW: The governing body of the Town of Chocowinity is the mayor and four Town Commissioners. All run at large, serve two year terms elected simultaneously.

The proposed committee substitute would create staggered four (4) year **BILL ANALYSIS:** terms for all five (5) members of the governing body. Beginning with the 2005 election, two (2) Town Commissioners will be elected to a two (2) year term in 2005 and two (2) members will be elected to a four (4) year term in 2005. Also in 2005, the Mayor will be elected to a four (4) year term. This will create the staggered four (4) year terms for all members of the governing body, without effecting the term of any currently seated member of the board.

The proposed committee substitute also amends the 1959 charter of the Town of Chocowinity to remove sections that are now addressed by the General Statutes.

As of 2002, 316 of the 541 incorporated municipalities have staggered four **BACKGROUND:** (4) year terms for the town commissioners.

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

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HOUSE BILL 1454 PROPOSED COMMITTEE SUBSTITUTE H1454-CSST-73 [v.1]

5/21/2004 11:31:35 AM

Short Title: Chocowinity Staggered Terms. (Local)
Sponsors:
Referred to:
May 17, 2004
A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY.
The General Assembly of North Carolina enacts: SECTION 1. Section 3 of Chapter 343 of the 1959 Session Laws, being the Charter of the Town of Chocowinity, is rewritten to read: "Sec. 3.(a) The governing body of the Town of Chocowinity shall consist of a Mayor and four Town Commissioners who shall be elected by all the qualified voters of
"Sec. 3.(b) At the regular election to be held in the Town of Chocowinity in 2005 and quadrennially thereafter, a Mayor shall be elected for a four-year term. "Sec. 3.(c) At the regular election to be held in the Town of Chocowinity during
2005, two Commissioner seats shall be designated and elected to two—year terms or until their successors are elected and qualified. Successors to those two seats shall be elected in 2007 and quadrennially thereafter for four-year terms. "Sec. 3.(d) At the regular election to be held in the Town of Chocowinity during 2005 and quadrennially thereafter, two commissioner seats shall be elected for four-year
terms. "Sec. 3.(e) Elections are determined by the plurality method as provided in GS 163-292."

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

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for H.B. 1484 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS.
☑ With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report, as amended.
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
☐ With a favorable report as to 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) 03/19/03

SESSION 2003

HOUSE BILL 1484

GENERAL ASSEMBLY OF NORTH CAROLINA

Short Title: Cleveland County Board of Education Elections. (Local)

Sponsors: Representatives Moore, Clary, and England (Primary Sponsors).

Referred to: Local Government I.

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. The Cleveland County Board of Education consists of nine members elected at large in nonpartisan, plurality elections.

SECTION 2. The composition, terms and method of electing the Board of Education is set by the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools adopted by the Cleveland County Board of Commissioners on April 18, 2000, amended by the Board of Commissioners on May 2, 2000, and adopted by the State Board of Education on September 13, 2000. Although the merger of the three school units was scheduled to take effect on July 1, 2000, it was delayed by litigation and preclearance under Section 5 of the federal Voting Rights Act, and the merger did not occur until January 13, 2004.

SECTION 3. Of the nine members originally appointed to the Board of Education, two each were members of the former Cleveland County, Kings Mountain and Shelby school boards, and three were selected without regard to former board membership, as provided in the merger plan. The merger plan provided for successors to those initial appointed members to be elected in November 2001 and November 2003. In 2001 successors were to be elected for those three at-large members appointed without regard to membership on the previous school boards, and in 2003 successors were to be elected for the six members appointed from the previous school boards. All members elected in 2001 and 2003 were to serve four-year terms.

SECTION 4. Because of the postponement of the merger from 2000 to 2004, the elections scheduled for 2001 and 2003 were not held, and the merged board did not take office until January 2004. During that time, the previous boards for Cleveland County, Kings Mountain and Shelby continued to function and conducted elections.

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SECTION 5. Having considered the merger plan and the rescheduling of the postponed elections, the State Board of Elections has recommended that the election originally scheduled for November 2001 be rescheduled for November 2005, and that the election originally scheduled for November 2003 be rescheduled for November 2007. Such a schedule is consistent with the intent of the merger plan and recognizes the four-year delay in the implementation of merger.

SECTION 6. Three members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2005, and every four years thereafter. The three members elected in November 2005 shall replace the three members of the board originally appointed at large without regard to membership on the previous boards for the Cleveland County, Kings Mountain and Shelby school units.

SECTION 7. Six members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2007, and every four years thereafter. The six members elected in November 2007 shall replace the six members of the board, or their successors, originally appointed from the previous boards for the Cleveland County, Kings Mountain and Shelby school units.

SECTION 8. Pursuant to Sections 4.B.5. and 6.A.4. of the merger plan, an election also shall be held in November 2005 to elect a successor to any board member who has been appointed to fill a vacancy in one of the six seats designated for members of the former boards for the Cleveland County, Kings Mountain and Shelby school units. The election in November 2005 shall be to fill the remaining two years of the unexpired term for that seat.

SECTION 9. This act is effective when it becomes law.



HOUSE BILL 1484: Cleveland County Board of Education Elections

Date:

Committee: House Local Government I

May 26, 2004

1st Edition Version:

Introduced by: Reps. Moore, Clary & England

R. Erika Churchill Summary by:

Committee Counsel

The bill would amend the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools to provide for election of the members of the merged board of education.

CURRENT LAW: The school systems were merged pursuant to a plan approved by the Cleveland County Board of Commissioners in 2000 that was scheduled to take effect July 1, 2000. That plan provided for the appointment of an interim board and subsequent election, beginning in 2001, of the newly merged board of education. The plan merger did not take effect until January 13, 2004 due to litigation of the plan merger.

The merger plan provided for a nine (9) member merged board of education. Three (3) of the members would be appointed at large. Six (6) of the members would be appointed with regard to membership on the three (3) former boards of education.

BILL ANALYSIS: The bill would clarify that:

- 1. the election scheduled for 2001 of three (3) at-large members of the merged board of education would take place in 2005;
- 2. the election scheduled for 2003 of the six (6) previously serving members of the merged board of education would take place in 2007;
- 3. allow for the election of any successor appointed to fill a vacancy in any of the six (6) seats designated for members of the former school boards for the remainder of that seat's unexpired term.

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

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
Committee Substitute for H.B. 1543 A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.	F
With a favorable report.	
☐ With a favorable report and recommendation that the bill be re-referred to the Committee of Appropriations ☐ Finance ☐ ☐.	n
☐ With a favorable report, as amended.	
☐ With a 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)	

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1543

Short Title: Asheville ABC Board Membership Increased. (Local)

Sponsors: Representatives Sherrill, Goforth, and Fisher (Primary Sponsors).

Referred to: Local Government I.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of Chapter 1083 of the 1947 Session Laws reads as rewritten:

"Sec. 4. (a) If the operation of a city liquor control store is authorized under the provisions of this Act, the Mayor and City Council of the City of Asheville shall immediately create a city board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The City of Asheville Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the city and shall serve for his first term a period of three years, and one member shall serve for his 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 said 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 mayor and the governing body of the city.

- (b) Beginning July 1, 2004, the City of Asheville Board of Alcoholic Control shall consist of a chairman and four other members who shall be well known for their character, ability, and business acumen. The three members who are in office as of July 1, 2004, shall continue to serve their terms without interruption. The mayor and city council shall appoint two additional members, one member shall serve an initial term of two years and the other shall serve an initial term of one year. The term of each member appointed pursuant to this section shall begin with the date of appointment. Following the expiration of the initial terms of these appointments, each succeeding term shall be three years.
- (c) Any vacancy occurring in the Board shall be filled by appointment of the mayor and city council to serve the remainder of the unexpired term."

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



HOUSE BILL 1543: Asheville ABC Board Membership Increased

Committee: House Local Government i

Date:

May 26, 2004

Version:

Introduced by: Reps. Sherrill, Goforth, &

Fisher

Summary by: R. Erika Churchill

Committee Counsel

SUMMARY: The bill would increase the membership of the Asheville Board of Alcoholic Control from three (3) to five (5) members. The city council would appoint the additional members to serve on the board for one and two-year terms, then 3-year terms thereafter.

The charter of the City of Asheville currently provides for 3 members on the ABC **CURRENT LAW:** board. G.S. 18B-700 also provides for 3 members on an ABC board unless a local act adopted prior to 1981 provides for a different number.

BILL ANALYSIS: The proposed committee substitute would increase the number of members of the ABC Board for the City of Asheville from three (3) to five (5) by:

- 1. Amending the City Charter to provide for the appointment of a total of five persons to the board by the mayor and city council of the City of Asheville.
- 2. Amending state statute to allow the local ABC board in Asheville to have more than three (3) members.

The following counties currently have more than 3 members on their ABC boards: **BACKGROUND:** Mecklenburg, Cumberland, Wayne, Catawba, Moore, Wake, Edgecombe, Martin, Bertie, and Nash. The following cities or towns have more than 3 members on their ABC boards: Angier, Greensboro, Lumberton, Maxton and Kings Mountain.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1543 PROPOSED COMMITTEE SUBSTITUTE H1543-CSST-74 [v.2]

5/26/2004 10:55:18 AM

Short Title: Asheville ABC Board Membership Increased.		(Local)
Sponsors:		
Referred to:		

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of Chapter 1083 of the 1947 Session Laws reads as rewritten:

"Sec. 4. If the operation of a city liquor control store is authorized under the provisions of this Act, the Mayor and City Council of the City of Asheville shall immediately create a city 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 City of Asheville Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the city and shall serve for his the first term for a period of three years, and one member two members shall serve for his their first term a period of two years, and the other member members shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said 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 mayor and the governing body of the city."

SECTION 2. G.S. 18B-700(a) reads as rewritten:

"(a) Membership. – A local ABC board shall consist of three—five members appointed for three-year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or unless the board is a board for a merged ABC system under G.S. 18B-703 and a different size membership has been provided for as part of the negotiated merger. One member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of initial board

General Assembly of Nor	th (Caro	lina
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Session 2003

1	members expire, their successors shall each be appointed for three-year terms. The
2	appointing authority shall designate one member of the local board as chairman."
3	SECTION 2. Section 2 of this act applies to the City of Asheville only.
4	SECTION 3. The Mayor and City Council shall appoint additional members
5	authorized by this act to serve one-year or two-year initial terms and then for three-year
6	terms thereafter. Members currently appointed to the board shall continue to serve
7	their term until it expires.

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

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for
H.B. 1551 A BILL TO BE ENTITLED AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD 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 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)

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1551

Short Title: Asheville Civil Service Board.

(Local)

Sponsors:

Representatives Sherrill, Goforth, and Fisher (Primary Sponsors).

Referred to: Local Government I.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 757 of the 1953 Session Laws, as amended by Section 1 of S.L. 1999-303, reads as rewritten:

"Section 2. The Civil Service Board shall consist of five members as follows: (i) two members who shall be chosen by the City Council at a meeting of the Council and they shall serve at the pleasure of the Council; (ii) two members who shall be elected by the members of the classified service of the City, as defined in this Act, at an election held for that purpose and on a normal City workday not less than 10 nor more than 30 days after written notice of the date of the election is provided to each member of the classified service; and (iii) one member who shall be selected by majority vote of the four other members already selected or elected at a meeting held within 30 days after the members elected by the classified service have taken office. If a member is not elected by majority vote of the four other members, the City Council shall appoint a member to the Board. Members of the Board shall serve two-year terms. All members of the Board shall be eligible for successive terms, in the same manner in which they were initially selected or elected and may serve beyond the end of their respective terms until their successors take office. The chair of the Civil Service Board shall be appointed annually by the City Council, or more often as needed, from among the membership of the Board. The members of the Board shall serve without compensation but may be reimbursed for expenses pursuant to policies adopted by the City.

The City Council shall, by ordinance not inconsistent with this act, establish the procedure for the election of the representatives of the employees in the classified service, and provide for meeting the expense for such elections. The members of the Civil Service Board must all be qualified voters of the City of Asheville, not employed by the city or serving on the City Council. In the event of a vacancy on the Board, such vacancy shall be filled by the body or group, choosing the member, a successor to

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General Assembly of North Carolina

Session 2003

- whom is to be chosen, and in the manner herein provided for the selection of such member."
- 3 **SECTION 2.** This act applies to the City of Asheville only.
- 4 **SECTION 3.** This act is effective when it becomes law.



HOUSE BILL 1551: Asheville Civil Service Board

Committee: House Local Government I

Date: May 26, 2004

Version:

1st Edition

Introduced by: Reps. Sherrill, Goforth &

Fisher

Summary by: R. Erika Churchill

Committee Counsel

SUMMARY: The bill would clarify that the terms of the members of the Asheville Civil Service Board are for two (2) years.

CURRENT LAW & BILL ANALYSIS: The local act establishing the Asheville Civil Service Board (the Board) was revised in 1999. That revision did not specifically state a term of service for the members of the Board. The local act establishing the Board in 1953 did specifically provide that three of the five members served for terms of two years.

