2003-2004

SENATE
STATE GOVERNMENT, LOCAL GOVERNMENT & VETERANS AFFAIRS

COMMITTEE MINUTES

MEMBERSHIP

SENATE COMMITTEE ON STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS

2003-2004 Biennium

Senator Ellie Kinnaird, Chair
Room 2115, LB
733-5804

Senator Cecil Hargett, Vice Chair
Room 620 LOB
715-3034

Senator Fletcher Hartsell, Ranking Minority
Room 406 LOB
733-7223

Senator Charlie Albertson
Room 525 LOB
733-5705

Senator Phil Berger
Room 1121 LB
733-5708

Senator Dan Clodfelter
Room 408 LOB
715-8331

Senator Katie Dorsett
Room 2106 LB
715-3042

Senator John Garwood
Room 1118 LB
733-5742

Senator Ham Horton
Room 1117 LB
733-7850

Senator Vernon Malone
Room 2113 LB
733-5880

Senator Joe Sam Queen
Room 2111 LB
733-3460

Senator Eric Reeves
Room 1028 LB
715-6400

Senator R. B. Sloan
Room 518 LOB
715-7823

Senator Fred Smith
Room 520 LOB
733-5748

Senator R. C. Soles
Room 2022 LB
733-5963

Senator Richard Stevens
Room 515 LOB
733-5653

Senator David Weinstein
Room 2108 LB
733-5651

STAFF:
Barbara Riley, Staff Attorney
Hal Pell, Staff Attorney
Theresa Matula, Legislative Analyst
Judy Collier, Research Assistant
Research: 715-5460
Kathie Young, Committee Assistant
Room 2115
733-5804

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0013	Walend	TRANSYLVANIA HUNTING.	SR	Ch. SL 2003-119	04-24-03	05-28-03
H0035	Haire	WAYNESVILLE REZONING NOTICES.	*SR	Ch. SL 2003-3*	03-17-03	03-19-03
H0055=	Ray	HONOR RETIRING FIREFIGHTERS.	*SR	Ch. SL 2003-145	03-26-03	05-21-03
H0057	Brubaker	RANDOLPH TDA.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-19-03	
H0063	Goodwin	RICHMOND SHERIFF VACANCIES.	*SR	Ch. SL 2003-90	03-25-03	05-21-03
H0068	Lucas	SPRING LAKE AND NEWTON RED LIGHT CAMERAS.	*SR	Ch. SL 2003-86	03-25-03	05-21-03
H0070	Justice	PENDER SUBDIVISION REGULATION.	*SR	Ch. SL 2003-245	03-25-03	03-27-03
H0089	McGee	FORSYTH FIRE DISTRICTS	SR	Ch. SL 2003-129	04-22-03	05-28-03
H0124	Crawford	DURHAM COUNTY ZONING PROTEST PETITIONS.	*SR	Ch. SL 2003-83	05-05-03	05-21-03
H0134=	Hall	ROANOKE RAPIDS PRIVATE SALE.	SR	Ch. SL 2003-43	03-18-03	05-14-03
H0153	Womble	WINSTON-SALEM ORDINANCES/CHRONIC VIOLATORS.	SR	Ch. SL 2003-120	03-25-03	05-28-03
H0182=	L. Allen	NORTHAMPTON/DUPLIN/ FAYETTEVILLE LOCAL ACTS.	*SR	Ch. SL 2003-318	03-18-03	06-04-03
H0187	Goodwin	NORWOOD\ALBEMARLE ABC DISTRIBUTION.	SR	Ch. SL 2003-121	04-23-03	05-28-03
H0197	Nye	BLADEN SCHOOL BOARD PRIVATE SALE.	*SR	Ch. SL 2003-122	05-05-03	05-28-03
H0214	Rapp	MADISON COUNTY TAX COLLECTOR APPOINTED	*SR	Ch. SL 2003-123	04-29-03	05-28-03
H0248	Wright	WILMINGTON PERSONNEL RECORDS.	*SR	Ch. SL 2003-238	05-05-03	06-09-03
H0249	Wright	WILMINGTON CONDITIONAL ZONING.	*SR	Ch. SL 2003-162	05-05-03	06-04-03
H0263=	Bonner	LUMBERTON UNSAFE BUILDINGS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-25-03	
H0295	Frye	BEECH MTN GOLF CART\UTILITY VEH REGULATION.	*SR	Ch. SL 2003-124	04-02-03	05-28-03
H0344	Jeffus	FORMULA COST-EFFECTIVE VEH. REPLACEMENT.-AB	*SR	Ch. SL 2003-177	04-24-03	05-28-03
H0351	Coates	SALISBURY PARKING ENFORCEMENT.	SR	Ch. SL 2003-130	04-22-03	05-28-03
H0355	G. Allen	REDESIGNATE INDIANS OF PERSON CO. AS SAPPONY.	*SR	Ch. SL 2003-87	03-31-03	05-14-03
H0396=	Tolson	CHANGE NAME OF EDGECOMBE CO. SCHOOLS.	*SR	Ch. SL 2003-125	04-02-03	05-28-03

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0401	Fox	HENDERSON CONVEYANCE.	*SR	Ch. SL 2003-322	04-01-03	07-09-03
H0432	Brubaker	COMMUNITY COLLEGE SHARED LEAVE.	*SR	Ch. SL 2003-9	03-20-03	03-26-03
H0480=	Walker	WILKES COMMISSIONER ELECTION.	SR	Ch. SL 2003-45	04-02-03	05-14-03
H0483	Adams	CHANGE OFFENSIVE PLACE-NAMES.	*SR	Ch. SL 2003-211	05-05-03	05-29-03
H0499	Coates	LANDIS ALDERMEN/ MAYORAL TERMS.	*SR	Ch. SL 2003-126	05-05-03	05-28-03
H0501	Hall	ENFIELD ELECTION DISTRICT LINES.	SR	Ch. SL 2003-163	04-01-03	06-04-03
H0512	Culpepper	NAGS HEAD HISTORIC PRESERVATION COMMISSION.	SR	Ch. SL 2003-46	04-07-03	05-14-03
H0516	Goodwin	CERTAIN MUNICIPALITIES CLEAR-CUTTING	*SR	Ch. SL 2003-246	04-22-03	06-11-03
H0520	Stiller	OAK ISLAND CHARTER AMENDMENTS.	*SR	Ch. SL 2003-84	04-08-03	05-21-03
H0550	C. Johnson	CRAVEN COUNTY ROAD HUNTING.	SR	Ch. SL 2003-164	04-24-03	06-04-03
H0571	Daughtridge	ROCKY MOUNT OVERGROWN VEGETATION ORDINANCE.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-23-03	
H0582=	West	CLAY COUNTY DEVELOPMENT AUTHORITY.	*SR	Ch. SL 2003-127	04-24-03	05-28-03
H0625	Nesbitt	ASHEVILLE PRETOWING NOTICES.	*SR	Ch. SL 2003-165	05-05-03	06-04-03
H0627=	Adams	GREENSBORO CONSTRUCT ROADS OUTSIDE CITY.	*SR	Ch. SL 2003-132	04-14-03	05-27-03
H0645	Owens	CURRITUCK COUNTY ANNEXATION LIMITATION.	*SR	Ch. SL 2003-27	04-14-03	04-23-03
H0646	Owens	CURRITUCK GAME COMMISSION.	SR	Ch. SL 2003-16	04-14-03	04-16-03
H0651	Crawford	DURHAM TRAFFIC CONTROL MEASURES.	SR	Ch. SL 2003-85	04-08-03	05-21-03
H0655	Culpepper	PEMBROKE CREEK NO-WAKE ZONE/GATES TAX CERT. REQ.	*SR	Ch. SL 2003-189	04-14-03	06-04-03
H0665	Miller	SCIENCE AND TECHNOLOGY BOARD.	SR	Ch. SL 2003-210	04-23-03	06-04-03
H0668	Wright	NEW HANOVER COUNTY OCCUPANCY TAX.	*SR	Ch. SL 2003-166	04-22-03	06-04-03
H0673	Frye	AVERY FIRE PROTECTION.	*SR	Ch. SL 2003-272	06-12-03	06-24-03
H0679	Weiss	RALEIGH/WAKE CLEAR-CUTTING.	*SR	Ch. SL 2003-128	04-14-03	05-21-03
H0680	McCombs	GRANITE QUARRY CHARTER REVISION.	SR	Ch. SL 2003-203	04-28-03	06-04-03
H0686	Culpepper	DARE COUNTY COURTHOUSE CONTRACTS.	SR	Ch. SL 2003-47	04-28-03	05-14-03
H0695	Gibson	TROY RED LIGHT CAMERAS.	*S	Ref To Com On State Government, Local Government, and Veterans'	04-29-03	

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				Affairs		
H0696	Gibson	WADESBORO/ANSONVILLE GOVERNING BODY TERMS.	*SR	Ch. SL 2003-190	04-24-03	06-04-03
H0703	Jeffus	GREENSBORO ABC BOARD MEMBERSHIP.	*SR	Ch. SL 2003-33	04-17-03	04-30-03
H0706	Saunders	CHARLOTTE TRANSIT PROCUREMENT.	*SR	Ch. SL 2003-197	04-14-03	05-27-03
H0710	Sutton	OCCANEECHI BAND OF SAPONI/INDIAN CULT. CTR.	*SR	Ch. SL 2003-55	04-23-03	05-14-03
H0727	Culp	SOIL AND WATER CONSERVATION COMMISSION.	SR	Ch. SL 2003-198	04-28-03	05-07-03
H0734	Michaux	DURHAM HOUSING APPEALS BOARD.	*S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-17-03	
H0735	Michaux	NOTICE TO CHRONIC VIOLATORS.	*SR	Ch. SL 2003-133	04-24-03	05-27-03
H0737	Miller	DURHAM SCHOOL RECALL ELECTION.	*S	Re-ref Com On State Government, Local Government, and Veterans' Affairs	04-29-03	06-11-03
H0737	Miller	DURHAM SCHOOL RECALL ELECTION.	*S	Re-ref Com On State Government, Local Government, and Veterans' Affairs	06-12-03	
H0745	Sutton	INDIAN CULTURAL CENTER CHANGES.	*SR	Ch. SL 2003-260	04-23-03	05-14-03
H0746	Sutton	AMEND INDIAN RECOGNITION.	SR	Ch. SL 2003-54	04-23-03	05-14-03
H0750	Culpepper	PINEBLUFF PROPERTY CONVEYANCE.	*SR	Ch. SL 2003-48	04-29-03	05-14-03
H0765	Culpepper	CHOWAN SUBDIVISION DEFINITION.	*SR	Ch. SL 2003-79	04-24-03	05-14-03
H0773	Insko	CHAPEL HILL SPRINKLERS.	*SR	Ch. SL 2003-247	06-04-03	06-11-03
H0776	Adams	GREENSBORO CHARTER AMENDMENT.	*SR	Ch. SL 2003-134	04-14-03	05-27-03
H0818	Sutton	SAFEKEEPING MILITARY DISCHARGE DOCUMENTS.	*SR	Ch. SL 2003-248	04-29-03	05-29-03
H0818	Sutton	SAFEKEEPING MILITARY DISCHARGE DOCUMENTS.	*SR	Ch. SL 2003-248	06-03-03	06-04-03
H0928	Brubaker	APPALACHIAN STATE/ REGULATE PARKING.	SR	Ch. SL 2003-213	04-28-03	06-04-03
H1146	Nesbitt	RETAINAGE RULES/ PUBLIC CONTRACTS.	S	Re-ref Com On Rules and Operations of the Senate	05-05-03	05-08-03
H1155	Insko	ST. EMP. PAYROLL DEDUCTION/PARENTAL SAVINGS.	SR	Ch. SL 2003-224	05-05-03	06-04-03
H1210	Yongue	N.C. SCHOOL OF THE	SR	Ch. SL 2003-215	04-29-03	06-04-03