The bill would amend the 1999 revision to clarify that the terms of service for all five members of the Board are two years each. All members may be re-appointed for successive terms indefinitely.

The act would become effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for H.B. 1566 A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES 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) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1566*

Short Title: Abolish Wilkes County Coroner.

the current coroner in Wilkes County.

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(Local)

Sponsors:	Representative Walker.
Referred t	o: Local Government I.
	May 20, 2004
	A BILL TO BE ENTITLED
AN ACT	ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY.
The Gener	ral Assembly of North Carolina enacts:
	SECTION 1. The office of coroner in Wilkes County is abolished.
	SECTION 2. Chapter 152 of the General Statutes is not applicable to Wilkes
County.	
•	SECTION 3. This act becomes effective upon the expiration of the term of



HOUSE BILL 1566: Abolish Wilkes County Coroner

BILL ANALYSIS

Version:

Committee: House Local Government I

Date:

May 26, 2004 1ST Edition

Introduced by: Rep. Walker

Summary by: R. Erika Churchill

Committee Counsel

The bill would abolish the office of County Coroner in Wilkes County. **SUMMARY:**

The bill would abolish the office of county coroner in Wilkes County. The act **BILL ANALYSIS:** would become effective upon the expiration of the term of the current Wilkes County coroner.

Other counties which have abolished the office of coroner include: Alleghany, **BACKGROUND:** Anson, Ashe, Bertie, Chowan, Cumberland, Greene, Hertford, McDowell, New Hanover, Perquimans, Rowan, Scotland and Stokes.

VISITOR REGISTRATION SHEET

LOCAL GOV FI	3/26/04
Name of Committee	harman Walker
VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE ASSISTANT
NAME	FIRM OR AGENCY
Righ Webb	Intern, Ap Alexander
GARY GOLHEN	151/Darlyn
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 2, 2004 11:00 a.m.

OPENING REMARKS

Representative Tracy Walker, Chairman Local Government I Committee

AGENDA ITEMS:

HB1588	MONROE CLAIMS SETTLEMENT
	Representative Gibson

- HB 1589 MONTGOMERY COMMISSIONER ELECTION Representative Gibson
- HB 1614 LENOIR ABC PROFIT DISTRIBUTIONS TO BE ANNUAL Representative LaRoque
- HB 1619 ELIZABETHTOWN CHARTER AMENDMENTS
 Representative Nye
- HB 1666 GARNER/UNSAFE RESIDENTIAL BUILDINGS Representatives Ross and Ellis
- HB 1670 NEWTON FORCE ACCOUNT Representative Setzer
- HB 1674 ZEBULON CHARTER AMENDMENT Representative Eddins
- HB 1564 CHARLOTTE REGIONAL VISITORS AUTHORITY Representative Earle

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT 1 June 2, 2004

The House Committee on Local Government I met on Wednesday, June 2, 2004 in Room 415 of the Legislative Office Building at 11:00 a.m. The following members were present: Chairman Walker, Vice-Chair Carney, Representatives Barbee, McAllister, McGee, Ross, Warren, Wilson, Dickson and Gillespie. Erika Churchill, Staff Counsel was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and recognized attendees.

Representative Setzer was recognized to explain HB1670, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK. This would allow the City of Newton and Catawba County to use town labor for a park construction project without regard to dollar limits set out in the NC General Statutes regarding public construction contracts. A proposed committee substitute was offered and adopted upon the motion of Representative Wilson. Motion carried. Representative Barbee moved for favorable report to the committee substitute bill and unfavorable to the original bill.

Representative Gibson was recognized to explain HB 1588, AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY. A proposed committee substitute was offered and adopted upon the motion of Representative Barbee. Motion carried This bill would allow the Town Council of Monroe to adopt a local ordinance allowing the town manager to settle claims against the town as specified in the local ordinance. Representative McGee moved for favorable report to the committee substitute bill and unfavorable to the original bill.

Representative Gibson was again recognized to explain HB 1589, AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA. A proposed committee substitute was offered and adopted upon the motion of Representative Warren. Motion carried. Representative Ross moved for favorable report to the committee substitute bill and unfavorable to the original bill.

HOUSE BILL 1614, AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM, was explained by Representative LaRoque. Representative Warren moved for a favorable report. Motion carried.

Representative Nye was recognized to explain HB 1619, AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN. A proposed committee substitute

was offered and adopted upon the motion of Representative Gillespie. Motion carried. This bill would update the circa 1900 charter for the Town of Elizbethtown to more accurately reflect the town officers and their method of appointment. Representative McGee moved for favorable report to the committee substitute bill and unfavorable to the original bill.

Representative Ross was recognized to explain HB 1666, AN ACT TO ALLOW THE TOWN OF GARNER TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS. This bill would allow the Town of Garner to declare residential buildings in community development target areas to be unsafe under G.S. 60A-426(b). Representative Dickson moved for a favorable report. Motion carried.

Representative Eddins was recognized to explain HB 1674, AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON. A proposed committee substitute was offered and adopted upon the motion of Representative McGee. Motion carried. Representative Ross moved for favorable report to the committee substitute bill and unfavorable to the original bill.

Representative Earle explained HB 1674, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY. Representative Carney moved for a favorable report. Motion carried.

Respectfully submitted,

Representative Walker

Chairman

Barbara Powell

Committee Assistant

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for H.B. 1588 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY.
☐ With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report, as amended.
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report as to 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) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H HOUSE BILL 1588

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Short Title: Monroe Claims Settlement.

(Local)

Sponsors:

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Representative Gibson.

Referred to: Local Government I.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.9 of the Charter of the City of Monroe, being S.L. 2003-35, reads as rewritten:

"Section 4.9. Settlement of Claims by City Manager. Claims. The Council may authorize the City Manager to settle claims against the City for (i) personal injuries or damages to property when the amount involved does not exceed the sum of five thousand dollars (\$5,000) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expenses actually incurred; and (ii) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five thousand dollars (\$5,000) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the incident, occasion, or taking complained of. All such settlements and all such releases shall be approved in advance by the City Attorney. adopt an ordinance that delegates to the City Manager the authority, upon consultation and recommendation of the City Attorney, to improve settlements on behalf of the City in all claims or lawsuits of any kind or nature involving the City, including, but not limited to, tort claims, land condemnation, and civil penalties issued by the City, and to execute any and all documents, including releases, necessary for the settlement of such claims or lawsuits, when the monetary amount involved does not exceed an amount set forth by the Council in the ordinance. Settlement of a claim by the City Manager pursuant to this section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the incident, occasion, or taking

General Assembly of North Carolina

- 1 complained of. All such settlements entered into pursuant to this section shall be
- 2 reported to the City Council in a timely manner and shall be subject to the applicable
- provisions of the Public Records Law as set forth in Chapter 132 of the General
- 4 Statutes."
- 5 **SECTION 2.** This act becomes effective July 1, 2004.



HOUSE BILL 1588: Monroe Claims Settlement.

Committee: House Local Government I

June 2, 2004 Date:

H1588-CSST-80 v1 Version:

Introduced by: Rep. Gibson

R. Erika Churchill Summary by:

Committee Counsel

The proposed committee substitute would allow the Town Council of Monroe to adopt a SUMMARY: local ordinance allowing the town manager to settle claims against the town as specified in the local ordinance.

CURRENT LAW & BILL ANALYSIS: Currently the Town Council of Monroe may authorize the City Manager to settle claims against the city as specified in the City Charter. The city charter directs that only certain personal injury claims under \$5,000 and certain real property claims under \$5,000 may be settled by the City Manager.

The proposed committee substitute would allow the City of Monroe governing body to adopt a local ordinance delegating to the City Manager the authority to settle claims as specified in that local ordinance. The local ordinance may allow the City Manager to settle any claim against the city when the monetary amount involved does not exceed an amount set forth by the Council in the local ordinance. The City Manager must report any settlements to the City Council in a timely manner.

The act would become effective July 1, 2004.

BACKGROUND: Examples of other municipalities that have similar provisions in their charter include: Charlotte, Durham, Greensboro, Wilmington and Wilson.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1588 PROPOSED COMMITTEE SUBSTITUTE H1588-CSST-80 [v.1]

6/1/2004 1:51:31 PM

Short Title:	Monroe Claims Settlement.	(Local)
Sponsors:		
Referred to:		

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.9 of the Charter of the City of Monroe, being S.L. 2000-35, reads as rewritten:

"Section 4.9. Settlement of Claims by City Manager. Claims. The Council may authorize the City Manager to settle claims against the City for (i) personal injuries or damages to property when the amount involved does not exceed the sum of five thousand dollars (\$5,000) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expenses actually incurred; and (ii) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five thousand-dollars (\$5,000) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the incident, occasion, or taking complained of. All such settlements and all such releases shall be approved in advance by the City Attorney, adopt an ordinance that delegates to the City Manager the authority, upon consultation and recommendation of the City Attorney, to approve settlements on behalf of the City in all claims or lawsuits of any kind or nature involving the City, including, but not limited to, tort claims, land condemnation, and civil penalties issued by the City, and to execute any and all documents, including releases, necessary for the settlement of such claims or lawsuits, when the monetary amount involved does not exceed an amount set forth by the Council in the ordinance. Settlement of a claim by the City Manager pursuant to this section shall constitute a complete release of the City from any and all damages sustained by the person involved

General Assembly of North Carolina

Session 2003

- in such settlement in any manner arising out of the incident, occasion, or taking complained of. All such settlements entered into pursuant to this section shall be reported to the City Council in a timely manner and shall be subject to the applicable provisions of the Public Records Law as set forth in Chapter 132 of the General
- Statutes." 5
- **SECTION 2.** This act becomes effective July 1, 2004.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

)	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
	Committee Substitute for H.B. 1589 A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.
	☐ With a favorable report.
	☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
	☐ With a favorable report, as amended.
	☐ With a 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) 03/19/03

SESSION 2003

H

HOUSE BILL 1589

GENERAL ASSEMBLY OF NORTH CAROLINA

Short Title: Montgomery Commissioner Elections. (Local)

Sponsors: Representative Gibson.

Referred to: Local Government I.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. The Montgomery County Board of Commissioners shall be elected according to the method established by the United States District Court for the Middle District of North Carolina in the Consent Decree entered on January 23, 1990, and the Supplemental Order entered on July 2, 2003, in Montgomery County Branch of the NAACP, et al., v. Montgomery County, et al. C-90-27-R, as now codified in this act. This act is intended to satisfy the requirement of paragraph 13 of the Supplemental Order that the Board of Commissioners seek codification of the election method.

SECTION 2. The Board of Commissioners shall consist of five members, elected in partisan elections at the time provided by State law.

SECTION 3. One commissioner each shall be elected from Districts 1, 2, and 3 by the voters of the district only, and two commissioners shall be elected from the county at large.

SECTION 4. Districts 1, 2, and 3 shall be comprised of the areas shown on the map entitled "3-District Plan H" attached to the July 2, 2003, Supplemental Order and on file with the Montgomery County Board of Commissioners and Board of Elections.

SECTION 5. To be eligible to be a candidate for or to serve as a commissioner from District 1, 2, or 3 a person must reside in that district. Candidates for persons serving as at-large commissioners may reside anywhere in the county.

SECTION 6. As provided in July 2, 2003, Supplemental Order, William Maness currently is serving as the commissioner for District 1, Sally Morris as the commissioner for District 2, George Knight as the commissioner for District 3, and Dolon Corbett and R.C. Bostic as the at-large commissioners.

 SECTION 7. In the 2004 election, commissioners shall be elected from Districts 1 and 2 to serve four-year terms.

SECTION 8. In the 2006 election, a commissioner shall be elected from District 3 to serve a two-year term.

SECTION 9. Two at-large commissioners shall be elected in 2006 to serve four-year terms. In both the party primaries and the general election, all candidates for the two seats shall be listed together on the ballot and each voter shall be entitled to vote for up to two candidates.

SECTION 10. Subsequent elections for Districts 1, 2, and 3 shall be held in 2008 and every four years thereafter. Subsequent elections for the two at-large positions shall be held in 2010 and every four years thereafter.

SECTION 11. Beginning with the 2006 election, there shall not be a second primary for any seat on the board. Instead, the candidate or candidates receiving the most votes in the first primary shall be nominated.

SECTION 12. The three election districts may be redrawn as required by federal and State law following each decennial federal census.

SECTION 13. Except as provided in this act, elections for the Board of Commissioners shall be conducted according to general State law.

SECTION 14. The July 2, 2003, Supplemental Order provides that Montgomery County Branch of the NAACP, et al., v. Montgomery County, et al., shall be dismissed on July 2, 2008, if no additional motions have been filed by that time and no party has sought to reopen the case. Accordingly, after July 2, 2008, unless a subsequent order has been entered by the court, the method of electing the Board of Commissioners shall be as described in this act but may be subsequently altered pursuant to general State law and in compliance with the federal Voting Rights Act.

SECTION 15. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1589 PROPOSED COMMITTEE SUBSTITUTE H1589-CSST-82 [v.3]

6/1/2004 4:34:48 PM

Short Title:	Montgomery Commissioner Elections.	(Local)
Sponsors:		
Referred to:		

May 20, 2004

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A BILL TO BE ENTITLED

AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. The Montgomery County Board of Commissioners shall be elected according to the method established by the United States District Court for the Middle District of North Carolina in the Consent Decree entered on January 23, 1990, and the Supplemental Order entered on July 2, 2003, in Montgomery County Branch of the NAACP, et al., v. Montgomery County, et al. C-90-27-R, as now codified in this act. This act is intended to satisfy the requirement of paragraph 13 of the Supplemental Order that the Board of Commissioners seek codification of the election method.

SECTION 2. The Board of Commissioners shall consist of five members, elected in partisan elections at the time provided by State law.

SECTION 3. One commissioner each shall be elected from Districts 1, 2, and 3 by the voters of that district only, and two commissioners shall be elected from the county at large.

SECTION 4. Districts 1, 2, and 3 shall be comprised of the areas shown on the map entitled "3-District Plan H" attached to the July 2, 2003, Supplemental Order and on file with the Montgomery County Board of Commissioners and Board of Elections.

SECTION 5. To be eligible to be a candidate for or to serve as a commissioner from District 1, 2, or 3 a person must reside in that district. Candidates for, and persons serving as, at-large commissioners may reside anywhere in the county.

SECTION 6. As provided in July 2, 2003, Supplemental Order, William Maness currently is serving as the commissioner for District 1, Sally Morris as the

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commissioner for District 2, George Knight as the commissioner for District 3, and Dolon Corbett and R.C. Bostic as the at-large commissioners.

SECTION 7. In the 2004 election, commissioners shall be elected from Districts 1 and 2 to serve four-year terms.

SECTION 8. In the 2006 election, a commissioner shall be elected from District 3 to serve a two-year term.

SECTION 9. Two at-large commissioners shall be elected in 2006 to serve four-year terms. In both the party primaries and the general election, all candidates for the two seats shall be listed together on the ballot and each voter shall be entitled to vote for up to two candidates.

SECTION 10. Subsequent elections for Districts 1, 2, and 3 shall be held in 2008 and every four years thereafter. Subsequent elections for the two at-large positions shall be held in 2010 and every four years thereafter.

SECTION 11. Notwithstanding G.S. 163-111, nominations in primary elections for the county board of commissioners shall be determined as follows:

- (1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared the nominee.
- (2) When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest number of votes, equal in number to the number of offices to be filled, shall be declared the nominee.
- (3) If two or more candidates receiving the highest number of votes necessary to be nominated each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

SECTION 12. The three election districts may be redrawn as required by federal and State law following each decennial federal census.

SECTION 13. Except as provided in this act, elections for the Board of Commissioners shall be conducted according to general State law.

SECTION 14. The July 2, 2003, Supplemental Order provides that Montgomery County Branch of the NAACP, et al., v. Montgomery County, et al., shall be dismissed on July 2, 2008, if no additional motions have been filed by that time and no party has sought to reopen the case. Accordingly, after July 2, 2008, unless a subsequent order has been entered by the court, the method of electing the Board of Commissioners shall be as described in this act but may be subsequently altered pursuant to general State law and in compliance with the federal Voting Rights Act.

SECTION 15. Section 11 of this act is effective January 1, 2006. The remainder of this act is effective when it becomes law.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

By Representative Walker (Chair) for the Committee on Local Government I.		
Committee Substitute for H.B. 1614 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM.		
☑ With a favorable report.		
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.		
With a favorable report, as amended.		
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.		
☐ With a favorable report as to 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) 03/19/03		

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1614

1

(Local) Short Title: Lenoir ABC Profit Distributions to be Annual. Representatives LaRoque; and Wainwright. Sponsors: Referred to: Local Government I.

May 20, 2004

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A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE THAN QUARTERLY DISTRIBUTIONS OF ANNUAL RATHER PROCEEDS FROM THE ABC SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-805(c) reads as rewritten:

- Other Statutory Distributions. After making the distributions required by subsection (b), a local board shall make the following quarterly-distributions from the remaining gross receipts: receipts on June 30 of each year:
 - Before making any other distribution under this subsection, the local board shall set aside the clear proceeds of the three and one-half percent (3 1/2%) markup provided for in G.S. 18B-804(b)(5) and the bottle charge provided for in G.S. 18B-804(b)(6b), to be distributed as part of the remaining gross receipts under subsection (e) of this section.
 - The local board shall spend for law enforcement an amount set by the (2) board which shall be at least five percent (5%) of the gross receipts remaining after the distribution required by subdivision (1). The local board may contract with the ALE Division to provide the law enforcement required by this subdivision. Notwithstanding the provisions of any local act, this provision shall apply to all local boards.
 - The local board shall spend, or pay to the county commissioners to (3) spend, for the purposes stated in subsection (h), an amount set by the board which shall be at least seven percent (7%) of the gross receipts remaining after the distribution required by subdivision (1). This provision shall not be applicable to a local board which is subject to a local act setting a different distribution."

SECTION 2. G.S. 18B-805(e) reads as rewritten:

"(e) Other Distributions. – After making the distributions provided in subsections (b), (c), and (d), the local board shall pay each quarter annually, on June 30, the remaining gross receipts to the general fund of the city or county for which the board is established, unless some other distribution or some other schedule is provided for by law. If the governing body of each city and county receiving revenue from an ABC system agrees, those governing bodies may alter at any time the distribution to be made under this subsection or under any local act. Copies of the governing body resolutions agreeing to a new distribution formula and a copy of the approved new distribution formula shall be submitted to the Commission for review and audit purposes. If any one of the governing bodies later withdraws its consent to the change in distribution, profits shall be distributed according to the original formula, beginning with the next quarter-year."

SECTION 3. G.S. 18B-805(g) reads as rewritten:

"(g) Quarterly-Annual Distributions. — When this section requires a distribution to be made quarterly, annually, at least ninety percent (90%) of the estimated distribution shall be paid to the recipient by the local board within 30 days of the end of that quarter. Year. Adjustments in the amount to be distributed resulting from the closing of the books and from audit shall be made with the next quarterly annual payment."

SECTION 4. This act applies to Lenoir County and to the Lenoir County Alcoholic Beverage Control Board only.

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

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.	
Committee Substitute for H.B. 1619 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN.	
☐ With a favorable report.	
☐ With a favorable report and recommendation that the bill be re-referred to the Committee of Appropriations ☐ Finance ☐ ☐.	n
☐ With a favorable report, as amended.	
☐ With a 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 (#	
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.	
With an unfavorable report.	
With recommendation that the House concur.	
With recommendation that the House do not concur.	
With recommendation that the House do not concur; request conferees.	
☐ With recommendation that the House concur; committee believes bill to be material.	
With an unfavorable report, with a Minority Report attached.	
☐ Without prejudice.	
With an indefinite postponement report.	
With an indefinite postponement report, with a Minority Report attached.	
With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)	3



HOUSE BILL 1619: Elizabethtown Charter Amendments

BILL ANALYSIS

Committee: House Local Government I

June 2, 2004 Date:

Version: H1619-CSST-79 v3 Introduced by: Rep. Nye

Summary by: R. Erika Churchill

Committee Counsel

The proposed committee substitute would update the circa 1900 charter for the Town of SUMMARY: Elizabethtown to more accurately reflect the town officers and their method of appointment.

CURRENT LAW & BILL ANALYSIS: The current charter of the Town of Elizabethtown was last revised by the General Assembly in 1901 with regard to the town officers and their method of appointment. Under that charter, the town had three commissioners. Also as officers of the Town, there was a Constable and a Treasurer, along with a Clerk and regular policemen, who were elected by the three Town Commissioners.

Under generally applicable State law municipalities are required to have a city clerk, but there is no requirement that the municipal board appoint the clerk. Typically, policemen for a municipality are hired and managed by the police chief, who is supervised by the city manager.

The proposed committee substitute would increase the number of commissioners to six to accurately reflect the current size of the town board, remove the outdated names of the town positions and put in place the currently used terms for those positions. It would also put in place in the town charter the authority for the town manager to make personnel appointments for those positions with the exception of Town Attorney.

The act would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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(Local)

HOUSE BILL 1619* PROPOSED COMMITTEE SUBSTITUTE H1619-CSST-79 [v.3]

6/1/2004 2:37:12 PM

Short Title: Elizabethtown Charter Amendments.

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Sponsors:
Referred to:
May 24, 2004
A BILL TO BE ENTITLED
AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN.
The General Assembly of North Carolina enacts:
SECTION 1. Section 2 of Chapter 99, Private Laws of 1901, reads as
rewritten:
"SEC. 2. That section 2 of said chapter is hereby repealed and the following
substituted in lieu thereof, viz.: "That the officers of said town shall consist of Mayor
three-six Commissioners, a Town Constable, regular an special policemen, and a Clerk
and Treasurer, a Clerk, and such other officers as the Town Commissioners may elect
and the following-named persons shall fill the offices of Mayor and Commissioners
from the first Monday in May, 1901, until the first Monday in May, 1903, and until their
successors are elected and qualified: For mayor, R.S. White; for Commissioners, Jno
W. Hall, D.L. Smith and H.J. Lyon."
SECTION 2. Section 3 of Chapter 99, Private Laws of 1901, is repealed.
SECTION 2. The Charter of the Town of Elizabethtown, being Chapter 156
Private Laws of 1895, as amended by Chapter 134, Private Laws of 1899 and by

"Section 3.1. Form of Government. The Town shall operate under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

Chapter 99, Private Laws of 1901, is amended by adding the following new sections:

"Section 3.2. Town Manager. The Council shall appoint a Town Manager in accordance with G.S. 160A-147.

"Section 3.3. Town Clerk. The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Manager may direct.

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"Section 3.4. Finance Director. The Town Manager shall appoint a Finance Director to perform the duties designated in G.S. 159-25 and such other duties as may be prescribed by law or assigned by the Manager.

"Section 3.5. **Tax Collector.** The Town Manager shall appoint a Tax Collector to collect all taxes owed to the Town, subject to general law, this Charter, and Town ordinances.

"Section 3.6. Town Attorney. The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials, and perform other duties required by law or as the Council may direct.

"Section 3.7. Other Administrative Officers and Employees. The Council may authorize other positions to be filled by appointment by the Town Manager, and may organize the Town government as deemed appropriate, subject to the requirements of law."

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

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

HOUSE BILL 1619*

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Short Title: Elizabethtown Charter Amendments. (Local) Sponsors: Representative Nye. Referred to: Local Government I.

May 24, 2004

1	A BILL TO BE ENTITLED
2	AN ACT TO AMEND THE CHARTER OF THE TOWN

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of Chapter 99, Private Laws of 1901, is repealed.

SECTION 2. The Charter of the Town of Elizabethtown, being Chapter 156, Private Laws of 1895, is amended by adding the following new sections:

"Section 3.1. Form of Government. The Town shall operate under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Section 3.2. Town Manager. The Council shall appoint a Town Manager in accordance with G.S. 160A-147.

"Section 3.3. Town Clerk. The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Manager may direct.

"Section 3.4. Finance Director. The Town Manager shall appoint a Finance Director to perform the duties designated in G.S. 159-25 and such other duties as may be prescribed by law or assigned by the Manager.

"Section 3.5. Tax Collector. The Town Manager shall appoint a Tax Collector to collect all taxes owed to the Town, subject to general law, this Charter, and Town ordinances.

"Section 3.6. Town Attorney. The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials, and perform other duties required by law or as the Council may direct.

"Section 3.7. Other Administrative Officers and Employees. The Council may authorize other positions to be filled by appointment by the Town Manager, and may organize the Town government as deemed appropriate, subject to the requirements of law."

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

Th	e following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
H.	Committee Substitute for B. 1666 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF GARNER TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.
Ø	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations [Finance []
	With a favorable report, as amended.
	With a 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	With an unfavorable report, with a Minority Report attached.
	Without prejudice.
	With an indefinite postponement report.
	With an indefinite postponement report, with a Minority Report attached.
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1666*

Short Title:	Garner/Unsafe Residential Buildings.	(Local)
Sponsors:	Representatives Ross, Ellis (Primary Sponsors); and Stam.	
Referred to:	Local Government I.	
	May 26, 2004	
	A BILL TO BE ENTITLED	
AN ACT T	O ALLOW THE TOWN OF GARNER TO DECLARE RES	IDENTIAL
	NGS IN COMMUNITY DEVELOPMENT TARGET AREAS	
	O DEMOLISH THOSE BUILDINGS USING THE SAME	
	RIZED FOR THE DEMOLITION OF UNSAFE NONRES	
BUILDI		
	Assembly of North Carolina enacts:	
	ECTION 1. Section 4 of S.L. 2002-118, as amended by S.L. 2	.003-23 and
	2, reads as rewritten:	
	ON 4. Sections 1 and 2 of this act apply to the Cities of Clinto	n Durham
	, Goldsboro, High Point, and Lumberton, and the Towns	or Garner,
	ope Mills and Spring Lake only."	
S	ECTION 2. This act is effective when it becomes law.	