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		ARTS/BOARD MEMBERSHIP.				
H1211	Yongue	N.C. ARBORETUM/BOARD MEMBERSHIP.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-29-03	
H1221	Decker	RETURN OVERPAYMENTS OF STATE FUNDS.	*SR	Ch. SL 2003-263	05-05-03	06-09-03
S0030	David W. Hoyle	DALLAS ALDERMEN AUTHORITY.	SR	Ch. SL 2003-22	02-13-03	03-12-03
S0074	Tony Rand	TOWNSHIP ABC ELECTIONS.	*S	Ref To Com On Alcoholic Beverage Control	04-28-03	04-29-03
S0083	A. B Swindell	ROCKY MT. OVERGROWN VEGETATION ORDINANCE.	*SR	Ch. SL 2003-80	04-09-03	04-24-03
S0089	Walter H. Dalton	LAKE LURE MARINE COMMISSION.	*SR	Ch. SL 2003-332	04-08-03	05-14-03
S0090	Walter H. Dalton	SANITARY DISTRICT COMPENSATION.	*SR	Ch. SL 2003-185	04-14-03	04-21-03
S0102	John A. Garwood	SURRY SHERIFF VACANCY	*SR	Ch. SL 2003-39	04-15-03	04-23-03
S0123=	David F. Weinste	CLINTON, LUMBERTON, FRANKLIN UNSAFE BUILDINGS.	*SR	Ch. SL 2003-42	02-24-03	03-12-03
S0124	David F. Weinste	LUMBERTON CONSTRUCTION CONTRACTS.	*SR	Ch. SL 2003-118	04-28-03	04-29-03
S0139	Philip E. Berger	GUILFORD/WORTHLESS CHECK PROGRAM.	S	Re-ref Com On Appropriations/ Base Budget	02-24-03	03-12-03
S0167	Fred Smith	PERMIT WEAPONS AT JOHNSTON CC NATURE CTR.	*SR	Ch. SL 2003-217	05-01-03	05-01-03
$ S0177	**William R. Purce**	**BLANK APPROPRIATIONS - 2.**	**S**	**Re-ref Com On State Government, Local Government, and Veterans' Affairs**	**04-29-03**	
S0232	Eleanor Kinnaird	BIKEWAY FUNDING.	*SR	Ch. SL 2003-256	04-16-03	05-01-03
S0242=	R. B. Sloan, Jr.	HONOR RETIRING FIREFIGHTERS.	*S	Ref To Com On Ways and Means	02-27-03	03-19-03
S0243=	Robert Lee Hollo	NAME HALIFAX-NORTHAMPTON AIRPORT AUTHORITY.	S	Postponed To 7/29/ 2003	02-27-03	04-23-03
S0292	Richard Stevens	RALEIGH ELECTRONIC NOTICE.	*SR	Ch. SL 2003-161	03-05-03	03-19-03
S0292	Richard Stevens	RALEIGH ELECTRONIC NOTICE.	*SR	Ch. SL 2003-161	06-03-03	06-03-03
S0294	Scott Thomas	CRAVEN COUNTY ABC LAW ENFORCEMENT.	SR	Ch. SL 2003-20	03-05-03	03-19-03
S0319	Fletcher L. Hart	CABARRUS WORK OVER WELFARE CHANGES.	*SR	Ch. SL 2003-188	04-28-03	04-29-03
S0330	Eric Miller Reev	RALEIGH/HOLLY SPRGS/ RUTHERFORDTON CLEAR-CUTTING.	*S	Ref To Com On Local Government I	03-10-03	03-27-03
S0356=	A. B Swindell	HENDERSON OVERGROWN VEGETATION ORDINANCE.	SR	Ch. SL 2003-40	03-11-03	03-26-03

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S0387=	Clark Jenkins	CHANGE NAME OF EDGECOMBE CO. SCHOOLS.	*S	Ref To Com On Local Government I	03-12-03	03-26-03
S0389	Charlie S. Danne	MECKLENBURG/EXTEND REAL ESTATE SUNSET.	*SR	Ch. SL 2003-49	03-12-03	03-27-03
S0417	John H. Kerr III	WAYNE COMMISSIONERS ELECTION.	SR	Ch. SL 2003-50	03-17-03	04-02-03
S0425	Fletcher L. Hart	CABARRUS ELECTRONIC NOTICE.	*SR	Ch. SL 2003-81	03-17-03	03-26-03
S0430	Robert Lee Hollo	WARREN COUNTY TELECOMMUNICATIONS.	*S	Re-ref Com On Finance	04-15-03	05-01-03
S0442	Charlie S. Danne	CHARLOTTE TRANSIT CONTRACTS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-17-03	
S0443	Charlie S. Danne	CHARLOTTE CHARTER NONDISCRIMINATION POLICY.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-17-03	
S0445=	Robert C. Carpen	CLAY COUNTY DEVELOPMENT AUTHORITY.	*S	Ref To Com On Local Government I	03-17-03	04-14-03
S0459=	Richard Stevens	HOLLY SPRINGS TREE ORDINANCES.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-19-03	
S0465	Katie G. Dorsett	GOLDSBORO/HIGHPOINT UNSAFE BUILDINGS.	*SR	Ch. SL 2003-23	03-20-03	04-02-03
S0476	Wib Gulley	DURHAM TRAFFIC CONTROL MEASURES.	*S	Ref To Com On Local Government II	03-20-03	04-14-03
S0477	Wib Gulley	DURHAM HOUSING BOARD HEAR OTHER APPEALS.	*SR	Ch. SL 2003-51	03-20-03	04-14-03
S0478	Wib Gulley	DURHAM/MONROE OVERGROWN VEGETATION ORDINANCE.	*SR	Ch. SL 2003-77	03-20-03	04-09-03
S0489=	John A. Garwood	WILKES COMMISSIONER ELECTION.	S	Ref To Com On Local Government I	03-20-03	04-02-03
S0490	Patrick J. Balla	WILMINGTON CITY MANAGER AUTHORITY.	SR	Ch. SL 2003-41	03-20-03	04-09-03
S0492	Philip E. Berger	EDEN CHARTER AMENDMENTS.	*SR	Ch. SL 2003-82	03-20-03	04-16-03
S0493	Eleanor Kinnaird	CARRBORO INCLUSIONARY ZONING.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-20-03	
S0494	Eleanor Kinnaird	CARRBORO SPRINKLERS/ CHAPEL HILL ZONING.	*SR	Ch. SL 2003-237	03-20-03	04-21-03
S0494	Eleanor Kinnaird	CARRBORO SPRINKLERS/ CHAPEL HILL ZONING.	*SR	Ch. SL 2003-237	04-21-03	04-24-03
S0498=	R. C. Soles, Jr.	ELECTROFISHING/ WACCAMAW AND LUMBER RIVERS.	S	Ref To Com On Wildlife Resources	03-20-03	04-09-03
S0517	A. B Swindell	ADJUST EASTERN REGION	SR	Ch. SL 2003-94	03-24-03	04-09-03

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		COMMISSION.				
S0623	Eric Miller Reev	IT GAP ANALYSIS "HACK ATTACK."	*S	Ref To Com On Science and Technology	04-16-03	04-24-03
S0637	Andrew C. Brock	ANNEXATION REFERENDUM.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-01-03	
S0706	Patrick J. Balla	UNIVERSITY ATHLETIC FACILITIES EXEMPTION.	*SR	Ch. SL 2003-239	04-02-03	04-16-03
S0788	Eric Miller Reev	STATE PERSONNEL ACT CHANGES.	S	Ref to State Government, Local Government, and Veterans' Affairs. If fav, re-ref to Appropriations/ Base Budget	04-16-03	
S0805=	Tony Rand	CONSOLIDATE ADMINISTRATIVE FUNCTIONS.	S	Ref To Com On Rules, Calendar, and Operations of the House	04-03-03	04-30-03
S0807	Tony Rand	COMBINE STATE SAFETY PROGRAMS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-03-03	
S0808	Tony Rand	CONSOLIDATE ADMINISTRATIVE FUNCTIONS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-03-03	
S0817	Tony Rand	DEFERRED RETIREMENT OPTION PROGRAM.	*S	Re-ref Com On Pensions & Retirement and Aging	04-03-03	04-30-03
S0819	Tony Rand	USE OF STATE PROP./ BLOUNT ST. HISTORIC DIST.	*S	Pres. To Gov. 7/ 20/2003	04-03-03	04-23-03
S0851	Stephen M. Metca	AMEND ARBORETUM BD. OF DIRECTORS.	SR	Ch. SL 2003-102	04-03-03	04-16-03
S0888	Robert A. Rucho	ALTER WATERFLOW/ IMPACT ON ADJACENT PROPERTY.	*S	Re-ref Com On Agriculture/ Environment/ Natural Resources	04-30-03	04-30-03
S0940	John H. Kerr III	DISASTER LEAVE/VOL. EMERGENCY PERSONNEL.	*SR	Ch. SL 2003-103	04-03-03	04-16-03

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AGENDA

SENATE STATE AND LOCAL GOVERNMENT AND VETERAN'S AFFAIRS COMMITTEE
Wednesday, March 5 2003 at 12:00 Noon
Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

INTRODUCTION/INFORMATIONAL MEETING

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, MARCH 5, 2003

MINUTES

State Government and Local Government and Veteran Affairs Committee met March 5, 2003 at 12:00 a. m. in Room 1124 of the Legislative Building. Thirteen members were present, including Senator Ellie Kinnaird, who presided.

Senator Kinnaird called the meeting to order. She introduced her staff, the staff attorneys, the research assistant and the legislative analyst. Members of the committee introduced themselves and said a few words about their experiences in government and veteran affairs.

The next meeting is scheduled for Wednesday, March 12, 2003 at 12:00 noon.

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — March 5, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Sloggin	Kennedy Covington
David Barnes	Poyner + Spruill LLP
John Cyrus	N.C. State Grange
Virginia J Hebert	Intern - Sen Kinnaird
Chris Nichols	Hunton + Williams
Julie Ann	NC Statewatch
R. Paul Wilms	NCHSA
Rick Zechini	NC Assoc. of Realtors
Tom M	NCCRA
BRUCE THOMPSON	PARKER POE

AGENDA

SENATE STATE AND LOCAL GOVERNMENT AND VETERAN'S AFFAIRS COMMITTEE

Wednesday, March 12, 2003 at 12:00 NOON

Room 1124, Legislative Building

I. **Welcome and Opening Remarks**

II. **Bills to be Considered**

	BILL NO.	SHORT TITLE	SPONSOR
•	SB 30	Dallas Aldermen Authority	Sen. Hoyle
•	SB 123	Lumberton Unsafe Buildings	Sen. Weinstein
•	SB 139	Guilford/Worthless Check Program	Sen. Berger

III. **Other Business**

IV. **Adjournment**

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, MARCH 12, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met March 12, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Thirteen members were present, including Senator Ellie Kinnaird, who presided.

SB 30 Dallas Aldermen Authority, was explained by Senator Hoyle. Sen. Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 123 Lumberton Unsafe Buildings, was explained by Senator Weinstein. Senator Albertson offered and amendment and moved to adopt it. The motion carried unanimously. Senator Berger moved a favorable report as amended. The motion carried unanimously. **Favorable Report, As Amended**.

SB 139 Guilford Worthless Check Program, was explained by Senator Berger. Senator Stevens moved a favorable report of the bill. Doug Holbrook from Fiscal Research answered questions. The motion carried unanimously. **Favorable Report**.

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, March 12, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **30** Dallas Aldermen Authority.
Sequential Referral: None
Recommended Referral: None

S.B. **139** Guilford/Worthless Check Program.
Sequential Referral: Appropriations/Base Budget
Recommended Referral: None

FAVORABLE, AS AMENDED

S.B. **123** Lumberton Unsafe Buildings.
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

LOCAL BILL

S.B. 30

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES.