HOUSE BILL 1666: Garner/Unsafe Residential Buildings

Date:

Committee: House Local Government I

June 2, 2004

First Edition Version:

Introduced by: Reps. Ross and Ellis

Summary by: R. Erika Churchill

Committee Counsel

The bill would add the Town of Garner to the list of municipalities that may include SUMMARY: declare residential buildings in community development target areas to be unsafe under G.S. 160A-426(b).

CURRENT LAW: During the 2000 Session, the General Assembly enacted legislation authorizing cities to condemn, demolish, and place a lien on vacant and dilapidated non-residential property in a community development target area. A nonresidential building in a community development target area may be declared unsafe if it is both of the following:

- 1. Appears to be vacant or abandoned.
- 2. Appears to be in such dilapidated condition as to do one or more of the following:
 - a. to cause or contribute to blight, disease, vagrancy, fire or safety hazard,
 - b. to be a danger to children, or
 - c. to tend to attract persons intent on criminal activities or other activities that constitute a public nuisance.

f the nonresidential building is declared unsafe, the city must affix a notice of the unsafe character of the building to the structure in a conspicuous place on the exterior of the building. The city then has the option of removing or demolishing the building and placing a lien on the property for the cost incurred, in lieu of initiating other appropriate action to prevent, restrain, correct or abate violations.

BILL ANALYSIS: House Bill 1666 would add residential buildings to those buildings within community development target areas that may be declared unsafe in the City of Garner.

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

BACKGROUND: Similar legislation was enacted in 2002 for the following municipalities: Clinton, Durham, Fayetteville, Goldsboro, High Point, Lumberton, Franklin, Hope Mills and Spring Lake.

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for
H.B. 1670 A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK.
With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report, as amended.
☐ With a 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 (#
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
With an unfavorable report.
With recommendation that the House concur.
With recommendation that the House do not concur.
With recommendation that the House do not concur; request conferees.
With recommendation that the House concur; committee believes bill to be material.
With an unfavorable report, with a Minority Report attached.
☐ Without prejudice.
☐ With an indefinite postponement report.
☐ With an indefinite postponement report, with a Minority Report attached.
With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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HOUSE BILL 1670

(Local) Short Title: Newton Force Account. Representatives Setzer; and Ray. Sponsors:

Referred to: Local Government I.

May 26, 2004

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK.

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) or the total cost of labor on the project does not exceed fifty thousand dollars (\$50,000). seven hundred thousand dollars (\$700,000). 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. This act applies only to the construction of a park on City of Newton property on North Carolina Highway 10 West.

SECTION 3. This act applies only to the City of Newton and Catawba County.

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SECTION 4. This act is effective when it becomes law and expires September 30, 2005.



HOUSE BILL 1670: Newton Force Account

BILL ANALYSIS

Committee: House Local Government I

Date: June 2, 2004

H1670-CSST-81 v1 Version:

Introduced by: Rep. Setzer

R. Erika Churchill Summary by:

Committee Counsel

SUMMARY: House Bill 1670 would allow the City of Newton and the County of Catawba to use town labor for a park construction project without regard to dollar limits set out in the North Carolina General Statutes regarding public construction contracts.

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes sets out requirements for the bidding of public contracts. G.S. 143-135 exempts from the requirements of Article 8 construction or repair work undertaken by the State or subdivisions of the State when both of the following apply:

- The work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned.
- Either the total cost of the project does not exceed \$125,000, or the total cost of labor on the project does not exceed \$50,000.

BILL ANALYSIS: House Bill 1670 would allow the City of Newton and Catawba County to use qualified labor on the payroll of the town for a park construction project not to exceed \$860,000 on Highway 10 West.

EFFECTIVE DATE: The act would be effective when it becomes law and expire on December 30, 2006.

BACKGROUND: Similar legislation has previously been enacted for Wake Forest (S.L. 2003-32), Asheville (S.L. 2001-274), Chapel Hill (S.L. 2000-97), Cabarrus County and the City of Concord (S.L. 1999-34) and various other local governments.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1670 PROPOSED COMMITTEE SUBSTITUTE H1670-CSST-81 [v.1]

6/1/2004 3:00:44 PM

Short Title:	Newton Force Account.	(Local)
Sponsors:		
Referred to:		

May 26, 2004

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK.

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) or the total cost of labor on the project does not exceed fifty thousand dollars (\$50,000). eight hundred sixty thousand dollars (\$860,000). 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. This act applies only to the construction of a park on City of Newton property on North Carolina Highway 10 West.

SECTION 3. This act applies only to the City of Newton and Catawba County.

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27 28 SECTION 4. This act is effective when it becomes law and expires December 30, 2006.

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for
H.B. 1674 A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON.
THE TOWN OF ZEBULON.
With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report, as amended.
☐ With a 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) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

HOUSE BILL 1674

(Local)

Sponsors:

Zebulon Charter Amendment. Representative Eddins.

Short Title:

Referred to: Local Government I.

May 26, 2004

A BILL TO BE ENTITLED

AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.3 of the Charter of the Town of Zebulon, being Chapter 388 of the 1973 Session Laws, as rewritten by the Town under G.S. 160A-101 and G.S. 160A-102, reads as rewritten:

"Sec. 3.3. Members of the Town Board of Commissioners shall hereafter be elected for four-year terms on a staggered basis as follows: at the regular municipal election to be held in 1977, the two candidates who receive the highest number of votes shall be elected for four-year terms, while the three candidates who receive the next highest number of votes shall be elected for two-year terms. Beginning at the regular municipal election to be held in 1979, and every four years thereafter, three members of the Board of Commissioners shall be elected to serve for four-year terms. Beginning at the regular municipal election to be held in 1979, and every four years thereafter, two members of the Board of Commissioners shall be elected to serve for four-year terms. Beginning at the regular municipal election to be held in 1981 and every four years thereafter the Mayor of the Town of Zebulon shall be elected for a four-year term.

In the event a vacancy occurs in the office of commissioner, the board shall, by a plurality vote, appoint some qualified person to fill the vacancy until the next general election, and the person appointed to fill the vacancy shall serve only until an elected successor takes office. The seats will be filled as follows from the votes cast at the election: the seats would be filled by plurality, and the seats that would normally be up for election shall be filled first based on the highest numbers of votes equal to the number of seats to be filled for full terms, and the unexpired term shall be filled based on the next highest number of votes."

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

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

 D

HOUSE BILL 1674 PROPOSED COMMITTEE SUBSTITUTE H1674-CSST-83 [v.2]

6/2/2004 9:07:38 AM

Short Title:	Zebulon Charter Amendment.	(Local)
Sponsors:		
Referred to:		

May 26, 2004

1 A BILL TO BE ENTITLED

AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.3 of the Charter of the Town of Zebulon, being Chapter 386 of the 1973 Session Laws, as rewritten by the Town under G.S. 160A-101 and G.S. 160A-102, reads as rewritten:

"Sec. 3.3. Members of the Town Board of Commissioners shall hereafter be elected for four-year terms on a staggered basis as follows: at the regular municipal election to be held in 1977, the two candidates who receive the highest number of votes shall be elected for four-year terms, while the three candidates who receive the next highest number of votes shall be elected for two-year terms. Beginning at the regular municipal election to be held in 1979, and every four years thereafter, three members of the Board of Commissioners shall be elected to serve for four-year terms. Beginning at the regular municipal election to be held in 1979, and every four years thereafter, two members of the Board of Commissioners shall be elected to serve for four-year terms. Beginning at the regular municipal election to be held in 1981 and every four years thereafter the Mayor of the Town of Zebulon shall be elected for a four-year term.

In the event a vacancy occurs in the office of commissioner, the board shall, by a plurality vote, appoint a qualified person to fill the vacancy until the next general election. The person appointed to fill the vacancy shall serve only until an elected successor takes office. From the votes cast at the election, the seats shall be filled as follows: the full term seats that would normally be up for election shall be filled first based on the highest numbers of votes equal to the number of seats to be filled for full terms, and the unexpired term(s) shall be filled based on the next highest number of votes."

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

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for H.B. 1564 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY.
With a favorable report.
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
☐ With a favorable report, as amended.
☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
With a favorable report as to the committee substitute bill (#), which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
☐ With an unfavorable report.
With recommendation that the House concur.
With recommendation that the House do not concur.
With recommendation that the House do not concur; request conferees.
☐ With recommendation that the House concur; committee believes bill to be material.
☐ With an unfavorable report, with a Minority Report attached.
☐ Without prejudice.
☐ With an indefinite postponement report.
With an indefinite postponement report, with a Minority Report attached.
With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1564

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Short Title: Charlotte Regional Visitors Authority. (Local)

Sponsors: Representatives Earle; Alexander, Carney, Cunningham, Gulley, McMahan, Saunders, and C. Wilson.

Referred to: Local Government II.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article II of Chapter 5 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended by Section 4 of S.L. 2001-402, reads as rewritten:

"ARTICLE II. AUDITORIUM COLISEUM CONVENTION CENTER CHARLOTTE REGIONAL VISITORS AUTHORITY.

"Section 5.21. Continuation. (a) The control, management, and operation of the property and improvements now or hereafter made or acquired by the City for auditorium, coliseum, civic center, and baseball stadium purposes shall continue to be vested in the authority to be known as the auditorium-coliseum-convention-center authority. Charlotte Regional Visitors Authority. The authority shall also engage in activities and programs aiding and encouraging convention and visitor promotion. The authority shall be composed of at least seven and not more than nine members, as determined jointly by the Mayor and the City Council. If the authority has nine members, three shall be appointed by the Mayor and six shall be appointed by the City Council. If the authority has seven or eight members, two shall be appointed by the Mayor and the remainder shall be appointed by the City Council. One member of the authority must be an individual who is not an elected official and who is jointly nominated by the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville and confirmed by the City's appointing authority. The City may, for good cause shown, reject the individual nominated by the towns. The City must appoint or reject the individual nominated by the towns in a timely manner. If the City rejects the nominee, the towns must jointly nominate a different individual. If the authority has nine members, one member must be an individual who is affiliated with the hotel, motel, or restaurant business in the City. The Council and the Mayor shall jointly determine which of the seats are subject to these conditions. 13 members, four

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appointed by the Mayor and nine appointed by the Council. Those 13 members of the authority shall represent the following categories and be appointed as follows:

- (1) Eight at large, three appointed by the Mayor and five appointed by the Council.
- (2) One convention hotel representative appointed by the Council.
- (3) One limited service hotel representative appointed by the Mayor.
- (4) One restaurant representative appointed by the Council.
- (5) One general travel representative appointed by the Council.
- One Mecklenburg town representative who shall not be an elected official and who is jointly nominated by the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville and appointed by the Council. The Council may, for good cause shown and in a timely manner, reject the individual nominated by the towns. If the Council rejects the nominee, the towns shall jointly nominate a different individual.

Other than for the Mecklenburg town representative, the Mayor or Council shall be responsible for determining whether their respective appointees satisfy the representational categories, which determination is final.

Each member shall serve a term of three years. The Council shall provide for the staggering of members' terms. No member shall serve more than two <u>full</u> consecutive terms. If any vacancy is created on the authority, the Council or the Mayor, as the case may be, shall appoint a member to fill the unexpired term. The members of the authority shall receive no compensation.

(b) Attendance of meetings and continued service on the authority shall be governed by the attendance policies established by the Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided herein.

"Section 5.22. Officers and Funds. The members of the authority shall elect annually from their body a chair, vice-chair, and a secretary and otherwise provide for the efficient administration of its affairs; provided, however, the finance officer of the City shall by virtue of his office be also the finance officer of the authority, and he shall serve as such finance officer without additional compensation. All funds of the authority shall be kept by its treasurer in a separate bank account or accounts from other funds of the City and shall be paid out only in accordance with procedures established by such authority. The net proceeds from the operation of the authority-facilities shall be used to pay the interest and retirement on the bonded debt of the City incurred in connection with such auditorium-coliseum-convention center-baseball stadium and shall not be used for any other purpose until said bonds, principal, and interest have been paid, except as may be otherwise approved by the Council for other uses of the authority. Quarterly operating statements of the authority and an annual audited statement shall be presented to the Council. The authority shall be deemed a "special district," as defined in G.S. 159-7, for purposes of the Local Government Budget and Fiscal Control Act and shall budget and administer its fiscal affairs according to the provisions of that act applicable to special districts.

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"Section 5.23. Powers and Duties. (a) The authority shall operate the auditorium-coliseum-convention center-baseball stadium in a proper, efficient, economical, and business-like manner, to the end that such properties and facilities may effectively serve the public needs for which they were established at the least cost and expense to the City. The authority shall appoint a Manager of such auditorium-coliseum-convention center-baseball stadium properties, whose salary shall be fixed by the authority. Such Manager shall, in addition to other duties imposed upon him by the authority, be responsible for the collection of rents or fees for the use of the properties and facilities of the authority. The authority shall select such other personnel as it deems advisable to properly operate such properties. The authority shall have full and complete control of such auditorium-coliseum-convention center-baseball stadium properties and facilities; shall have full and complete control over granting and denying the use of, and establishing and collecting rents and fees for the use of, the properties and facilities; shall make all reasonable rules and regulations as it deems necessary for the proper operation and maintenance of such properties and facilities; may expend funds of the authority for the advertising and promotion of the use of the properties and facilities; and may sponsor and promote shows, events, games and activities involving the use of the properties and facilities and make reasonable charges therefor.

- (b) The authority may, in its discretion, lease or rent auditorium-coliseum-convention center-baseball stadium properties and facilities for such terms and upon such conditions as the authority may determine but not for longer than 10 years. Leases and rentals for terms of more than one year may be executed only after 10 days' public notice by publication describing the property to be leased or rented, stating the annual lease or rental payments and announcing the authority's intent to authorize the lease or rental at its next meeting. No public notice or resolution of the authority is required with respect to leases and rentals for terms of one year or less."
- (c) The authority shall engage in activities and programs aiding and encouraging convention and visitor promotion. These activities and programs shall include sales and marketing activities and expenditures that relate both to facilities under the control, management, and operation of the Authority, as well as to the selling and marketing of the Charlotte region as a travel and tourism destination."

SECTION 2. The Charlotte Regional Visitors Authority shall assume all the rights, duties, obligations, and liabilities of the Auditorium-Coliseum Convention Center Authority.

SECTION 3. In order to provide for the staggered expiration of member terms, the Council shall establish initial full terms for the Charlotte Regional Visitors Authority ranging from one to three years. The Council may establish additional rules and make determinations not inconsistent with this act in order to facilitate an orderly transition from the Auditorium-Coliseum Convention Center Authority to the Charlotte Regional Visitors Authority.

SECTION 4. This act becomes effective July 1, 2004.

Name of Committee

VISITOR REGISTRATION SHEET

Lune 2, 0 £

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Chki Kons	House diteen
Tom Krating	House Intern
Jim Gardonne	Pryor Giban's Office
Elizabeth Self	Interd, Rep. Ross
KImberly Cheek	Intern Rop, EAMR
MOHAMMAD NEWATIAN	
BOYD CAUBLE	City of Charlotte
John Phelps	NC League of Municipalities
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 9, 2004 11:00 a.m.

OPENING REMARKS

Representative Tracy Walker, Chairman Local Government I Committee

AGENDA ITEMS:

HB 1687 – Cabarrus Board of Equalization and Review Representatives L. Johnson and Barnhart

HB 1721 - Currituck Occupancy Tax Change Representative Owens

HB 1722 – Currituck ABC Board Membership Increased Representative Owens

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT 1

June 9, 2004

The House Committee on Local Government I met on Wednesday, June 9, 2004 in Room 415 of the Legislative bu8ilding at 11:00 a.m. The following members were present, Chairman Walker, Vice-Chair Carney, Representatives Barbee, Dickson, Steen, Owens, Ross, and Wilson. Erika Churchill Staff Counsel was in attendance. A visitor registration list is attached and made part of these minutes.

Chairman Walker called the meeting to order and recognized attendees.

Representative Barnhart was recognized to explain HB 1687 AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY. A proposed committee substitute was offered and adopted upon the motion of Representative Carney. Motion carried. This committee substitute would authorize the appointment of this special board and would repeal a prior conflicting local act. Representative Barbee moved for a favorable report to the committee substitute bill and unfavorable to the original bill, recommending that it be re-referred to Finance. Motion carried.

Representative Owens was recognized to explain HB 1721 AN ACT TO CHANGE THE PURPOSES FOR WHICH THE ADDITIONAL ONE PERCENT OCCUPANCY TAX IN CURRITUCK COUNTY MAY BE USED. A proposed committee substitute was offered and adopted upon the motion of Representative Carney. Motion carried. The proposed committee substitute would allow Currituck County to increase the additional occupancy tax and use a portion of the expend revenue raised by the local occupancy tax on historic restoration and cultural programs. Representative Wilson moved for a favorable report to the committee substitute bill and unfavorable to the original bill, recommending that it be re-referred to Finance. Motion carried.

Representative Owens was again recognized to explain HB1722, AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS. Representative Barbee moved for a favorable report to the original bill. Motion carried.

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

Respectfully submitted:

Representative Walker

Chairman

Barbara Powell

Committee Assistant

The	e following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government 1.
	Committee Substitute for 3. 1687 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY.
	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	With a favorable report, as amended.
	With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	With a favorable report as to the committee substitute bill (#
	With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	With an unfavorable report, with a Minority Report attached.
	Without prejudice.
	With an indefinite postponement report.
	With an indefinite postponement report, with a Minority Report attached.
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03



HOUSE BILL 1687: Cabarrus Board of Equalization & Review

Committee: House Local Government I

Date:

June 9, 2004

Version:

H1687-CSST-86 v1

Introduced by: Reps. Johnson & Barnhart

Summary by:

R. Erika Churchill

Committee Counsel

The proposed committee substitute would authorize the appointment of a special board SUMMARY: of equalization and review for Cabarrus County and repeal a prior conflicting local act.

CURRENT LAW & BILL ANALYSIS: A board of equalization and review is a committee appointed by the county commissioners to review the county's property tax listings and appraisals and to hear taxpayers' appeals concerning the listing or appraisal of their property. The board of county commissioners performs these functions if it chooses not to appoint a special board of equalization and review. Appeals from a special board of equalization and review are directly to the Property Tax Commission, unless the county provides for an appeal to the board of county commissioners. General law authorizes counties to appoint special boards of equalization and review. G.S. 105-322.

The proposed committee substitute would make the following local modifications to the general law for the County of Cabarrus:

- 1. The board of equalization and review may be divided into two or more separate panels with a minimum membership of three persons. A decision by the panel has the effect of a decision by the entire board of equalization and review.
- 2. After adjournment of the Board of Equalization and Review, that board may continue to meet to carry out the following duties:
 - a. To hear and decide all appeals relating to discovered property. (General law restricts this authority to the discovery and listing of property and the settlement of the county's claim for taxes arising from that discovery.)
 - b. Approve an untimely application for exemption or exclusion applicable to only the tax year in which the application was filed if good cause is shown for the untimely filing.
 - c. To authorize a change to the tax abstracts as permitted in G.S. 105-325. (General law grants this authority to the Board of County Commissioners once the board of equalization and review has finished its work.)
- S.L. 2000-92 granted the Cabarrus County Board of 3. Repeal S.L. 2000-92. Equalization and Review the authority to meet after its formal adjournment to perform duties not then authorized by general statute. Those duties were subsequently authorized by general statute for all counties (S.L. 2001-139), and it is that statute that is being amended by Section 1 of the proposed committee substitute.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1687* PROPOSED COMMITTEE SUBSTITUTE H1687-CSST-86 [v.1]

6/7/2004 4:41:00 PM

Short Title: C	abarrus Board of Equalization and Review.	(Local)
Sponsors:		
Referred to:		
	May 27, 2004	
EQUALIZAThe General As	A BILL TO BE ENTITLED AUTHORIZE THE APPOINTMENT OF A SPECATION AND REVIEW FOR CABARRUS COUNTY. Essembly of North Carolina enacts: TION 1. G.S. 105-322(g) reads as rewritten: Ers and Duties. – The board of equalization and reviewies:	
(3)	Powers in Carrying Out Duties. — In the perform under subdivisions (g)(1) and (g)(2), above, the board review may exercise the following powers: a. It may appoint committees composed of its other persons to assist it in making investigatists work. It may also employ expert appraise The expense of the employment of commisshall be borne by the county. The board may require the taxpayer to reimburse the county appraisal by experts demanded by the taxpay does not result in material reduction of the property appraised and if the appraisal is reduced materially by the board or by the Revenue. b. The board, in its discretion, may examine documents. It may place any witnesses under by any member of the board. It may subp documents on its own motion, and it must do is made under the provisions of subdivision (general property appraisal).	ard of equalization of own members or ations necessary to easier in its discretion. It tees or appraisers y, in its discretion, for the cost of any yer if the appraisal e valuation of the not subsequently he Department of any witnesses and roath administered opena witnesses or so when a request

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

- c. In any year of general reappraisal, the chair of the board may divide the board into two or more separate panels with a minimum of three members each. The board members on each panel may be interchanged during the year. A decision by the panel has the same effect as a decision by the entire board.
- (5) Duty to Change Abstracts and Records Powers After Adjournment. Following adjournment upon completion of its duties under subdivisions (g)(1) and (g)(2) of this subsection, section, the board may continue to meet to carry out the following duties:
 - a. To hear and decide all appeals relating to discovered property under G.S. 105-312(d) and (k):105-312.
 - b. To hear and decide all appeals relating to the appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b).
 - c. To hear and decide all appeals relating to audits conducted under G.S. 105-296(j) and relating to audits conducted under G.S. 105-296(j) and (l) of property classified at present-use value and property exempted or excluded from taxation.
 - d. To hear and decide all appeals relating to personal property under G.S. 105-317.1(c).
 - e. To exercise its authority under G.S. 105-282.1(a1) to accept an application for exemption or exclusion that was filed after the statutory deadline.
 - f. To make any changes authorized by G.S. 105-325."
- SECTION 2. S.L. 2000-92 is repealed.
- **SECTION 3.** Section 1 of this act applies to Cabarrus County only.
- **SECTION 4.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1687*

(Local) Short Title: Cabarrus Board of Equalization and Review. Representatives L. Johnson and Barnhart (Primary Sponsors). Sponsors: Referred to: Local Government I. May 27, 2004 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EOUALIZATION AND REVIEW FOR CABARRUS COUNTY. The General Assembly of North Carolina enacts: SECTION 1. G.S. 105-322(g) reads as rewritten: Powers and Duties. - The board of equalization and review has the following powers and duties: Powers in Carrying Out Duties. - In the performance of its duties (3) under subdivisions (g)(1) and (g)(2), above, the board of equalization and review may exercise the following powers: It may appoint committees composed of its own members or other persons to assist it in making investigations necessary to its work. It may also employ expert appraisers in its discretion. The expense of the employment of committees or appraisers shall be borne by the county. The board may, in its discretion, require the taxpayer to reimburse the county for the cost of any appraisal by experts demanded by the taxpayer if the appraisal does not result in material reduction of the valuation of the property appraised and if the appraisal is not subsequently reduced materially by the board or by the Department of

Revenue.

b.

27 28

A subpoena issued by the board shall be signed by the chair of the board, directed to the witness or to the person having

The board, in its discretion, may examine any witnesses and

documents. It may place any witnesses under oath administered

by any member of the board. It may subpoena witnesses or

documents on its own motion, and it must do so when a request

is made under the provisions of subdivision (g)(2)c, above.

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1	custody of the document, and served by an officer authorized to
2	serve subpoenas. Any person who willfully fails to appear or to
3	produce documents in response to a subpoena or to testify when
4	appearing in response to a subpoena shall be guilty of a Class 1
5	misdemeanor.
6	c. In any year of general reappraisal, the chair of the board may
7	divide the board into two or more separate panels with a
8	minimum of three members each. The board members on each
9	panel may be interchanged during the year. A decision by the
10	panel has the same effect as a decision by the entire board.
11	
12	(5) Duty to Change Abstracts and Records Powers After Adjournment
13	Following adjournment upon completion of its duties under
14	subdivisions $(g)(1)$ and $(g)(2)$ of this subsection, section, the board may
15	continue to meet to carry out the following duties:
16	a. To hear and decide all appeals relating to discovered property
17	under G.S. 105-312(d) and (k). 105-312.
18	b. To hear and decide all appeals relating to the appraisal, situs,
19	and taxability of classified motor vehicles under
20	G.S. 105-330.2(b).
21	c. To hear and decide all appeals relating to audits conducted
22	under G.S. 105-296(j) and relating to audits conducted under
23	G.S. 105-296(j) and (l) of property classified at present-use
24	value and property exempted or excluded from taxation.
25	d. To hear and decide all appeals relating to personal property
26	under G.S. 105-317.1(c).
` 27	e. To exercise its authority under G.S. 105-282.1(a1) to accept an
28	application for exemption or exclusion that was filed after the
29	statutory deadline.
30	<u>f.</u> To make any changes authorized by G.S. 105-325."
, 31	SECTION 2. This act applies to Cabarrus County only.
; 32	SECTION 3. This act is effective when it becomes law.

	111	By Representative Walker (Chair) for the Committee on Local Government 1.
	H.:	Committee Substitute for B. 1721 A BILL TO BE ENTITLED AN ACT TO CHANGE THE PURPOSES FOR WHICH THE ADDITIONAL ONE PERCENT OCCUPANCY TAX IN CURRITUCK COUNTY MAY BE USED.
	_	
	Ш	With a favorable report.
		With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance.
		With a favorable report, as amended.
		With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	X	With a favorable report as to the committee substitute bill (#), \(\bar{X} \) 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 \(\frac{1}{2} \) 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 \(\frac{1}{2} \) 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 \(\frac{1}{2} \) which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #).
)		With a favorable report as to House committee substitute bill (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
		With an unfavorable report.
		With recommendation that the House concur.
		With recommendation that the House do not concur.
		With recommendation that the House do not concur; request conferees.
		With recommendation that the House concur; committee believes bill to be material.
		With an unfavorable report, with a Minority Report attached.
		Without prejudice.
		With an indefinite postponement report.
		With an indefinite postponement report, with a Minority Report attached.
		With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1721

Short Title:	Currituck Occupancy Tax Changes.	(Local)
Sponsors:	Representative Owens.	
Referred to:	Local Government I.	