Introduced by Senator(s) Hoyle

Principal Clerk's Use Only

FILED FEB 12 2003

PASSED 1st READING

FEB 13 2003

AND REFERRED TO COMMITTEE

ON St. Gov. Loc. Gov Util. Affairs

SENATE BILL 30:
Dallas Alderman Authority.

BILL ANALYSIS

Committee:	Senate State and Local Govt./Veterans' Affairs	**Introduced by:**	Senator Hoyle
		Summary by:	H. Alan Pell Committee Counsel
Date:	March 12, 2003		
Version:	First Edition		

SUMMARY: ***This act would amend the Dallas Town Charter to authorize the Board of Alderman to delegate to a department head the authority to either suspend or remove an employee. The act would be effective when it becomes law.***

CURRENT LAW: The Dallas Town Charter provides that the Board of Alderman may delegate to department heads the authority to only suspend (not remove) department employees.

BILL ANALYSIS:

Section 1 of the bill would delete the requirement that the Board of Alderman take any final action on the removal of an employee. The Board would be able to delegate to department heads the authority to suspend or remove employees in their department.

Section 2: The act would be effective when it becomes law.

S30-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 30

Short Title:	Dallas Aldermen Authority.	(Local)
Sponsors:	Senator Hoyle.	
Referred to:	State Government, Local Government and Veterans' Affairs.	

February 13, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.1 of Article IV of the Charter of the Town of Dallas, being Chapter 342 of the 1979 Session Laws, reads as rewritten:

"Section 4.1. Form of government; authority over employees. The Town shall operate under the mayor-council form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes. The Board of Aldermen shall have the authority to appoint and remove all employees. The Board may delegate to a department head the authority to suspend ~~an employee, but final action on any suspension shall be taken by the Board.~~or remove employees in his or her department."

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

)CAL BILL

S.B. 123
H 263

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF LUMBERTON 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.

Introduced by Senator(s) Weinstein

Principal Clerk's Use Only

FILED FEB 2 0 2003

PASSED 1st READING

FEB 24 2003

AND REFERRED TO COMMITTEE

ON St. Gov. Loc. Gov. Vet. affairs

SB 123:
Lumberton Unsafe Buildings

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Senator Weinstein
		Summary by:	Barbara Riley
Date:	March 12, 2003		Committee Counsel
Version:	1st Edition		

SUMMARY:

Senate Bill 123 adds the City of Lumberton to those municipalities allowed to declare residential buildings in community development target areas unsafe and to demolish the buildings under the same process authorized to demolish unsafe nonresidential buildings.

CURRENT LAW:

Under G.S. 160A-426 (a), a residential building that appears to the local building inspector to be "especially dangerous to life" may be declared unsafe and a notice of its dangerous character affixed to the building. If the property owner does not promptly correct the problems, the inspector may issue written notice of a hearing and, after hearing, an order may issue requiring the owner to correct the defective conditions. G.S. 160A-428 & 429. If the property owner fails to comply with the order, he is guilty of a Class 1 misdemeanor. G.S. 160A-431. Further, the city may initiate proceedings to correct the violation or to prevent occupancy of the residence involved. G.S. 160A-432(a).

The General Assembly in 2000 enacted legislation amending G.S. 160A-426 that allowed cities to condemn, demolish, and place a lien on vacant, dilapidated non residential property located in a community development target area. To be subject to this process, the non residential property must (1) appear to be vacant or abandoned, and (2) appear to be so dilapidated as to contribute to blight, disease, vagrancy, to be a fire or safety hazard, a danger to children or to attract criminal activity. G.S. 160A-426(b). If 'declared unsafe", the building inspector is required to affix a notice to the building. G.S. 160A-426(c).

As with residential property, should the property owner fail to take prompt corrective action, written notice is to be served on the owner that a hearing will be held on the matter at which the Inspector may order the building to be repaired, closed or demolished. G.S. 160A-428. If the property owner fails to comply with the order, the city has the additional option to have the building removed or demolished. G.S. 160A-432(b) The costs of removal/demolition become a lien on the real property. Id.

In 2002, the General Assembly passed a local act, S.L. 2002-118 (SB 1312), which authorized the Cities of Durham and Fayetteville, and the Town of Hope Mills to use this process to condemn and demolish vacant, dilapidated residential buildings in community development target areas.

BILL ANALYSIS:

Senate Bill 123 adds the City of Lumberton to those municipalities authorized to condemn and demolish vacant, dilapidated residential buildings in community development target areas using the statutory process for condemning and demolishing nonresidential buildings in those target areas.

The bill is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 123

Short Title:	Lumberton Unsafe Buildings.	(Local)
Sponsors:	Senator Weinstein.	
Referred to:	State Government, Local Government and Veterans' Affairs.	

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF LUMBERTON 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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2002-118 reads as rewritten:

"**SECTION 4.** Sections 1 and 2 of this act apply to the Cities of ~~Durham and Fayetteville~~Durham, Fayetteville, and Lumberton and the Towns of Hope Mills and Spring Lake only."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 123

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

S123-ALM-1 [v.1]

Date 3-12- ,2003

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

Senator

moves to amend the bill on page 1, line 2,
by rewriting that line to read:

"AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLIN TO DECLARE RESIDENTIAL";

and on page 1, line 10,
by rewriting that line to read:

"~~Fayetteville~~Clinton, Durham, Fayetteville, and Lumberton and the Towns of Franklin, Hope Mills and".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 123

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

S123-ALM-1 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED X FAILED _____ TABLED _____

CAL BILL

S.B. 139 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A PROGRAM FOR COLLECTION OF WORTHLESS CHECKS IN GUILFORD COUNTY.

Introduced by Senator(s) Berger Bingham Dorsett

Hagan

Principal Clerk's Use Only

FILED FEB 20 2003

PASSED 1st READING

FEB 24 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov - Vet. Affairs

QUENTIAL REFERRAL:

Base Bud

SENATE BILL 139:
Guilford/Worthless Check Progam.

BILL ANALYSIS

Committee:	Sen. State and Local Govt./Veterans' Affairs	**Introduced by:**	Senators Berger, Bingham, Dorsett, and Hagan.
Date:	March 12, 2003	**Summary by:**	H. Alan Pell Committee Counsel
Version:	First Edition		

SUMMARY: ***This bill would authorize the District Attorney in Guilford County to establish a program for the collection of worthless checks. The program allows the check passer, in order to escape potential criminal liability, to pay a fee and restitution, including the amount of the check, service charges, and any processing fees. The bill act is effective when it becomes law.***

BILL ANALYSIS:

Section 1: The bill adds Guilford County to those counties where the District Attorney is authorized, but not required, to establish a worthless check collection program. The statute, N.C.G.S. § 14-107.2, provides that the program may include cases that would be punishable as misdemeanors, felonies, or both. The statute allows a check passer to participate in the program by paying :

- The amount of the check or draft;
- Any service charges imposed on the check taker by a bank or depository for processing the dishonored check;
- Any processing fees imposed by the check taker, as authorized by law (not to exceed $25); and
- A fee as provided by law, ($60 pursuant to N.C.G.S. §7A-308(c)).

If the check passer makes the required payments, then the District Attorney may not prosecute the check passer under N.C.G.S. § 14-107. Worthless Checks.

Section 2: The act is effective when it becomes law.

BACKGROUND: The Bad Check Pilot Program was established in 1997. At that time, Columbus, Durham and Rockingham were the only counties authorized to establish a program. Participants in the program, established under N.C.G.S. §14-107.2, paid a fee of fifty dollars ($50). In 1998, Wake County was added to the list of authorized counties. In 1999, Brunswick, Bladen, New Hanover, and Pender counties were added. In 2000, Cumberland, Edgecombe, Nash, Onslow, and Wilson counties were added to the program.

S139-SMRK-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 139

Short Title:	Guilford/Worthless Check Program.	(Local)
Sponsors:	Senators Berger, Bingham, Dorsett, and Hagan.	
Referred to:	State Government, Local Government and Veterans' Affairs.	

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A PROGRAM FOR COLLECTION OF WORTHLESS CHECKS IN GUILFORD COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-107.2(e) reads as rewritten:

"(e) This section applies only to Bladen, Brunswick, Columbus, Cumberland, Durham, Edgecombe, Guilford, Nash, New Hanover, Onslow, Pender, Rockingham, Wake, and Wilson Counties."

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — March 12, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Greg Stark	AOC
Cam Cover	BPMHL
John Phelps	NCLM
John Kennedy Matt Osborne Elisa Wolper	AOC
Peg Dorer	Conference of D.A.S
Cindy [illegible]	NC RMA
Tom Bri	NCRMA
FRAN PRESTON	NCRMA
Julie Griffin	Research

AGENDA

SENATE STATE AND LOCAL GOVERNMENT AND VETERAN'S AFFAIRS COMMITTEE

Wednesday, March 19, 2003 at 12:00 NOON

Room 1124, Legislative Building

I. **Welcome and Opening Remarks**

II. **Bills to be Considered**

	BILL NO.	SHORT TITLE	SPONSOR
•	HB 35	Waynesville Rezoning Notice	Rep. Haire Rep. Rapp
•	SB 242	Honor Retiring Firefighters	Sen. Sloan
•	SB 292	Raleigh Electronic Notice	Sen. Stevens
•	SB 294	Craven County ABC Law Enforcement	Sen. Thomas

III. **Other Business**

IV. **Adjournment**

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, MARCH 19, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met March 19, 2003 at 12:00 a. m. in Room 1124 of the Legislative Building. Eleven members were present, including Senator Ellie Kinnaird, who presided.

HB 35 Waynesville Rezoning Notice, was explained by Rep. Rapp. Sen. Queen moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 242 Honor Retiring Firefighters, was explained by Senator Sloan. Senator Sloan offered and amendment and moved to adopt it. The motion carried unanimously. Tom McCormick, City Attorney, Raleigh answered questions. Senator Weinstein moved a favorable report as amended. The motion carried unanimously. **Favorable Report, As Amended**.

SB 292 Raleigh Electronic Notice, was explained by Senator Stevens. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 294 Craven County ABC Law Enforcement, was explained by Sen. Thomas. Sen. Weinstein moved a favorable report. The motion carried unanimously. **Favorable Report**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, March 19, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **292** Raleigh Electronic Notice.
Sequential Referral: None
Recommended Referral: None

S.B. **294** Craven County ABC Law Enforcement.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **35** Waynesville Rezoning Notices.
Sequential Referral: None
Recommended Referral: None

FAVORABLE, AS AMENDED

S.B. **242** Honor Retiring Firefighters.
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

~~Proposed~~ Committee Substitute For
H.B. 35

SESSION LAW _____

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.

Introduced by Representative(s): Havie and Rapp (Primary Sponsors)

Principal Clerk's Use Only

The Committee on Local Government I a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Walker
For the Committee

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL

MAR 18 2003

AND PLACED ON CALENDAR FOR
3rd

3/13/03

PASSED 2nd & 3rd READING

MAR 18 2003

ORDERED SENT TO SENATE

Denise Hicks cwc

RECEIVED

MAR 14 2003

From House of Representatives
By Clerk 8:42 (AM/PM)

PASSED 1st READING

MAR 17 2003

AND REFERRED TO COMMITTEE
on St. Gov, Loc. Gov Vet. affairs

HB 35:
Waynesville Rezoning Notices.

BILL ANALYSIS

Committee:	Sen. State Gov., Local Gov., & Veterans Affairs	**Introduced by:**	Representatives Haire and Rapp
Date:	March 19, 2003	**Summary by:**	R. Erika Churchill and Barbara Riley, Committee Counsel
Version:	2nd Edition		

SUMMARY:

The bill would allow the Town of Waynesville, when considering a rezoning of the entire zoning jurisdiction, to publish notice of rezoning considerations in a newspaper of general circulation to notify non-resident property owners.