May 27, 2004

1 2

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE PURPOSES FOR WHICH THE ADDITIONAL ONE PERCENT OCCUPANCY TAX IN CURRITUCK COUNTY MAY BE USED.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(e) of Chapter 209 of the 1987 Session Laws, as amended by Chapter 155 of the 1991 Session Laws, reads as rewritten:

"(e) Use of tax revenue. Currituck County shall use at least seventy-five percent (75%) of the net proceeds of the tax levied under subsection (a) of this section only for tourist related purposes, including construction and maintenance of public facilities and buildings, garbage, refuse, and solid waste collection and disposal, police protection, and emergency services. The remainder of the net proceeds of the tax levied under subsection (a) shall be deposited in the Currituck County General Fund and may be used for any lawful purpose. Currituck County may use the net proceeds of the tax levied under subsection (a1) of this section, to the extent that they are needed, for eapital costs, operation, and maintenance of the Currituck Wildlife Museum. historic restoration and cultural programs. Whatever is not needed for the eapital costs, operation, and maintenance of the Currituck Wildlife Museum historic restoration and cultural programs shall be used for tourist-related purposes. As used in this subsection, 'net proceeds' means gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer."

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



HOUSE BILL 1721: Cuurituck Occupancy Tax Changes.

BILL ANALYSIS

Committee: House Local Government I

Date:

June 9, 2004

Version:

H1721-CSLYx27-v3

Introduced by: Rep. Owens

Summary by:

R. Erika Churchill

Committee Counsel

The proposed committee substitute would allow the Currituck County to increase the SUMMARY: additional occupancy tax and to use a portion of the expend revenue raised by the local occupancy tax on historic restoration and cultural programs.

CURRENT LAW & BILL ANALYSIS: Currituck County was granted the authority to impose a local occupancy tax in 1987 of 3%, and the revenue was to be used 75% for tourist related purposes, 25% for the general fund of Currituck County.

In 1991, the authorization was amended to allow Currituck County to also implement an additional 1% occupancy tax. The expenditure restrictions on the 3% tax were not altered. The restrictions the on the expenditure of the 1% tax were as follows: to the extent the revenue was needed to the Currituck Wildlife Museum, the remainder to tourist-related purposes.

The proposed committee substitute would:

- 1. Allow Currituck County to increase the additional occupancy to 3%.
- 2. Requires that all of the net proceeds of the first three percent occupancy tax to be spent on the tourism- related expenditures. Currently 75% of the proceeds of that tax must be spent on tourism- related purposes, defined as including construction and maintenance of public facilities and buildings, garbage, refuse and solid waste collection and disposal, police protection and emergency services, and the remainder of the proceeds are deposited in the General Fund and used for any lawful purpose.
- 3. Requires that at least 2/3 of the net proceeds of the second 3% tax be used to promote travel and tourism and that the remainder be used for tourism-related expenditures. Currently, these funds are used for the capital costs, operation, and maintenance of the Currituck Wildlife Museum and, to the extent not needed for the Museum, for tourist related purposes.
- 4. Applies standard definitions of "beach nourishment", "net proceeds", "promote travel and tourism", and "tourism related expenditures".

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1721 PROPOSED COMMITTEE SUBSTITUTE H1721-CSLYx-27 [v.3]

6/8/2004 5:30:27 PM

Short Title:	Currituck Occupancy Tax Changes.	(Local)
Sponsors:	`	
Referred to:		

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(a1) of Chapter 209 of the 1987 Session Laws, as amended by Chapter 155 of the 1991 Session Laws, reads as rewritten:

"(a1) Additional occupancy tax. In addition to the tax authorized by subsection (a) of this section, the Currituck County Board of Commissioners may levy a room occupancy tax of one percent (1%) up to three percent (3%) of the gross receipts derived from the rental of accommodations taxable under subsection (a). The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with the provisions of this act. Currituck County may not levy a tax under this subsection unless it also levies the tax under subsection (a)."

SECTION 2. Section 1(e) of Chapter 209 of the 1987 Session Laws, as amended by Chapter 155 of the 1991 Session Laws, reads as rewritten:

"(e) Use of tax revenue. Currituck County shall use at least seventy five percent (75%) of the net proceeds of the tax levied under subsection (a) of this section only for tourist related purposes, including construction and maintenance of public facilities and buildings, garbage, refuse, and solid waste collection and disposal, police protection, and emergency services. The remainder of the net proceeds of the tax levied under subsection (a) shall be deposited in the Currituck County General Fund and may be used for any lawful purpose tourism-related expenditures. Currituck County may shall use at least two-thirds of the net proceeds of the tax levied under subsection (a1) of this section, to the extent that they are needed, for capital costs, operation, and maintenance of the Currituck Wildlife Museum. Whatever is not needed for the capital costs, operation, and maintenance of the Currituck Wildlife Museum shall be used for tourist-related purposes. As used in this subsection, 'net proceeds' means gross proceeds

ı	less the cost to the county of administering and collecting the tax, as determined by the
2	finance officer. section to promote travel and tourism and shall use the remainder of
3	those funds for tourism-related expenditures.
4	The following definitions apply in this subsection:
5	(1) Beach nourishment. – The placement of sand, from other sand sources,
6	on a beach or dune by mechanical means and other associated
7	activities that are in conformity with the North Carolina Coastal
8	Management Program along the shorelines of the Atlantic Ocean of
9	North Carolina and connecting inlets for the purpose of widening the
10	beach to benefit public recreational use and mitigating damage and
11	erosion from storms to inland property. The term includes
12	expenditures for any of the following:
13	a. Costs directly associated with qualifying for projects either
14	contracted through the U.S. Army Corps of Engineers or
15	otherwise permitted by all appropriate federal and State
16	agencies.
17	b. The nonfederal share of the cost required to construct these
18	projects.
19	c. The costs associated with providing enhanced public beach
20	access.
21	d. The costs of associated nonhardening activities such as the
22	planting of vegetation, the building of dunes, and the placement
23	of sand fences.
24	(2) Net proceeds Gross proceeds less the cost to the county of
25	administering and collecting the tax, as determined by the finance
26	officer, not to exceed three percent (3%) of the first five hundred
27	thousand dollars (\$500,000) of gross proceeds collected each year and
28	one percent (1%) of the remaining gross receipts collected each year
29	(3) Promote travel and tourism. – To advertise or market an area or
30	activity, publish and distribute pamphlets and other materials, conduct
31	market research, or engage in similar promotional activities that attract
32	tourists or business travelers to the area; the term includes
33	administrative expenses incurred in engaging in these activities.
34 35	(4) Tourism-related expenditures. – Expenditures that, in the judgment of
36	the Currituck County Board of Commissioners, are designed to
37	increase the use of lodging facilities, meeting facilities, and convention
38	facilities in a county by attracting tourists or business travelers to the
39	county. The term includes tourism-related capital expenditures and
40	beach nourishment." SECTION 3. This act is effective when it becomes law.
	Section 3. This act is checulve when it becomes law

By Representative Walker (Chair) for the Committee on Local Government 1.
Committee Substitute for H.B. 1722 A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD 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) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

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HOUSE BILL 1722

(Local) Short Title: Currituck ABC Board Membership Increased. Representative Owens. **Sponsors:** Referred to: Local Government I. May 27, 2004 A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS. The General Assembly of North Carolina enacts: **SECTION 1.** G.S.18B-700(a) reads as rewritten: Membership. - A local ABC board shall consist of three-five members appointed for three-year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or unless the board is a board for a merged ABC system under G.S. 18B-703 and a different size membership has been provided for as part of the negotiated merger. One member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. terms. As the terms of initial-board members expire, their successors shall each be appointed for three-year terms. The appointing authority shall designate one member of the local board as chairman. The three members appointed prior to the effective date of this act shall complete their terms as appointed. The two new members appointed after the effective date of this act shall be appointed as provided in Section 2 of this act." The Board of Commissioners shall appoint additional SECTION 2. members authorized by this act to serve one-year and two-year initial terms and then for three-year terms thereafter. The initial terms shall be decided upon to maintain the staggered appoint periods required by G.S. 18B-700(a) as amended by Section 1 of this act.

22 23 24

SECTION 3. This act applies to Currituck County only. **SECTION 4.** This act is effective when it becomes law.



HOUSE BILL 1722: Currituck ABC Board Membership Increased

Committee: House Local Government I

Date: June 9, 2004

Version: 1st Edition

Introduced by: Representative Owens
Summary by: R. Erika Churchill

Summary by: R. Erika Churchill Committee Counsel

SUMMARY: The bill would increase the membership of the Currituck Alcoholic Beverage Control Commission from three (3) members to five (5).

CURRENT LAW & BILL ANALYSIS: G.S. 18B-700 provides for three (3) members on an Alcoholic Beverage Control board unless a local act adopted prior to 1981 provides for a different number of members. No local act authorizing a different number of members has been enacted for Currituck County. The bill would increase the number of members of the ABC Board for the County of Currituck from three (3) to five (5) by amending state statute to allow the local ABC board in Currituck County to have more than three (3) members.

The act is effective when it becomes law.

BACKGROUND: The following counties currently have more than 3 members on their ABC boards: Mecklenburg, Cumberland, Wayne, Catawba, Moore, Wake, Edgecombe, Martin, Bertie, and Nash. The following cities or towns have more than 3 members on their ABC boards: Angier, Greensboro, Lumberton, Maxton and Kings Mountain. On June 1, 2004, the House passed legislation to accomplish the same for the City of Asheville; that bill is now in Senate committee.

VISITOR REGISTRATION SHEET

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Name of Committee Loc	Gov. Reg I	Date 6/1/04
VISITORS: PLEASE SIGN BELOW A	ND RETURN TO COMMITTEE	ASSISTANT
NAME	FERM OR AGENCY	,
ERRY COHEN	BIII Upot	TIMA
Carole Lawler	2645	9
Elizabeth Self	House Intern	
Jon carr	Jordan Price EL: Lanth City C	ie can form
WALTON, JOHNNIE	Elicabeth City C	ity Council
JOHN Ponner	Apr. Assoc, or	= NC
Mindy McCorkle		
Bo RROCTIN	(,	
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT 1

June 16, 2004 11:00 a.m.

OPENING REMARKS

Representative Tracy Walker, Chairman Local Government 1 Committee

AGENDA ITEMS:

HB 1724 HARNETT COUNTY SUBDIVISIONS .
Representative Lewis

SB 1125 JOHNSTON CORONER ABOLISHED Senator Smith

SB 1133 MISENHEIMER MUNICIPAL ELECTIONS Representative Goodwin

MINUTES HOUSE COMMITTEE ON LOCAL GOVERNMENT 1 June 16, 2004

The House Committee on Local Government I met on Wednesday, June 16, 2004 in Room 415 of the Legislative Building at 11:00 a.m. The following members were present: Chairman Walker, Representatives Barbee, Dickson, Steen, McGee, Ross and Wilson. Erika Churchill, Staff Counsel was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and recognized attendees.

Senator Purcell was recognized to explain SB 1133, AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS. Representative Barbee moved for a favorable report. Motion carried.

Senator Smith was recognized to explain SB 1125, AN ACT TO ABOLISH TO OFFICE OF CORONER IN JOHNSTON COUNTY. Representative McGee moved for a favorable report. Motion carried.

Representative Lewis was recognized to explain HB 1724, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY. A proposed committee substitute was offered and approved upon the motion of Representative Steen. Representative McLawhorn was recognized to explain the Pitt County part of the proposed committee substitute. This bill would repeal two local acts regarding the definition of "subdivision" as it applies in all of Harnett County, including the municipalities, and apply the general law in that county; and would authorize Pitt County to exempt additional tracts of land of the definition of subdivision, Representative McGee moved to amend the bill on page two (2), line 12 rewriting the line to indicate as to when the act is to become law. Representative Ross moved for a favorable report to the proposed committee substitute, unfavorable to the original bill, and that the amendment be rolled over into a new proposed committee substitute. Motion carried.

There being no further business the meeting adjourned at 11:25 a.m.