CURRENT LAW:

Municipalities are required to establish their procedures for amending, supplementing, or changing zoning regulations in accordance with Article 19 of Chapter 160A. That Article requires that whenever a zoning map amendment is proposed, and the proposed change affects more than 50 properties owned by a total of at least 50 different owners, the municipality is required to publish notice of the public hearing to discuss the proposed amendment at least once a week for four (4) consecutive weeks in a newspaper having general circulation in the area. In addition, the municipality must mail notice, via first class mail, to those property owners who reside outside the newspaper circulation area. G.S. 160A-384(b).

BILL ANALYSIS:

House Bill 35 would allow the Town of Waynesville, when proposing to amend the entire zoning map, to give notice of the proposed changes by publication and to forego the mailed notice to those landowners residing outside the circulation area of the newspaper. The authorization provided under the act would terminate January 2004.

BACKGROUND:

Similar amendments to this have previously been enacted for Asheboro (S.L. 1993-737), Durham (S.L. 1989-512), and Southern Pines (S.L. 1987-594).

EFFECTIVE DATE: The bill is effective when it becomes law and terminates Januarry 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 35

Committee Substitute Favorable 3/12/03

Short Title: Waynesville Rezoning Notices. (Local)

Sponsors:

Referred to:

February 18, 2003

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.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding G.S. 160A-384, the Town of Waynesville need not mail the notice required by that section when the entire zoning jurisdiction is being rezoned.

SECTION 1.(b) As a means of notifying the general public of the Town's intent to rezone the jurisdiction, the Town of Waynesville shall comply with the four published newspapers' notices of G.S. 160A-384(b).

SECTION 1.(c) The Town of Waynesville shall comply with the public hearing notices contained in G.S. 160A-364.

SECTION 2. This act applies to the Town of Waynesville only.

SECTION 3. This act is effective when it becomes law and expires January 1, 2004.

S.B. 242
H 55

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR DECEASED OR RETIRING FIREFIGHTERS BY AWARDING THEM WITH THEIR FIRE HELMETS.

Introduced by Senator(s)

Sloan Sloan Lucas

Shubert Jordan Cecil Hargett Hatcher Brad Blake

Principal Clerk's Use Only

FILED FEB 26 2003

PASSED 1st READING

FEB 27 2003

AND REFERRED TO COMMITTEE

On St Gov, Loc. Gov. Vet Affairs

5-242-
has extra space on bill - We need to fix - 2-2603 d

SENATE BILL 242:
Honor Retiring Firefighters

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Senator Sloan
		Summary by:	Theresa Matula/Barbara Riley Committee Staff/Counsel
Date:	March 19, 2003		
Version:	v.1 as Amended (S242-ARF-2)		

SUMMARY: Senate Bill 242(as amended) authorizes the honoring of deceased or retiring firefighters by awarding the firefighter's fire helmet to the retiring firefighter or a surviving relative, upon request, and at a price that may be less than the fair market value of the helmet.

BILL ANALYSIS:

Sections 1 and 2.

Section 1 amends Chapter 153A of the General Statutes by adding a new section to Article 11 regarding Fire Protection in Counties. Section 2 amends Chapter 160A of the General Statutes by adding a new section under Article 14 Fire Protection for Cities and Towns. G.S. 153A-236 applies to counties and G.S. 160A-294.1 applies to cities and towns. Both provisions provide the appropriate governing body the discretion to award, upon request, the fire helmet of a deceased or retiring firefighter to a retiring firefighter or a surviving relative of a deceased firefighter. The price of the helmet is determined by the governing body and may be less than the fair market value of the helmet.

Section 3.

Senate Bill 242 is effective when it becomes law.

ADDITIONAL INFORMATION:

- Senate Bill 242 is similar to the provision for deceased or retiring law enforcement officers. G.S. 20-187.2. allows badges and service side arms of deceased or retiring members of State, city and county law-enforcement agencies to be provided to surviving spouses or children, or retiring members. Badges worn or carried by a deceased or retiring member are provided upon request at no cost. The service side arm of deceased or retiring members may be provided at the discretion of the governing body of a law-enforcement agency at a price determined by such governing body upon securing a permit, or upon being rendered incapable of being fired.

- The procedures for the sale and disposition of property for counties (G.S. 153A-176) and cities and towns is provided in Chapter 160A, Article 12.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 242*

Short Title:	Honor Retiring Firefighters.	(Public)
Sponsors:	Senators Sloan; Ballantine, Blake, Brock, Carpenter, Dalton, Hargett, Lucas, Metcalf, Moore, Shaw, Shubert, Smith, and Tillman.	
Referred to:	State Government, Local Government and Veterans' Affairs.	

February 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR DECEASED OR RETIRING FIREFIGHTERS BY AWARDING THEM WITH THEIR FIRE HELMETS.

The General Assembly of North Carolina enacts:

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

"**§ 153A-236. Honoring deceased or retiring firefighters.**

A fire department established pursuant to this Article may, in its discretion, award to a retiring firefighter or a surviving relative of a deceased firefighter, upon request, the fire helmet of the deceased or retiring firefighter, at a price determined by that department."

SECTION 2. Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-294.1. Honoring deceased or retiring firefighters.**

A fire department established pursuant to this Article may, in its discretion, award to a retiring firefighter or a surviving relative of a deceased firefighter, upon request, the fire helmet of the deceased or retiring firefighter, at a price determined by that department."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 242*

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

S242-ARF-2 [v.1]

Date _____ ,2003

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

Senator _____

moves to amend the bill on page 1, lines 2 - 4 by rewriting those lines to read:

"AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDING THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE.";

And further amends the bill on page 1, lines 9-12, by rewriting those lines to read:

"A fire department established by a county pursuant to this Article may, in the discretion of the board of commissioners, award to a retiring firefighter or a surviving relative of a deceased firefighter, upon request, the fire helmet of the deceased or retiring firefighter, at a price determined in a manner authorized by the board. The price may be less than the fair market value of the helmet.";

And further amends the bill on page 1, lines 16 – 19 by rewriting those lines to read:

"A fire department established by a municipality pursuant to this Article may, in the discretion of the governing body of the municipality, award to a retiring firefighter or a surviving relative of a deceased firefighter, upon request, the fire helmet of the deceased or retiring firefighter at a price determined in a manner authorized by the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 242*

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

S242-ARF-2 [v.1]

governing body. The price may be less than the fair market value of the helmet."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

S.B. 292 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

Introduced by Senator(s) Stevens

Principal Clerk's Use Only

FILED MAR 4 2003

PASSED 1st READING

MAR 5 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov. Vet. Affairs

SENATE BILL 292:
Raleigh Electronic Service

BILL ANALYSIS

Committee:	Senate State and Local Government & Indian Affairs	**Introduced by:**	Sen. Stevens; Sens. Carrington, Malone, and Reeves.
Date:	March 19, 2003	**Summary by:**	H. Alan Pell Committee Counsel
Version:	First Edition		

SUMMARY: ***This local bill would amend the Raleigh City Charter by authorizing the City Council to adopt ordinances to provide for electronic notice of public hearings. The act would be effective when it becomes law.***

BILL ANALYSIS:

Section 1: This section would add a new provision to the Raleigh City Charter. The provision would allow the City Council to adopt ordinances providing for electronic notice of public hearings. Specifically, the electronic notice would be authorized by inclusion on the City's internet site. The section also provides that any ordinances adopted pursuant to this provision would neither supersede any State law requiring notice by mail or posting, nor alter the publication schedule for any public notice. The act would supersede any State notice provisions other than those that require notice by mail to certain classes, or by posting signs on property. Assuming a posting a notice on the internet is considered "publication", the act would supercede State law requiring notice to be published by a newspaper.

Section 2: The act would become effective when it becomes law.

CURRENT LAW: Certain State laws require municipalities to use specific means of notification of public hearings. For example, G.S. 160A-37, Procedure for annexation, provides for both posting a notice on the affected property and publication in a newspaper.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S 1

SENATE BILL 292

Short Title:	Raleigh Electronic Notice.	(Local)
Sponsors:	Senators Stevens; Carrington, Malone, and Reeves.	
Referred to:	State Government, Local Government and Veterans' Affairs.	

March 5, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 22 of the Charter of the City of Raleigh, being Chapter 1184 of the 1949 Session Laws, as amended, is amended by adding the following new subsection:

"(87) Electronic Notice of Hearings. The City Council may adopt ordinances providing that notice of public hearings may be given through electronic means, including, but not limited to, the City's Internet site. Ordinances adopted pursuant to this section shall not supersede any State law that requires notice by mail to certain classes of people or the posting of signs on certain property and shall not alter the publication schedule for any public notice."

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

S.B. 294

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CRAVEN COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

Introduced by Senator(s) Thomas Thomas

Principal Clerk's Use Only

FILED MAR 4 2003

PASSED 1st READING

MAR 5 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov, Vet. Affairs

SB 294:
Craven County ABC Law Enforcement

BILL ANALYSIS

Committee:	Sen. State Gov., Local Gov., & Veterans' Affairs	**Introduced by:**	Senator Thomas
		Summary by:	Barbara Riley Committee Counsel
Date:	March 18, 2003		
Version:	1st Edition		

SUMMARY:

Senate Bill 294 allows the Craven County ABC board to contract for ABC law enforcement in addition to providing its own ABC enforcement officers.

CURRENT LAW:

G.S. 18B-501 provides that a local ABC board shall hire one or more ABC enforcement officers unless it contracts with a sheriff's department, city police department, or other local law enforcement agency for the enforcement of the ABC laws within the jurisdiction of the local law enforcement agency.

BILL ANALYSIS:

Senate Bill 294 permits the Craven County ABC board to contract for ABC enforcement from other law enforcement agencies *in addition to* hiring its own ABC enforcement officers. The officers of the contracting agency who will serve as ABC enforcement shall be designated in the contract. These officers must be certified as being trained in the enforcement of the ABC laws before they are authorized to inspect licensed premises. To be certified, the officers are to receive the same training in the enforcement of ABC laws as provided to local ABC enforcement officers. The bill also provides that any payments received by the contracting law enforcement agency will be in addition to any profits allocated to local governments from the sale of alcohol.

BACKGROUND:

This same authority was granted to Mecklenburg County in 1997. S.L. 1997-224

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S 1

SENATE BILL 294

Short Title:	Craven County ABC Law Enforcement.	(Local)
Sponsors:	Senator Thomas.	
Referred to:	State Government, Local Government and Veterans' Affairs.	

March 5, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CRAVEN COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-501(f) reads as rewritten:

"(f) Contracts with Other Agencies. – Instead ~~of~~ of, or in addition to, hiring local ABC officers, a local board may contract ~~to pay its enforcement funds to~~ with a sheriff's department, city police department, or other local law-enforcement agency for enforcement of the ABC laws within the law-enforcement agency's territorial jurisdiction. Enforcement agreements may be made with more than one agency at the same time. When ~~such~~ a contract for enforcement exists, ~~the~~ those officers of the contracting law-enforcement agency designated in the contract shall have the same authority to inspect under G.S. 18B-502 that an ABC officer employed by that local board would ~~have.~~ have once the designated officers of the contracting law enforcement agency have been certified by the chief ABC officer as having been trained. In order to be certified, the designated officers shall receive the same training in the enforcement of ABC laws as is provided to local ABC officers. If a city located in two or more counties approves the sale of some type of alcoholic beverage pursuant to the provisions of G.S. 18B-600(e4), and there are no local ABC boards established in the city and one of the counties in which the city is located, the local ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, including that portion of the city located in the county of the ABC board entering into the enforcement agreement. The local ABC board, upon 20 days' written notice, may cancel enforcement agreements authorized by this subsection.

Payments, if any, received by a contracting agency for furnishing law enforcement services shall be in addition to any profits allocated to local governments derived from the sale of alcoholic beverages."

SECTION 2. This act applies to the Craven County Alcoholic Beverage Control Board only.

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — March 19, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Cyrus	N.C. State Grange
R. Paul Wilms	NCHBA
Paul Miller	NC State Firemen's Association
Elizabeth Dalton	Bone & Associates
John Phelps	NCLM
Virginia Hebert	Sen. Kinnaird's Office
Thomas McCormick	City of Raleigh.
Cam Cover	BPMHL
Amy Dobson	NC Statewatch
Barry Smith	Freedom Newspapers
JAMES FRANKLIN	THE INSIDER
Lynn Bonner	N&O

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — March 19, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Romanet	NCLM

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS' AFFAIRS COMMITTEE

Wednesday, March 26, 2003 at 12:00 Noon

Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

	BILL NO.	SHORT TITLE	SPONSOR
•	SB 330	Raleigh/Wake/Holly Spring Clear-Cutting	Sen. Reeves
•	SB 356	Henderson Overgrown Vegetation Ordinance	Sen. Swindell
•	SB 387	Change Name of Edgecomb Co. Schools	Sen. Jenkins
•	SB 389	Mecklenburg/Extend Real Estate Sunset	Sen. Dannelly
•	SB 425	Cabarrus Electronic Notice	Sen. Hartsell
•	HB 432	Community College Shared Leave	Rep. Brubaker

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, MARCH 26, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met March 26, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Sixteen members were present, including Senator Ellie Kinnaird, who presided.

SB 389 Mecklenburg/Extend Real Estate Sunset, was explained by Sen. Dannelly Sen. Hartsell moved to wave the 24-hour notice rule for PCS. The motion carried unanimously. Sen. Hartsell moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Albertson moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

SB 425 Cabarrus Electronic Notice, was explained by Sen. Hartsell. Sen. Weinstein moved to wave the 24-hour notice rule for PCS. The motion carried unanimously. Sen. Weinstein moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Weinstein moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

SB 330 Raleigh/Wake/Holly Spring Clear-Cutting, was explained by Sen. Reeves. Sen. Stevens moved to wave the 24-hour notice rule for PCS. The motion carried unanimously. Sen. Stevens moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Stevens moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

SB 356 Henderson Overgrown Vegetation Ordinance, was explained by Senator Swindell. Senator Weinstein moved a favorable report as amended. The motion carried unanimously. **Favorable Report**

SB 387 Change Name of Edgecomb Co. School, was explained by Senator Jenkins. Senator Garwood offered an amendment and moved to adopt it. The motion carried unanimously. Senator Garwood moved a favorable report as amended. The motion carried unanimously. **Favorable Report, As Amended**

HSB 432 Community College Shared Leave, was explained by Senator Tillman. Senator Stevens moved a favorable report as amended. The motion carried unanimously. **Favorable Report**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE
STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, March 26, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B. 356 Henderson Overgrown Vegetation Ordinance.
Sequential Referral: None
Recommended Referral: None

H.B. 432 Community College Shared Leave.
Sequential Referral: None
Recommended Referral: None

FAVORABLE, AS AMENDED

S.B. 387 Change Name of Edgecombe Co. Schools.
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. 425 Cabarrus Electronic Notice.
Draft Number: PCS65156

Committee Clerk Comments:

Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Thursday, March 27, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **330** Raleigh/Wake/Holly Springs Clear-Cutting.

Draft Number:	PCS85129
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **389** Mecklenburg/Extend Real Estate Sunset.

Draft Number:	PCS55116
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

LOCAL BILL

S.B. 389 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT EXTENDING THE SUNSET RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE.

Introduced by Senator(s) Dannelly Dannelly Ballenger Clodfelter Rucho

Principal Clerk's Use Only

FILED MAR 11 2003

PASSED 1st READING

MAR 12 2003

AND REFERRED TO COMMITTEE

St. Gov, Loc. Gov - Vet. Affairs

SB 389:
Mecklenburg/Extend Real Estate Sunset

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Senator Dannelly
		Summary by:	Barbara Riley Committee Counsel
Date:	March 25, 2003		
Version:	Proposed Committee Subst		

SUMMARY:

Senate Bill 389 would reenact the substantive provisions of S.L. 2000-65 which allowed the County of Mecklenburg to dispose of county owned real property by private sale, public auction or any other authorized means when the County deemed that the sale would advance or further economic development, transportation, urban revitalization, community development, or land-use plans. The proposed committee substitute is a technical change in format.

BILL ANALYSIS:

S.L. 2000-65 amended G.S. 160A-266 adding a new subsection, applicable only to the County of Mecklenburg, that authorized the County to dispose of county owned real property by private sale, public auction or any other authorized means when the County deemed that the sale would advance or further economic development, transportation, urban revitalization, community development, or land-use plans. Any interest in property was to be conveyed pursuant to resolution of the board of commissioners authorizing the conveyance. The act provided for notice of the proposed transaction to be given at least 10 days prior to the adoption of the resolution. The act expired June 30, 2002.

SB 389 reenacts the substantive provisions of S.L. 2000-65. The act is effective when it becomes law and expires June 30, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 389

Short Title:	Mecklenburg/Extend Real Estate Sunset.	(Local)
Sponsors:	Senators Dannelly; Clodfelter, Pittenger, and Rucho.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 12, 2003

A BILL TO BE ENTITLED

AN ACT EXTENDING THE SUNSET RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2000-65 reads as rewritten:

"**Section 3.** This act is effective when it becomes law, ~~but expires the earlier of June 30, 2002, or the date on which all property described in Section 2 of this act is sold, exchanged, or transferred.~~and expires June 30, 2005."

SECTION 2. This act applies to Mecklenburg County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 389
PROPOSED COMMITTEE SUBSTITUTE S389-CSRF-2 [v.4]

3/26/2003 11:46:58 AM

Short Title: Mecklenburg/Extend Real Estate Sunset. (Local)

Sponsors:

Referred to:

March 12, 2003

A BILL TO BE ENTITLED

AN ACT REENACTING THE SUBSTANTIVE PROVISIONS OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 1 and 2 of S.L. 2000-65 are reenacted.

SECTION 2. This act becomes effective July 1, 2002 and expires June 30, 2005.

CAL BILL

S.B. 425 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE COUNTY OF CABARRUS TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION.

Introduced by Senator(s) Hartsell Hartsell

Principal Clerk's Use Only

FILED MAR 13 2003

PASSED 1st READING

MAR 17 2003

AND REFERRED TO COMMITTEE

St. Gov, Loc. Gov.

Vet. Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 425

Short Title:	Cabarrus Electronic Notice.	(Local)
Sponsors:	Senator Hartsell.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 17, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE COUNTY OF CABARRUS TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION.

The General Assembly of North Carolina enacts:

SECTION 1. A county may adopt ordinances providing that legal notice may in lieu of publication be given through electronic means, including, but not limited to, the county's Internet site. Ordinances adopted pursuant to this section shall not supersede any State law that requires notice by mail to certain classes of persons or the posting of signs on certain property and shall not alter the notice schedule for any public notice.

SECTION 2. This act applies to Cabarrus County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S D

SENATE BILL 425
PROPOSED COMMITTEE SUBSTITUTE S425-PCS65156-RK-7

Short Title: Cabarrus Electronic Notice. (Local)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE COUNTY OF CABARRUS TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION.

The General Assembly of North Carolina enacts:

SECTION 1. A county may adopt ordinances providing that legal notice of public hearings may be published through electronic means in lieu of publication in any newspaper. The publication may be on the county's Internet site or by any other means. Ordinances adopted pursuant to this section shall not supersede any State law that requires notice by mail to certain classes of persons or the posting of signs on certain property, nor shall there be any alteration of the publication schedule required by State law.

SECTION 2. This act applies to Cabarrus County only.

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

LOCAL BILL

S.B. 330 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF RALEIGH, THE TOWN OF HOLLY SPRINGS, 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.

Introduced by Senator(s) Reeves
Malone

Principal Clerk's Use Only

FILED MAR 6 2003

PASSED 1st READING
MAR 10 2003
AND REFERRED TO COMMITTEE
ON St. Govt, Loc. Gov, Vet. Affairs

SB 330:
Raleigh/Apex/Holly Springs clearcutting

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans Affairs	**Introduced by:**	Senator Reeves
Date:	March 26, 2003	**Summary by:**	Barbara Riley Committee Counsel
Version:	Proposed Committee Substitute		

SUMMARY:

The proposed committee substitute for SB 330 authorizes the City of Raleigh and the Towns of Apex and Holly Springs to limit the clear cutting of trees in buffer zones prior to development.

BILL ANALYSIS:

Section 1 of the bill provides the Towns of Apex and Holly Springs 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 ordinances 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 way; (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; and (7) normal forestry activities on property that is taxed at use value or is managed under a forestry management plan will be excluded. Municipalities 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.

Section 4 of the bill extends to the City of Raleigh the same authority for regulating the clear cutting of trees currently held by Durham, Cary, Garner, Knightdale, Fuquay Varina, Morrisville and Spencer. S.L. 2001-191.

S.L. 2001-191 gave the named municipalities authority to enact ordinances requiring buffer zones up to 65 feet along roadways and property boundaries adjacent to developed property and up to 32 feet along property boundaries adjacent to undeveloped property. Buffer zones are to be measured from the outside property boundary. The law also authorized the adoption of ordinances to preserve significant specimen trees on sites being planned for development.

The act becomes effective January 1, 2004.

BACKGROUND:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 330

Short Title:	Raleigh/Wake/Holly Springs Clear-Cutting.	(Local)
Sponsors:	Senators Reeves; and Malone.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 10, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF RALEIGH, THE TOWN OF HOLLY SPRINGS, 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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2001-191 reads as rewritten:

"**SECTION 4.(a)** This act shall apply only to the ~~City of Durham~~ Cities of Durham and Raleigh and the Towns of Cary, Garner, Holly Springs, Morrisville, Knightdale, Fuquay-Varina, and Spencer and to property located within the municipality's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

SECTION 4.(b) This act also applies to the County of Wake as to property not located within the corporate limits or extraterritorial planning jurisdiction of a municipality under Article 19 of Chapter 160A of the General Statutes. For the purpose of this subsection, the powers granted to a municipality by Sections 1 and 2 of this act are granted to the county."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 330
PROPOSED COMMITTEE SUBSTITUTE S330-CSRF-1 [v.1]

3/25/2003 3:00:21 PM

Short Title: Raleigh/Apex/Holly Springs Clear-Cutting. (Local)

Sponsors:

Referred to:

March 10, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWNS OF APEX AND HOLLY SPRINGS TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND AUTHORIZING THE CITY OF RALEIGH TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) A municipality may adopt ordinances to regulate the removal and preservation of existing trees and shrubs prior to development within a perimeter buffer zone of up to 50 feet along public roadways and property boundaries adjacent to developed properties and up to 25 feet along property boundaries adjacent to undeveloped properties.

SECTION 1.(b) Ordinances adopted pursuant to this act shall:

(1) Provide that the required buffer area shall not exceed twenty percent (20%) of the area of the tract, net of public road rights-of-way and any required conservation easements.

(2) Provide that buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.

(3) Provide that tracts of two acres or less, net of public road rights-of-way, that are zoned for single-family residential use are exempt from the requirements of the ordinances.

(4) Provide that the ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted municipal plans and zoning regulations.

(5) Provide that a survey of individual trees is not required.

(6) Include reasonable provisions for access onto and within the subject property.

(7) Exclude normal forestry activities on property taxed under the present-use value standard or conducted pursuant to a forestry management plan prepared or approved by a forester registered pursuant to Chapter 89B of the General Statutes. However, for such properties, a municipality may deny a building permit or refuse to approve a site or subdivision plan for a period of three years following completion of the harvest if all or substantially all of the perimeter buffer trees that should have been protected were removed from the tract of land for which the permit or plan approval is sought. A municipality may deny a permit or refuse to approve a site or subdivision plan for a period of two years if the owner replants the buffer area within 120 days of harvest with plant material that is consistent with buffer areas required under the municipality's ordinances.