Respectfully submitted:

Representative. Tracy Walker

Chairman

Barbara Powell

Committee Assistant

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government 1.			
Committee Substitute fo H.B. 1724 A BILL TO I SUBDIVISION IN HA	BE ENTITLED AN ACT RELATING TO THE DEFINITION OF		
☐ With a favorable report.			
☐ With a favorable report Appropriations ☐ Final	and recommendation that the bill be re-referred to the Committee on nce		
☐ With a favorable report,	as amended.		
With a favorable report, Committee on Appropri	as amended, and recommendation that the bill be re-referred to the ations Finance .		
title, unfavorable as to (as to the committee substitute bill (#———————————————————————————————————		
	as to House committee substitute bill (#), which changes to Senate committee substitute bill.		
☐ With an unfavorable rep	ort.		
☐ With recommendation t	hat the House concur.		
☐ With recommendation t	hat the House do not concur.		
☐ With recommendation t	hat the House do not concur; request conferees.		
☐ With recommendation t	hat the House concur; committee believes bill to be material.		
☐ With an unfavorable rep	ort, with a Minority Report attached.		
Without prejudice.			
With an indefinite postp	onement report.		
☐ With an indefinite postp	onement report, with a Minority Report attached.		
☐ With recommendation t	hat it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03		

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

HOUSE BILL 1724

1

Short Title:	Harnett County Subdivisions.	(Local)
Sponsors:	Representative Lewis (By Request).	
Referred to:	Local Government I.	
	May 27, 2004	

1	A BILL TO BE ENTITLED
2	AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT
3	COUNTY.
4	The General Assembly of North Carolina enacts:
5	SECTION 1. S.L. 1997-246 and S.L. 2001-50, as those acts amend
6	G.S. 153A-335 and G.S. 160A-376 as applicable to Harnett County and the
7	municipalities in Harnett County, are repealed.
8	SECTION 2. This act applies to Harnett County and the municipalities in
9	Harnett County only.
10	SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1724 PROPOSED COMMITTEE SUBSTITUTE H1724-PCS50419-LR-27

Short Title: H	arnett and Pitt Subdivisions. (Local)			
Sponsors:				
Referred to:				
	May 27, 2004			
	A BILL TO BE ENTITLED			
AN ACT RELA	TING TO THE DEFINITION OF SUBDIVISION IN HARNETT AND			
	sembly of North Carolina enacts:			
SEC G.S. 153A-335	FION 1. S.L. 1997-246 and S.L. 2001-50, as those acts amend and G.S. 160A-376 as applicable to Harnett County and the			
•	n Harnett County, are repealed.			
	FION 2. G.S. 153A-335, as it applies to Pitt County, reads as rewritten:			
	'Subdivision" defined. s of this Part "subdivision" means all divisions of a tract or parcel of			
	For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or			
	building development (whether immediate or future) and includes all division of land			
	involving the dedication of a new street or a change in existing streets; however, the			
following is no	t included within this definition and is not subject to any regulations			
enacted pursua	•			
(1)	The combination or recombination of portions of previously			
	subdivided and recorded lots if the total number of lots is not increased			
	and the resultant lots are equal to or exceed the standards of the county			
(2)	as shown in its subdivision regulations; The division of land into parcels greater than 10 acres if no street			
(2)	right-of-way dedication is involved;			
(3)	The public acquisition by purchase of strips of land for widening or			
(3)	opening streets or for public transportation system corridors; and			
(4)	The division of a tract in single ownership the entire area of which is			
()	no greater than two acres into not more than three lots, if no street			
	right-of-way dedication is involved and if the resultant lots are equal to			
	or exceed the standards of the county as shown by its subdivision			
	regulations.regulations;			

General Assem	bly of North Carolina	Session 2003
<u>(5)</u>	The division of a tract among heirs of a deceased person	
	settlement of the deceased person's estate by action of a legal proceeding; and	will or other
<u>(6)</u>	The division of land by any method of transfer from a	
	grantee (or grantees) who is a member of the granton	
	family, solely for the residential use of the grantee (or s	grantees). For
	the purposes of this section, the term "immediate family"	shall include
	only direct lineal descendants (children and grandchildre	en) and direct
	lineal ascendants (father, mother, grandfather, and grandn	nother)."
SECT	TION 3. Section 1 of this act applies to Harnett Con	unty and the
	Harnett County only. Section 2 of this act applies to Pitt C	
	ION 4. This act is effective when it becomes law.	



HOUSE BILL 1724: Harnett and Pitt Subdivisions

BILL ANALYSIS

Committee: House Local Government I

Date: June 16, 2004

H1724-PCS50419-LR-27 Version:

Introduced by: Rep. Lewis

R. Erika Churchill Summary by:

Committee Counsel

SUMMARY: The bill would repeal two local acts regarding the definition of "subdivision" as it applies in all of Harnett County, including the municipalities, and apply the general law in that county: and would authorize Pitt County to exempt additional tracts of land of the definition of subdivision.

HARNETT COUNTY.

S.L. 1997-246, as amended by S.L. 2001-50, defined a subdivision of land in **CURRENT LAW:** Harnett County and the municipalities in Harnett County as follows:

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets, EXCEPT any of the following:

1. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations. Same as general law. G.S. 153A-335; 160A-376.

2. The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved. Same as general law. G.S. 153A-335; 160A-376.

3. The public acquisition by purchase of strips of land for widening or opening streets. Same as general law. G.S. 153A-335; 160A-376.

4. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations. Same as general law. G.S. 153A-335; 160A-

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

The bill would repeal the session laws enacting the local acts creating exception **BILL ANALYSIS:** #5 stated above, thereby applying the general law to Harnett County and the municipalities in Harnett County. The generally applicable law contained in G.S. 153A-335 and 160A-376 are the four stated exceptions as set out above.

PITT COUNTY.

CURRENT LAW: G.S. 153A-335 defines a subdivision of land as follows:

"All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets, **EXCEPT** any of the following:

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

2. The division of land into parcels greater than 10 acres if no street right-of-way

dedication is involved.

3. The public acquisition by purchase of strips of land for widening or opening streets.

4. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations."

BILL ANALYSIS: The proposed committee substitute would add two additional exceptions to the definition of subdivision as it applies in Pitt County:

- 1. The division of a tract among heirs of a deceased person as part of the settlement of the deceased person's estate by action of a will or other legal proceeding.
- 2. The division of land by any method of transfer from a grantor to a grantee(s) who is a member of the grantor's immediate family, solely for the residential use of the grantee(s). The term "immediate family" shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother).

The act would become effective when it becomes law.

The	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government 1.			
	Committee Substitute for			
S.E	3. 1125 A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY.			
X	With a favorable report.			
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .			
	With a favorable report, as amended.			
	With a 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) 03/19/03			

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S SENATE BILL 1125

Short Title: Johnston Coroner Abolished. (Local)

Sponsors: Senator Smith.

Referred to: State Government, Local Government, and Veterans' Affairs.

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. The office of coroner in Johnston County is abolished.

SECTION 2. Chapter 152 of the General Statutes is not applicable to Johnston County.

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

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SENATE BILL 1125: Johnston Coroner Abolished

Committee:

Senate State /Local Govt. &

Introduced by: Senator Smith

Veterans Affairs

Summary by:

Theresa Matula

Date: May 25, 2004 First Edition Version:

Committee Staff

SUMMARY: Senate Bill 1125 abolishes the office of coroner in Johnston County.

CURRENT LAW:

Chapter 152 of the General Statutes sets out the laws relating to coroners including: election, oaths, bond, fees, and duties.

BILL ANALYSIS:

Senate Bill 1178 abolishes the office of coroner in Johnston County and provides that Chapter 152 of the General Statutes is not applicable to Johnston County.

The act is effective when it becomes law.

BACKGROUND:

Approximately 48 counties have abolished the office of coroner. The most recent counties to abolish the office of the coroner were Granville County (S.L. 2002-17) and Martin and Rockingham counties (S.L. 1998-145).

S1125-SMSH-001

The	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government 1.			
_	Committee Substitute for 3. 1133 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODDNUMBERED YEARS.			
\boxtimes	With a favorable report.			
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .			
	With a favorable report, as amended.			
	With a 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.			
	With an unfavorable report.			
	With recommendation that the House concur.			
	With recommendation that the House do not concur.			
	With recommendation that the House do not concur; request conferees.			
	With recommendation that the House concur; committee believes bill to be material.			
	With an unfavorable report, with a Minority Report attached.			
	Without prejudice.			
	With an indefinite postponement report.			
	With an indefinite postponement report, with a Minority Report attached.			
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)			

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

SENATE BILL 1133

(Local)

Short Title: Misenheimer Municipal Elections.

Sponsors: Senator Purcell.

Referred to: State Government, Local Government, and Veterans' Affairs.

May 18, 2004

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

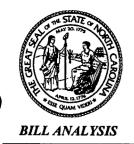
SECTION 1. Section 3.2 of S.L. 2003-268 reads as rewritten:

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 2004–2005 provided for by Section 4.1 of this Charter, Chuck Ambrose, Peter Edquist, Maria Fisher, Michael Herron, and Beth Huber are appointed members of the Village Council of the Village of Misenheimer, and they shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter. The temporary officers shall elect a person from among the members of the temporary governing body to serve as interim mayor. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the initial municipal election is held in 2004.2005."

SECTION 2. Section 3.3 of S.L. 2003-268 reads as rewritten:

"Section 3.3. Manner of Electing Village Council; Term of Office. The qualified voters of the entire Village shall elect the members of the Village Council, and, except as provided in this section, they shall serve four-year terms. In 2004,2005, the three candidates receiving the highest numbers of votes shall be elected to four-year terms, and the two candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 2006,2007, and quadrennially thereafter, two members shall be elected to four-year terms. In 2008,2009, and quadrennially thereafter, three members shall be elected to four-year terms."

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



SENATE BILL 1133: Misenheimer Municipal Elections

Committee: House Local Government I

Date: June 16, 2004

1st Edition Version:

Introduced by: Senator Purcell

Summary by: R. Erika Churchill

Committee Counsel

The bill would amend the charter of the Village of Misenheimer to permit the Village to SUMMARY: conduct its elections in odd numbered years.

CURRENT LAW & BILL ANALYSIS: The Village of Misenheimer was incorporated in 2003. The charter provides that the elections for the town are to be held in 2004 and in 2006, establishing staggered terms for the four (4) members of the board and the mayor. Generally, municipal elections, both partisan and non-partisan, are held in odd numbered years in North Carolina.

The bill would amend the charter of the Village to allow for municipal elections to be held in odd numbered years, when other municipal elections in North Carolina are held. The amendment would continue in place the appointed board and mayor until the 2005 election.

VISITOR REGISTRATION SHEET

	LOCAL + Reg. G	0v+ 6-16-04
	Name of Committee	Date
	VISITORS: PLEASE SIGN BELOW A	ND RETURN TO COMMITTEE ASSISTANT
	NAME	FIRM OR AGENCY
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	Hollon skinner	Intern-Repl Culpepper
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AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT 1

June 23, 2004 11:00 a.m.

OPENING REMARKS

Representative Tracy Walker, Chairman Local Government 1 Committee

AGENDA ITEMS:

- HB 1649 WAKE IMPAIRED HUNTING REGULATION Representative Munford
- SB 1178 ABOLISH WILKES COUNTY CORONER Senator Garwood
- SB 1233 PINEBLUFF UNOPENED TROLLEY EASEMENTS Senator Blake
- SB 1277 MADISON TOWN ELECTION Senator Berger
- SB 1279 M & M FIRE DISTRICT CONTRACTS Senator Berger

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT I

June 23, 2004

The House Committee on Local Government I met on Wednesday, June 23, 2004 in Room 415 of the Legislative Building at 11:00 a.m. The following members were present: Chairman Tracy Walker, Vice-Chair Becky Carney, Representatives Barbee, Dickson, Gillespie, McAllister, Steen, McGee, Owens, Ross, Warren, and Wilson. Erika Churchill, Staff Counsel was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order and recognized attendees.

Representative Munford was recognized to explain HB 1649 – AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF ALCOHOL AND OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS A proposed committee substitute was offered and approved upon the motion of Representative McGee. This bill would authorize Wake County to adopt a local ordinance governing hunting with firearms while under the influence of an impairing substance. Representative McGee moved for a favorable report to the proposed committee substitute, unfavorable to the original bill. Motion carried.

SB 1178 – AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY was explained by Senator Garwood, sponsor of the bill. Representative McAllister moved for a favorable report.

Senator Blake was recognized to explain SB 1233 – AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE. Representative Barbee moved for a favorable report.

Senator Berger was recognized to explain SB 1277 – AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON. The bill would increase the term of office for the Madison Board of Aldermen from two (2) years to four (4) years, and create staggered terms for those offices. Representative Carney moved for a favorable report.

Senator Berger was again recognized to explain SB 1279 – AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT. This bill would authorize the Rockingham County Board of Commissioners to contract with the fire departments of two towns (Mayodan and Madison), to provide fire protection services in a fire district. Representative Wilson moved for a favorable report.

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

Respectfully submitted

Representative Tracy Walker

Chairman

Barbara Powell

Committee Assistant

By Representative Walker (Chair) for the Committee on Local Government I.		
Committee Substitute for H.B. 1649 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF ALCOHOL AND OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS.		
☐ With a favorable report.		
☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.		
With a favorable report, as amended.		
☐ With a 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 (#		
☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.		
☐ With an unfavorable report.		
With recommendation that the House concur.		
With recommendation that the House do not concur.		
☐ With recommendation that the House do not concur; request conferees.		
With recommendation that the House concur; committee believes bill to be material.		
With an unfavorable report, with a Minority Report attached.		
☐ Without prejudice.		
With an indefinite postponement report.		
With an indefinite postponement report, with a Minority Report attached.		
☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03		

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1649

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Short Title:	Wake Impaired Hunting Regulation.	(Local)
Sponsors:	Representatives Munford; Ross, Capps, Stam, B. All	en, and Weiss.
Referred to:	Wildlife Resources.	