SECTION 2. Before adopting an ordinance authorized by Section 1 of this act, the governing board of the municipality shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. 160A-364.

SECTION 3. Nothing in Sections 1 and 2 of this act shall be construed to limit or be limited by any other existing laws or ordinances.

SECTION 4. Section 4 of S.L. 2001-191 reads as rewritten:

"**SECTION 4.** This act shall apply only to the ~~City of Durham~~ Cities of Durham and Raleigh and the Towns of Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, and Spencer and to property located within the municipality's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

SECTION 5. Sections 1 through 3 of this act shall apply only to the Towns of Apex and Holly Springs and to property located within the Towns' corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

SECTION 6. This act becomes effective January 1, 2004.

LOCAL BILL

S.B. 356
H 401

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

Introduced by Senator(s) Swindell Holloman

Principal Clerk's Use Only

FILED MAR 10 2003

PASSED 1st READING

MAR 11 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov, Vet. Affairs

SB 356:
Henderson Overgrown Vegetation Ordinance

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans Affairs	**Introduced by:**	Senators Swindell & Holloman
Date:	March 24, 2003	**Summary by:**	Kory J. Goldsmith and Barbara Riley Committee Counsel
Version:	1st Edition		

SUMMARY:

SB 356 amends the Charter of the City of Henderson to allow the City to provide annual notification to violators of the weeded lot ordinance, remedy violations of the ordinance, and charge violaters of the ordinance a surcharge for additional violations in the same year.

CURRENT LAW:

G.S. 160A-174 grants to cities the authority to adopt ordinances related to the health, safety, or welfare of its citizens. G.S. 160-175 authorizes cities to enforce their ordinances and G.S. 160- 193 allows cities to abate situations that are dangerous or prejudicial to the public health and welfare. Although the cost of abatement may be charged to the violator, there is no provision for assessing a surcharge for repeated abatements.

BILL ANALYSIS:

The bill amends the City Charter for Henderson by adding a new section 40.1. The section allows the city to notify a landowner that their property is found in violation again during the calendar year, the city will remedy the violation without further notice. The city may charge the cost of the clean up to the property owner. Notice of the violation must be served by registered or certified mail. If there is a subsequent violation during the same calendar year, the city may remedy the violation again and charge the owner up to a fifty percent (50%) surcharge over the expense of removal.

Under the State Constitution, the surcharge probably goes to the local board of education.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 356*

Short Title:	Henderson Overgrown Vegetation Ordinance.	(Local)
Sponsors:	Senators Swindell and Holloman.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 11, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Henderson, being Chapter 780 of the 1967 Session Laws, as amended, is amended by adding the following new section:

"Sec. 40.1. Weeded Lot Ordinance. The City may notify a violator of the City's weeded lot ordinance that if the violator's property is found to be in violation of the ordinance again in the calendar year in which notice is given, the City shall, without further notice, take action to remedy the violation and the expense of that action shall be charged to the violator. The notice may also provide that for each additional violation the City shall charge the violator the expense of the action and a surcharge of up to fifty percent (50%) over the expense to remedy the preceding violation. Notice of violation shall be served by registered or certified mail."

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

LOCAL BILL

S.B. 387
H396

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM.

Introduced by Senator(s) Jenkins

Principal Clerk's Use Only

FILED MAR 11 2003

PASSED 1st READING
MAR 12 2003
AND REFERRED TO COMMITTEE
ON St. Gov. Loc. Gov.
Vet. Affairs

SENATE BILL 387:
Change Name of Edgecombe Co. Schools

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Senator Jenkins
		Summary by:	Theresa Matula Committee Staff
Date:	March 25, 2003		
Version:	v.1 as amended by S387-ASH-1		

SUMMARY: Senate Bill 387 changes the name of the Edgecombe County School System to include the word Public.

BILL ANALYSIS:

Section 1.

Section 1 of Senate Bill 387 renames the Edgecombe County School System to the Edgecombe County Public School System. The amendment (S387-ASH-1) amends the Session Laws.

Section 2.

Senate Bill 387 is effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S 1

SENATE BILL 387*

Short Title:	Change Name of Edgecombe Co. Schools.	(Local)
Sponsors:	Senator Jenkins.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 12, 2003

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. The name of the Edgecombe County School System is hereby changed to the Edgecombe County Public School System.

SECTION 2. This act becomes effective July 1, 2003.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 387*

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S387-ASH-1 [v.2]

Date March 26 ,2003

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

Senator John Garwood

moves to amend the bill on page 1, lines 5-6, by rewriting the lines to read:

SECTION 1. Section 1 of S.L. 1991-404, as supplemented by S.L. 1993-468, reads as rewritten:

"Section 1. *Effective Date.* The existing Edgecombe County School Administrative Unit (hereinafter referred to as the "county unit") and the existing Tarboro City School Administrative Unit (hereinafter referred to as the "city unit") shall be merged effective July 1, 1993. The resulting merged administrative unit shall be known as the ~~Edgecombe County School Administrative Unit~~ Edgecombe County Public School System (hereinafter referred to as the "merged unit")."

SIGNED John A. Garwood
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Comm. Amend. 1
Adopted and Engrossed
Pursuant to Rule 45.1
MAR 26 2003

J. Pruitt
3-25-03

)BLIC BILL

0432

H.B. _____ SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT STATE EMPLOYEES, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES MAY SHARE LEAVE VOLUNTARILY.

Introduced by Representative(s): Brubaker. Wood

Principal Clerk's Use Only

ED 1st READING
MAR 19 2003
Rules, Ct.

mmittee on Rules, Calendar, and Operations
louse, a majority being present, having
red this bill, recommend that it do ✓ pass.
Rep. Culpepper
For the Committee

RTED FAVORABLY MAR 19 2003

PURSUANT TO RULE 36(b)
MAR 19 2003
PLACED ON CALENDAR
OF 3-19-03

rubaker
AMENDMENT NO. 1 MAR 19 2003
ADOPTED

113-OEV VV

Passed 2nd & 3rd Readings
MAR 19 2003
AND ORDERED ENGROSSED
AND SENT TO SENATE

Special Message
Denise Weeks

RECEIVED
MAR 20 2003
From House of Representatives
By Clerk TCM 10:09 AM/PM

PASSED 1st READING
MAR 20 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc. Gov

HOUSE BILL 432:
Community College Shared Leave

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Representative Brubaker
		Summary by:	Theresa Matula Committee Staff
Date:	March 26, 2003		
Version:	v.3		

SUMMARY: House Bill 432 provides that State employees, Public School employees and Community College employees may voluntarily share leave with immediate family members.

BILL ANALYSIS:

Sections 1, 2 and 3.

Section 1 amends a section in Article 2. Salaries, Promotions, and Leave of State Employees, within Chapter 126. State Personnel System. G.S. 126-8.3 is amended to require that the State Personnel Commission, in cooperation with the State Board of Community Colleges and the State Board of Education adopt rules and policies to allow an employee to voluntarily share leave with an immediate family member who is an employee of a State agency, community college, or public school.

Section 2 amends a section in Article 2. State Board of Education, within Chapter 115C Elementary and Secondary Education. G.S. 115C-12.2. is amended to require that the State Board of Education, in cooperation with the State Board of Community Colleges and the State Personnel Commission adopt rules and policies to allow an employee to voluntarily share leave with an immediate family member who is an employee of a public school, community college, or State agency.

Section 3 adds a section in Article 2. Local Administration, within Chapter 115D. Community Colleges. G.S. 115D-25.3. requires the State Board of Community Colleges, in cooperation with the State Board of Education and the State Personnel Commission to adopt rules and policies to allow an employee to voluntarily share leave with an immediate family member who is an employee at a community college, public school or State agency.

For Sections 1, 2 and 3, the term "immediate family member" is defined as a spouse, parent, child, brother, sister, grandparent, or grandchild, including step, half and in-law relationships.

Sections 4 and 5

Section 4 provides that prior to the adoption of rules, the president of any community college shall allow a community college employee to share leave under the provisions of the Act. Additionally, community colleges, public schools and State agencies shall permit eligible employees to receive the leave.

Section 5 provides that this act is effective when it becomes law.

BACKGROUND INFORMATION:

- A voluntary shared leave program allows an approved employee to receive leave donations because the employee or a member of the employee's immediate family has a medical condition that will require the employee's absence for a prolonged period of time.
- The Voluntary Shared Leave program for State employees was initially established in 1990.
- S.L. 1999-170 provided for the sharing of leave between immediate family members employed in State agencies and public schools.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 432
Second Edition Engrossed 3/20/03
Corrected Copy 3/20/03

Short Title:	Community College Shared Leave.	(Public)
Sponsors:	Representatives Brubaker; and Wood.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 13, 2003

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT STATE EMPLOYEES, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES MAY SHARE LEAVE VOLUNTARILY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-8.3 reads as rewritten:

"**§ 126-8.3. Voluntary shared leave.**

The State Personnel Commission, in cooperation with the State Board of Community Colleges and the State Board of Education, shall adopt rules and policies to allow any employee at a State agency to share leave voluntarily with an immediate family member who is an employee of a State ~~agency or~~ agency, community college, or public school. For the purposes of this section, the term "immediate family member" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships."

SECTION 2. G.S. 115C-12.2 reads as rewritten:

"**§ 115C-12.2. Voluntary shared leave.**

The State Board of Education, in cooperation with the State Board of Community Colleges and the State Personnel Commission, shall adopt rules and policies to allow any employee at a public school to share leave voluntarily with an immediate family member who is an employee of a public ~~school or~~ school, community college, or State agency. For the purposes of this section, the term "immediate family member" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships."

SECTION 3. Article 2 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-25.3. Voluntary shared leave.**

The State Board of Community Colleges, in cooperation with the State Board of Education and the State Personnel Commission, shall adopt rules and policies to allow

any employee at a community college to share leave voluntarily with an immediate family member who is an employee of a community college, public school, or State agency. For the purposes of this section, the term "immediate family member" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships."

SECTION 4. Prior to the adoption of any rules pursuant to this Act:

(a) The president of any community college shall allow any employee of that community college to share leave voluntarily with an immediate family member, as defined in Section 3 of this Act, who is an employee of a community college, public school, or State agency; and

(b) Community colleges, public schools, and State agencies shall permit eligible employees to receive leave pursuant to this Act.

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — March 26, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Butch Gunnells	NCSDA
Henry Hutaff	N.C.S.D.A.
Perry Woods	AFW Enrl
Muhammad Hebert	Sen. Kinnaird
Chad Watkins	NC Senate
Paul Williams	NCHBA
Cam Cruz	BPMHC
Rob Dumbleton	NC State Water
Fred Smith	5
Kim Hibbard	NCLM
Jan McCormick	City of Raleigh

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — March 26, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Beau Mills	NC Metropolitan Coalition
Tim Minton	NC Home Builders
David Kyle	NC Sierra Club

AGENDA
SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS'AFFAIRS COMMITTEE

Wednesday, April 02 2003 at 12:00 noon

Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

• SB 417	Wayne Commissioners Election	Sen. Kerr
• SB 465	High Point Unsafe Buildings	Sen. Dorsett
• SB 489	Wilkes Commissioner Election	Sen. Garwood
• SB 490	Wilmington City Manager Authority	Sen. Ballantine

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, APRIL 2, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met April 2, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Eleven members were present, including Senator Ellie Kinnaird, who presided.

SB 465 High Point Unsafe Buildings, was explained by Senator Dorsett. Senator Horton offered and amendment and moved to adopt it. The motion carried unanimously. Senator Dorsett moved a favorable report as amended. The motion carried unanimously. **Favorable Report, As Amended**.

SB 489 High Point Wilkes Commissioner Election, was explained by Senator Garwood. Sen. Horton moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 417 Wayne Commissioners Election, was explained by Senator Kerr. Senator Smith moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 490 Wilmington City Manager Authority, was postponed to the April 9, 2003 meeting.

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, April 02, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	**417**	Wayne Commissioners Election.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**489**	Wilkes Commissioner Election.	
		Sequential Referral:	None
		Recommended Referral:	None

FAVORABLE, AS AMENDED

S.B.	**465**	High Point Unsafe Buildings.	
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

LOCAL BILL

S.B. 465

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF HIGH POINT TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432.

Introduced by Senator(s) Dorsett Katie Dorsett K. Hagan Bingham

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING

MAR 20 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov, Vet. Affairs

SB 465 :
High Point Unsafe Buildings

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Senator Dorsett
		Summary by:	Barbara Riley Committee Counsel
Date:	April 1, 2003		
Version:	1st Edition		

SUMMARY:

Senate Bill 465 adds the City of High Point to those municipalities allowed to declare residential buildings in community development target areas unsafe and to demolish the buildings under the same process authorized to demolish unsafe nonresidential buildings.

CURRENT LAW:

Under G.S. 160A-426 (a), a residential building that appears to the local building inspector to be "especially dangerous to life" may be declared unsafe and a notice of its dangerous character affixed to the building. If the property owner does not promptly correct the problems, the inspector may issue written notice of a hearing and, after hearing, an order may issue requiring the owner to correct the defective conditions. G.S. 160A-428 & 429. If the property owner fails to comply with the order, he is guilty of a Class 1 misdemeanor. G.S. 160A-431. Further, the city may initiate proceedings to correct the violation or to prevent occupancy of the residence involved. G.S. 160A-432(a).

The General Assembly in 2000 enacted legislation amending G.S. 160A-426 that allowed cities to condemn, demolish, and place a lien on vacant, dilapidated non residential property located in a community development target area. To be subject to this process, the non residential property must (1) appear to be vacant or abandoned, and (2) appear to be so dilapidated as to contribute to blight, disease, vagrancy, to be a fire or safety hazard, a danger to children or to attract criminal activity. G.S. 160A-426(b). If 'declared unsafe", the building inspector is required to affix a notice to the building. G.S. 160A-426(c).

As with residential property, should the property owner fail to take prompt corrective action, written notice is to be served on the owner that a hearing will be held on the matter at which the Inspector may order the building to be repaired, closed or demolished. G.S. 160A-428. If the property owner fails to comply with the order, the city has the additional option to have the building removed or demolished. G.S. 160A-432(b) The costs of removal/demolition become a lien on the real property. Id.

In 2002, the General Assembly passed a local act, S.L. 2002-118 (SB 1312), which authorized the Cities of Durham and Fayetteville, and the Town of Hope Mills to use this process to condemn and demolish vacant, dilapidated residential buildings in community development target areas.

BILL ANALYSIS:

Senate Bill 465 adds the City of High Point to those municipalities authorized to condemn and demolish vacant, dilapidated residential buildings in community development target areas using the statutory process for condemning and demolishing nonresidential buildings in those target areas.

The bill is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 465

Short Title:	High Point Unsafe Buildings.	(Local)
Sponsors:	Senators Dorsett; Berger, Bingham, and Hagan.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF HIGH POINT TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2002-118 reads as rewritten:

"**SECTION 4.** Sections 1 and 2 of this act apply to the Cities of ~~Durham and Fayetteville~~ Durham, Fayetteville, and High Point and the Towns of Hope Mills and Spring Lake only."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 465

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

S465-ARF-4 [v.1]

Date 4/02/03 ,2003

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

Senator _____

moves to amend the bill on page 1, line 2 by rewriting that line to read:
"AN ACT TO ALLOW THE CITIES OF GOLDSBORO AND HIGH POINT TO DECLARE RESIDENTIAL";
and further amends the bill on page 1, line 9 by adding after the word "Fayetteville," the word "Goldsboro,".

SIGNED Fatie H. Sarratt
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

LOCAL BILL

S.B. 489
H 480

SESSION LAW _____

A BILL TO BE ENTITLED

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.

Introduced by Senator(s) Garwood Garwood

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING

MAR 20 2003

AND REFERRED TO COMMITTEE

ON St. Gov. Loc. Gov.

Vet. Affairs

SB 489:
Wilkes Commissioner Election

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Senator Garwood
		Summary by:	Barbara Riley Committee Counsel
Date:	April 2, 2003		
Version:	1st Edition		

SUMMARY:

Senate Bill 489 provides for staggered 4 year terms for all members of the Wilkes County Board of Commissioners. The act will not effect the terms of the current members. The act is effective when it becomes law.

BACKGROUND:

The Wilkes County Board of Commissioners currently is composed of 5 members. 4 of the Commissioners serve staggered terms of 4 years. One member serves a 2 year term. The bill provides staggered 4 year terms for all 5 members.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 489*

Short Title:	Wilkes Commissioner Election.	(Local)
Sponsors:	Senator Garwood.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

A BILL TO BE ENTITLED

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.

The General Assembly of North Carolina enacts:

SECTION 1. In 2004 and quadrennially thereafter, three members of the Board of Commissioners of Wilkes County shall be elected for four-year terms. In 2006 and quadrennially thereafter, two members of the Board of Commissioners of Wilkes County shall be elected for four-year terms.

SECTION 2. Chapter 101 of the 1961 Session Laws and Chapter 217 of the 1963 Session Laws are repealed.

SECTION 3. This act is effective when it becomes law and does not affect the term of any current member.

LOCAL BILL

S.B. 417 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS.

Introduced by Senator(s) Kerr Kerr

Principal Clerk's Use Only

FILED MAR 13 2003

PASSED 1st READING

MAR 17 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov. Vet. Affairs

SENATE BILL 417:
Wayne Commissioners Election

BILL ANALYSIS

Committee:	Senate State/Local Government & Veterans Affairs	**Introduced by:**	Senator Kerr
		Summary by:	Theresa Matula Committee Staff
Date:	April 1, 2003		
Version:	v.1		

SUMMARY: ***Senate Bill 417 extends the deadline to designate staggered terms for the Board of Commissioners of Wayne County from January 1, 2003 to September 1, 2003.***

BILL ANALYSIS:

Senate Bill 417 amends Section 2 of S.L. 2002-44 to require the Board of Commissioners of Wayne County to designate prior to September 1, 2003 (currently January 1, 2003) which seats in the 2004 election shall be elected to two-year terms and which seats shall be elected to four-year terms.

This act is effective when it becomes law.

BACKGROUND INFORMATION:

- S.L. 2002-44 (HB 1683) staggered the terms of the Board of County Commissioners in Wayne County.
- Prior to the change in 2002, all seven seats were up for re-election at the same time, with the next election being in 2004.

R. Erika Churchill contributed to the Background Information in this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 417

Short Title:	Wayne Commissioners Election.	(Local)
Sponsors:	Senator Kerr.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 17, 2003

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2002-44 reads as rewritten:

"**SECTION 2.** In 2004, four of the members of the Board of Commissioners of Wayne County shall be elected for four-year terms, and three of the members of the Board of Commissioners of Wayne County shall be elected for two-year terms. The Board of Commissioners of Wayne County shall, prior to ~~January~~ September 1, 2003, designate which seats shall be elected in 2004 for four-year terms, and which shall be elected in 2004 for two-year terms. Successors to all seven seats elected in 2004 shall be elected to four-year terms."

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

LOCAL BILL

S.B. 490

SESSION LAW _____

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.

Introduced by Senator(s) Ballantine

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING

MAR 20 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov. Vet. Affairs

SENATE BILL 490:
Wilmington City Manager Authority.

BILL ANALYSIS

Committee:	Senate State and Local Government and Veterans Affairs	**Introduced by:**	Sen. Ballantine
		Summary by:	H. Alan Pell Committee Counsel
Date:	April 2, 2003		
Version:	First Edition		

SUMMARY: ***This act would delete certain civil action filing requirements for persons claiming damages against the city. The bill would also amend the Wilmington City Charter to allow the City Council to expand the authority of the city manager to settle certain claims against the city. The act is effective when it becomes law.***

CURRENT LAW:

- A person may file an action against the city for damages to or compensation for real property taken or used by the city, for ejectment from real property, or to remove a cloud on title. Notice must be given to the city council in writing within two (2) years of the alleged taking, use, damage or ejectment.
- State law (passed in 1981) prohibits a city charter from requiring a notice to a local unit of government in order to commence a claim, and prohibit suit against the local unit of government if notice is not given (or limit the period during which an action may be brought) if notice is not given within a specific time period. G.S. 1-539.16.
- The Wilmington city manager may settle certain property claims against the city in an amount of $2500 or less.

BILL ANALYSIS:

Section 1. This section repeals a section of the city charter that references a State statute (G.S. 1-539.15, repealed in 1981), and which also is in conflict with State law. The amendment would repeal the section of the city charter that requires notice, and limits the period in which notice must be given, in order to bring an action against the city.

Section 2. This section would allow the City Council to approve an expansion of the city manager's authority to settle the following types of claims:

- Personal injury or for damages to property to an amount which does not exceed the actual loss sustained, including loss of time, medical expenses, any other expense actually incurred;
- Taking of small portions of private property which are needed for street or utility rights of way, rounding of street corners at intersections, or storm sever right of ways. The amount may not exceed the actual loss sustained.

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

S490-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 490

Short Title:	Wilmington City Manager Authority.	(Local)
Sponsors:	Senator Ballantine.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 29.1 of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 617 of the 1981 Session Laws, is repealed.

SECTION 2. Section 29.2 of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 617 of the 1981 Session Laws, reads as rewritten:

"Sec. 29.2. Settlement of claims by city manager. The city manager may settle claims against the city for:

(1) Personal injury or for damages to property when the amount involved does not exceed the sum of ~~twenty-five hundred dollars ($2500),~~ two thousand five hundred dollars ($2,500) or such other amount approved by the city council, and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred; and

(2) The taking of small portions of private property which are needed for street or utility rights-of-way, or rounding of corners at street intersections, or storm sewer rights-of-way, when the amount involved in any such settlement does not exceed the sum of ~~twenty-five hundred dollars ($2500),~~two thousand five hundred dollars ($2,500) or such other amount approved by the city council, 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 accident, occasion, or taking complained of. All such releases shall be approved by the city attorney."

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — April 02, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rob Dasaba	NC Statewide
Richard O'Brien	PFFPNC
Lorin Mueller	NC Coalition of Police
Beau Mills	NC Metropolitan Coalition
Tim Minton	NC Home Builders
Fred Baggett	City of High Point

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS'AFFAIRS COMMITTEE
Wednesday, April 9, 2003 at 12:00 noon
Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

•	SB 490	Wilmington City Manager Authority	Sen. Ballantine
•	SB 445	Clay County Development Authority	Sen. Carpenter
•	SB 476	Durham Traffic Control Measures	Sen. Gulley
•	SB 477	Durham Housing Board Hear Other Appeals	Sen. Gulley
•	SB 478	Durham Overgrown Vegetation Ordinance	Sen. Gulley
•	SB 498	Electrofishing/Waccamaw and Lumber River	Sen. Soles
•	SB 517	Adjust Eastern Region Commission	Sen. Swindell

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, APRIL 09, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met April 09, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Nine members were present, including Senator Ellie Kinnaird, who presided.