May 25, 2004

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF

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ALCOHOL AND OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS. The General Assembly of North Carolina enacts:

6 7 8 **SECTION 1.** A county may regulate, control, restrict, and prohibit hunting with firearms by persons under the influence of alcohol or other impairing substances and regulate, control, restrict, and prohibit hunting with firearms by persons who have any blood alcohol concentration as measured by an alcosensor. For the purposes of this act, an impairing substance is defined as set forth in G.S. 20-4.01.

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SECTION 2. A person violating an ordinance enacted under the authority of this act is guilty of a Class 3 misdemeanor, and upon conviction shall be punished as provided in G.S. 14-4, "Violation of local ordinance misdemeanor."

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SECTION 3. This act applies only to Wake County. **SECTION 4.** This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1649 PROPOSED COMMITTEE SUBSTITUTE H1649-CSST-88 [v.2]

6/15/2004 9:12:59 AM

Short Title: Wake Impaired Hunting Regulation.	(Local)
Sponsors:	
Referred to:	
May 25, 2004	
A BILL TO BE ENTITLED	
AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE T	HE USE OF
IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS	١.
The General Assembly of North Carolina enacts:	
SECTION 1. A county may regulate, control, restrict, and pr	cohibit hunting
with firearms by persons under the influence of an impairing subst	ance. For the
purposes of this act, an impairing substance is defined as set forth in G.S.	20-4.01.
SECTION 2. This act applies only to Wake County.	
SECTION 3. This act is effective when it becomes law.	



Date:

HOUSE BILL 1649: Wake Impaired Hunting Regulation.

Committee: House Local Government I

June 23, 2004

Version: H1649-CSST-88v2 Introduced by: Rep. Munford

Summary by:

R. Erika Churchill

Committee Counsel

The proposed committee substitute would authorize the County of Wake to adopt a local **SUMMARY:** ordinance governing hunting with firearms under the influence of an impairing substance.

CURRENT LAW & BILL ANALYSIS:

The proposed committee substitute would authorize Wake County to put in place a local ordinance regulating, controlling, restricting, or prohibiting hunting with firearms by persons under the influence of an impairing substance. An impairing substance would be defined as follows:

> "Alcohol, controlled substance under Chapter 90 of the General Statutes, any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances."

The County would be able to enforce this local ordinance in any manner counties are currently authorized to enforce local ordinances. G.S. 153A-123. Enforcement mechanisms include: civil fines, misdemeanor or infraction, abatement. The ordinance may not provide for a fine greater than \$500.

BACKGROUND: A similar act authorizing local ordinances with respect to aspects of hunting has previously been enacted for Orange County (S.L. 2001-165). A similar local act enacting a prohibition of hunting with a firearm while under the influence of an impairing substance has also been enacted for Pitt County (S.L. 2002-142).

The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
☐ Committee Substitute for S.B. 1178 A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES 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) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S SENATE BILL 1178*

Short Title:	Abolish Wilkes County Coroner.	(Local)			
Sponsors:	Senator Garwood.				
Referred to:	State Government, Local Government, and Veterans' Affairs.				
	May 20, 2004				
	A BILL TO BE ENTITLED				
AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY.					
The General	Assembly of North Carolina enacts:				
SI	ECTION 1. The office of coroner in Wilkes County is abolished.				
SI	ECTION 2. Chapter 152 of the General Statutes is not applicable to	Wilkes			
County.	•				
	ECTION 3. This act becomes effective upon the expiration of the	term of			
the current c	oroner in Wilkes County.				

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SENATE BILL 1178: Abolish Wilkes County Coroner

Committee: House Local Government I

Introduced by: Senator Garwood R. Erika Churchill

Date: Version: June 23, 2004 First Edition

Summary by:

Committee Counsel

SUMMARY: Senate Bill 1178 abolishes the office of coroner in Wilkes County.

CURRENT LAW:

Chapter 152 of the General Statutes sets out the laws relating to coroners including: election, oaths, bond, fees, and duties.

BILL ANALYSIS:

Senate Bill 1178 abolishes the office of coroner in Wilkes County and further provides that Chapter 152 of the General Statutes is not applicable to Wilkes County.

The act becomes effective upon the expiration of the term of the current coroner in Wilkes County.

BACKGROUND:

Approximately 48 counties have abolished the office of coroner. The most recent counties to abolish the office of the coroner were Granville County (S.L. 2002-17) and Martin and Rockingham counties (S.L. 1998-145). Senate Bill 1125, Abolish Johnston Coroner, is on the June 23, 2004, House calendar.

^{*}Theresa Matula contributed to this summary.

By Representative Walker (Chair) for the Committee on Local Government I.
Committee Substitute for S.B. 1233 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED 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 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) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 1233

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Short Title: Pinebluff Unopened Trolley Easements. (Local)

Sponsors: Senator Blake.

Referred to: State Government, Local Government, and Veterans' Affairs.

May 24, 2004

A BILL TO BE ENTITLED

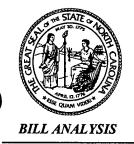
AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-48 reads as rewritten:

"SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Town of Pinebluff may convey by private negotiation and sale to the adjacent property owners any or all of its right, title, and interest in the <u>trolley easements</u>, center courts and any adjacent unopened alleys of the platted blocks of the Town for which the Town has assumed responsibility, whether by quitclaim or otherwise. Any such conveyances prior to the date this act becomes effective are confirmed and validated."

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



SENATE BILL 1233: Pinebluff Unopened Trolley Easements.

Committee: House Local Government 1

Date:

June 23, 2004

Version:

1st Edition

Introduced by: Senator Blake

Summary by:

R. Erika Churchill

Committee Counsel

The bill would allow the Town of Pinebluff to make conveyances of certain SUMMARY: properties by private negotiation and sale to adjacent property owners.

CURRENT LAW: Absent a local act, municipalities are authorized to dispose of property owned by the municipality only in accordance with Article 12 of Chapter 160A, which governs disposal of real and personal property by counties and cities. The statutes governing disposal provide for a private negotiation and sale in limited circumstances - property sold by private sale must be of "special interest," such as historical properties, and sold to a non-profit corporation. G.S. 160A-266.

BILL ANALYSIS: The Town of Pinebluff was originally developed by a private corporation, which provided for 24 platted blocks in the Town. Each of the platted blocks has approximately 24 lots, one center court and four (4) unopened alleys. After the platting of the area, the Town was incorporated as a municipality in 1899. There is no evidence of a conveyance of the center courts or unopened alleys to anyone. The Town of Pinebluff has assumed responsibility for these areas. Several years ago, the Town began transferring, by quitclaim deed to the adjacent property owners, a 1/8 portion the center court and unopened alleys for the purchase price of \$1.00. Last year, the General Assembly granted Pinebluff the authority to convey the center courts and the unopened alleys by private negotiation and sale. (S.L. 2003-48) The bill would amend that session law to permit the Town of Pinebluff to also convey the trolley easements to adjacent landowners by private negotiation and sale, whether by quitclaim deed or otherwise.

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

	following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.
S.B	Committee Substitute for 1277 A BILL TO BE ENTITLED AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON.
Ø	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .
	With a favorable report, as amended.
	With a 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 (#), \(\subseteq \) 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.
	With an unfavorable report.
	With recommendation that the House concur.
	With recommendation that the House do not concur.
	With recommendation that the House do not concur; request conferees.
	With recommendation that the House concur; committee believes bill to be material.
	With an unfavorable report, with a Minority Report attached.
	Without prejudice.
	With an indefinite postponement report.
	With an indefinite postponement report, with a Minority Report attached.
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

S

SENATE BILL 1277

State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/10/04

Short Title: Madison Town Election.	(Local)
Sponsors:	
Referred to:	
May 24, 2004	
A BILL TO BE ENTITLED	
AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN B	OARD OF
THE TOWN OF MADISON.	
The General Assembly of North Carolina enacts:	
SECTION 1. Section 3.3(a) of the Charter of the Town of Mad	ison, being
Chapter 289 of the 1973 Session Laws, reads as rewritten:	, 0
"(a) The members of the Board of Aldermen shall serve for terms o	f two -four
years, and the Mayor shall also serve for a term of two years, beginning the	
hour of the organizational meeting following their election, as established by	ordinance
in accordance with this Charter; provided, they shall serve until their succ	
elected and qualify. In the 2005 municipal election, six members shall be el	ected. The
three persons receiving the highest numbers of votes shall receive four-year	
the three persons receiving the next highest numbers of votes shall receive	e two-year
terms. In 2007 and biennially thereafter, three members shall be elected for	r four-year
terms."	
SECTION 2. This act becomes effective beginning with the 2005	municipal

election and does not affect the term of office of any current members.



SENATE BILL 1277: Madison Town Election.

BILL ANALYSIS

Committee: House Local Government I

Date:

June 23, 2004

Version:

2nd Edition

Introduced by: Sen. Berger

R. Erika Churchill Summary by:

Committee Counsel

The bill would increase the term of office for the Madison Board of Aldermen from two SUMMARY: (2) years to four (4) years, and create staggered terms for those offices.

CURRENT LAW & BILL ANALYSIS: The current charter of the Town of Madison provides for six aldermen. All six serve two-year terms, elected in odd numbered years.

The bill would increase the term office from two years to four years, and create staggered terms. In 2005, all six members would be up for election. Of those running for office, the three candidates receiving the highest votes would serve four-year terms. The next three highest voter receivers would serve two-year terms, creating staggered four-year terms beginning in 2007.

The bill would not effect the term of office of any sitting alderman.

The	The following report(s) from standing committee(s) is/are presented: By Representative Walker (Chair) for the Committee on Local Government I.		
	Committee Substitute for 3. 1279 A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT.		
X	With a favorable report.		
	With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations Finance .		
	With a favorable report, as amended.		
	With a 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 (#), \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.		
	With an unfavorable report.		
	With recommendation that the House concur.		
	With recommendation that the House do not concur.		
	With recommendation that the House do not concur; request conferees.		
	With recommendation that the House concur; committee believes bill to be material.		
	With an unfavorable report, with a Minority Report attached.		
	Without prejudice.		
	With an indefinite postponement report.		
	With an indefinite postponement report, with a Minority Report attached.		
	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY) 03/19/03		

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

S

SENATE BILL 1279

1

(Local) Short Title: M & M Fire District Contracts. Senator Berger. Sponsors: Referred to: State Government, Local Government, and Veterans' Affairs.

May 24, 2004

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A BILL TO BE ENTITLED

ROCKINGHAM COUNTY BOARD AN **ACT** TO ALLOW THE COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT. The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 69-25.5, or any other provision of law, the Rockingham County Board of Commissioners may contract with both the Town of Mayodan Fire Department and the Town of Madison Fire Department to provide fire protection services in the area designated as the M & M Fire District as shown on the Rockingham County Fire Insurance District Map of 2001.

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



SENATE BILL 1279: M & M Fire District Contracts.

Senate State and Local Govt. Committee:

Date: June 8, 2004

Version: First Edition Introduced by: Senator Berger

Summary by: Barbara R iley

Committee Counsel

SUMMARY: This bill would authorize the Rockingham County Board of Commissioners to contract with the fire departments of two towns (Mayodan and Madison), to provide fire protection services in a fire district.

CURRENT LAW: N.C.G.S. 69-25.5 sets forth 3 methods that a county may use to provide fire protection service to a fire district. These include (1) contracting with an existing department, (2) furnishing the fire protection itself if the county maintains an organized fire department, or (3) establishing a fire department in the fire district. The statute also provides that the county may use any 2 or more of these methods to furnish fire protection services.

Rockingham County wants to contract with 2 existing local fire departments, the **BILL ANALYSIS:** Mayodan Fire Department and the Madison Fire Department, to provide fire protection services to the existing M&M fire district. The bill clarifies that Rockingham County has the authority to provide fire protection services to the M&M district by contracting with the 2 fire departments.

The act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Local Guit 1	· .	06/23/04	
Name of Committee		Date	
VISITORS: PLEASE SIGN BELOW A	ND RETURN TO COMMITTE	E ASSISTANT	
<u>NAME</u>	FIRM OR AGENCY	<u>(</u>	
Ser. John Gaum	NC Smite		
John Phelps	NCLM	1	
Sterni McClees	McClees Consulting	, One.	
Don Bayes	Boyce . Isley	, 	
Gene Boyce	Boyas Isley		
Joe M&Clecs	M& Cleed Co	rs nity In	~
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2003-2004 House Occupational Safety & Health
2003-2004 House Pensions & Retirement
2003 House Public Utilities
2003-2004 House Rules
2003-2004 House Science & Technology

2003 House State Government