SB 490 Wilmington City Manager, was explained by Senator Ballantine. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 445 Clay County Development Authority, was explained by Senator Carpenter. Sen. Weinstein moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Stevens moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

SB 476 Durham Traffic Control Measures, was explained by Senator Lucas. Senator Stevens moved to wave the 24-hour rule. Senator Stevens moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Sen. Sloan moved to give moved a favorable report of the bill. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

SB 477 Durham Housing Board Hear Other Appeals, was explained by Senator Lucas. Senator Stevens moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Sen. Hargett moved to give moved a favorable report of the bill. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

SB 478 Durham Overgrown Vegetation Ordinance, was explained by Senator Lucas. Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 498 Electrofishing/Waccamaw and Lumber River, was explained by Senator Soles. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 517 Adjust Eastern Region Commission, was explained by Senator Swindell. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, April 09, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **478** Durham Overgrown Vegetation Ordinance.
Sequential Referral: None
Recommended Referral: None

S.B. **490** Wilmington City Manager Authority.
Sequential Referral: None
Recommended Referral: None

S.B. **498** Electrofishing/Waccamaw and Lumber Rivers.
Sequential Referral: None
Recommended Referral: None

S.B. **517** Adjust Eastern Region Commission.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 4

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Monday, April 14, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **445** Clay County Development Authority.

Draft Number:	PCS85205
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **476** Durham Traffic Control Measures.

Draft Number:	PCS40004
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **477** Durham Housing Board Hear Other Appeals.

Draft Number:	PCS85204
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

LOCAL BILL

S.B. 490 SESSION LAW _____

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.

Introduced by Senator(s) Ballantine

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING

MAR 20 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov. Vet. Affairs

SENATE BILL 490:
Wilmington City Manager Authority.

BILL ANALYSIS

Committee:	Senate State and Local Government and Veterans Affairs	**Introduced by:**	Sen. Ballantine
		Summary by:	H. Alan Pell Committee Counsel
Date:	April 9, 2003		
Version:	First Edition		

SUMMARY: ***This act would delete certain civil action filing requirements for persons claiming damages against the city. The bill would also amend the Wilmington City Charter to allow the City Council to expand the authority of the city manager to settle certain claims against the city. The act is effective when it becomes law.***

CURRENT LAW:

- A person may file an action against the city for damages to or compensation for real property taken or used by the city, for ejectment from real property, or to remove a cloud on title. Notice must be given to the city council in writing within two (2) years of the alleged taking, use, damage or ejectment.
- State law (passed in 1981) prohibits a city charter from requiring a notice to a local unit of government in order to commence a claim, and prohibit suit against the local unit of government if notice is not given (or limit the period during which an action may be brought) if notice is not given within a specific time period. G.S. 1-539.16.
- The Wilmington city manager may settle certain property claims against the city in an amount of $2500 or less.

BILL ANALYSIS:

Section 1. This section repeals a section of the city charter that references a State statute (G.S. 1-539.15, repealed in 1981), and which also is in conflict with State law. The amendment would repeal the section of the city charter that requires notice, and limits the period in which notice must be given, in order to bring an action against the city.

Section 2. This section would allow the City Council to approve an expansion of the city manager's authority to settle the following types of claims:

- Personal injury or for damages to property to an amount which does not exceed the actual loss sustained, including loss of time, medical expenses, any other expense actually incurred;
- Taking of small portions of private property which are needed for street or utility rights of way, rounding of street corners at intersections, or storm sever right of ways. The amount may not exceed the actual loss sustained.

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

S490-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 490

Short Title:	Wilmington City Manager Authority.	(Local)
Sponsors:	Senator Ballantine.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 29.1 of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 617 of the 1981 Session Laws, is repealed.

SECTION 2. Section 29.2 of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 617 of the 1981 Session Laws, reads as rewritten:

"Sec. 29.2. Settlement of claims by city manager. The city manager may settle claims against the city for:

(1) Personal injury or for damages to property when the amount involved does not exceed the sum of ~~twenty-five hundred dollars ($2500),~~ two thousand five hundred dollars ($2,500) or such other amount approved by the city council, and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred; and

(2) The taking of small portions of private property which are needed for street or utility rights-of-way, or rounding of corners at street intersections, or storm sewer rights-of-way, when the amount involved in any such settlement does not exceed the sum of ~~twenty-five hundred dollars ($2500),~~two thousand five hundred dollars ($2,500) or such other amount approved by the city council, 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 accident, occasion, or taking complained of. All such releases shall be approved by the city attorney."

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

LOCAL BILL

S.B. 445

H582

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

Introduced by Senator(s) Carpenter Carpenter

Principal Clerk's Use Only

FILED MAR 13 2003

PASSED 1st READING

MAR 17 2003

AND REFERRED TO COMMITTEE

on St. Gov. Loc. Gov.

Vet. Affairs

SB 445:
Clay County Development Authority

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans Affairs	**Introduced by:**	Senator Carpenter
		Summary by:	Barbara Riley Committee Counsel
Date:	April 8, 2003		
Version:	PCS		

SUMMARY: ***SB445 would authorize Clay County to create a joint development ageny with a contiguous county in an adjoining state. The agency would have to be created by a resolution of the Clay County board of county commissioners. The agency created also would have the authority to hold legal title to real property necessary to the activities of the agency.***

CURRENT LAW: Article 20 of Chapter 160A of the General Statutes authorizes a city or county, (as well as a number of other units of local government) to enter into contracts or agreements with another unit of local government of this State, or another state to the extent the laws of the other state permit, to execute any undertaking. G.S. 160A-461. An "undertaking" is defined as the joint exercise by 2 or more units of local government of any power, function, public enterprise, right, privilege, or immunity of local government. G.S. 160A-460. The parties to such an agreement may create a joint agency to carry out the undertaking and may give it any power, duty, right or function needed to accomplish the undertaking, except that legal title to real property necessary to the undertaking must be held by the participating units individually or jointly as tenants in common. G.S. 160A-462.

BACKGROUND:

Clay County, North Carolina wishes to enter into an agreement with Towns County, Georgia to create an Industrial Authority to act on behalf of both counties in developing property owned separately by Clay and Towns Counties. The properties are located contiguously on the NC/GA line. Contemporaneously with the introduction of SB 445, Towns County is seeking authorization from the Georgia legislature to establish a joint development authority with a contiguous county in an adjoining state. The Georgia legislation has not yet passed.

BILL ANALYSIS:

Senate Bill 445 would allow Clay County to create a joint agency with a contiguous county in another state, The bill would also allow a joint authority created by Clay County the additional power of holding legal title to real property in its own name.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 445*

Short Title:	Clay County Development Authority.	(Local)
Sponsors:	Senator Carpenter.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 17, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, Clay County may, by proper resolution of its governing body, create a joint development authority with a contiguous county in an adjoining state.

SECTION 2. This act applies to Clay County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 445*
PROPOSED COMMITTEE SUBSTITUTE S445-CSRF-3 [v.2]

4/4/2003 2:34:42 PM

Short Title: Clay County Development Authority. (Local)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, Clay County may, by proper resolution of its governing body, create a joint development agency, pursuant to Article 20 of Chapter 160A of the General Statutes, with a contiguous county in an adjoining state.

SECTION 2. G.S. 160A-462(a) reads as rewritten:

"(a) Units agreeing to an undertaking may establish a joint agency charged with any or all of the responsibility for the undertaking. The units may confer on the joint agency any power, duty, right, or function needed for the execution of the ~~undertaking, except that legal title to all real property necessary to the undertaking shall be held by the participating units individually, or jointly as tenants in common, in such manner and proportion as they may determine.~~ undertaking including the authority to hold legal title to any real property necessary to the undertaking."

SECTION 3. This act applies to Clay County only.

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

LOCAL BILL

S.B. 476 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

Introduced by Senator(s) Gulley

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING

MAR 20 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov. Vet affairs

SENATE BILL 476:
Durham Traffic Control Measures.

BILL ANALYSIS

Committee:	Sen. State and Local Govt., & Veterans' Affairs	**Introduced by:**	Sen. Gulley
		Summary by:	H. Alan Pell
Date:	April 9, 2003		Committee Co-Counsel
Version:	First		

SUMMARY: ***This bill would amend the Durham City Charter to allow the City Council to delegate authority to the City Manager on certain traffic control measures.***

BILL ANALYSIS:

Section 1: This section would amend the City Charter to allow the Council to pass ordinances delegating authority to the City Manager to make traffic control determinations. The act would allow routine determinations on parking, loading, standing, and traffic control measures. Traffic control measures include the location of stop signs, yield signs, turn restrictions, loading zones, bus stops, and parking restrictions in rights-of-way.

Section 2: The act is effective when it becomes law.

CURRENT LAW:

The police power of the City Council is provided in the Charter:

"Sec. 58. Regulation of the Use of Public Property. The City Council is empowered to adopt such ordinances for the regulation and use of the streets, squares and parks and other public property belonging to the City as the City Council may deem best for the public welfare of the citizens of the City."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 476

Short Title:	Durham Traffic Control Measures.	(Local)
Sponsors:	Senator Gulley.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding the following new section to read:

"Sec. 54.1. Traffic Control Measures. – The City Council may, by ordinance, delegate to the City Manager or the Manager's designee the authority to make routine determinations regarding parking, loading, standing, and traffic control measures, including the location of stop signs, yield signs, turn restrictions, loading zones, bus stops, and parking restrictions in rights-of-way."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 476
PROPOSED COMMITTEE SUBSTITUTE S476-CSRK-22 [v.1]

4/9/2003 11:17:13 AM

Short Title: Durham Traffic Control Measures. (Local)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding the following new section to read:

"Sec. 58.1. Traffic Control Measures. – The City Council may, by ordinance, delegate to the City Manager or the Manager's designee the authority to make routine determinations regarding parking, loading, standing, and traffic control measures, including the location of stop signs, yield signs, turn restrictions, loading zones, bus stops, and parking restrictions in rights-of-way."

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

LOCAL BILL

S.B. 477

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE AUTHORITY TO THE HOUSING APPEALS BOARD TO HEAR AND DECIDE APPEALS OF TRASH AND OVERGROWN VEGETATION CASES AND OTHER PUBLIC NUISANCES.

Introduced by Senator(s) Gulley Gulley

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING

MAR 20 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov. Vet. Affairs

PCS FOR SENATE BILL 477: Durham Housing Board Hear Other Appeals.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Senator Gulley
		Summary by:	Theresa Matula Committee Staff
Date:	April 9, 2003		
Version:	v.1; PCS (S477-CSSH-6)		

SUMMARY: Senate Bill 477 authorizes the Durham City Council to delegate authority to the Housing Appeals Board to hear and decide cases involving public health nuisances.

The Proposed Committee Substitute (S477-CSSH-6) makes technical corrections.

CURRENT LAW:

Section 102(b) of the Charter of the City of Durham currently provides that the city council may, by ordinance, authorize the housing appeals board to hear and decide, without the necessity of further action by the council, cases under Part 5. Building Inspection, or Part 6. Minimum Housing Standards of Article 19 of Chapter 160A and *Article II of the Charter.* *

** The Proposed Committee Substitute (S477-CSSH-6) makes technical corrections. The PCS capitalizes Housing Appeals Board to make it consistent with prior references, makes technical amendments to the title, and corrects a current reference to "Article II" of the Charter as it should read "Article 11 of Chapter VI" of the Charter.*

BILL ANALYSIS:

Senate Bill 477 amends Section 102(b) of the Charter of the City of Durham to authorize the housing appeals board to hear and decide cases under G.S. 160A-193. G.S. 160A-193 pertains to the abatement of public health nuisances and a city's authority to summarily remove, abate, or remedy everything in the city limits or within one mile thereof, that is dangerous or prejudicial to the public health or public safety.

This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 477

Short Title:	Durham Housing Board Hear Other Appeals.	(Local)
Sponsors:	Senator Gulley.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE AUTHORITY TO THE HOUSING APPEALS BOARD TO HEAR AND DECIDE APPEALS OF TRASH AND OVERGROWN VEGETATION CASES AND OTHER PUBLIC NUISANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 102(b) of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as added by Chapter 756 of the 1987 Session Laws, reads as rewritten:

"(b) The city council may, by ordinance, also authorize the housing appeals board to hear and decide, without the necessity of further action by the council, any other cases under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes and Article II of this Charter and G.S. 160A-193 which, in the absence of such ordinance, would reach the council for action or decision. ~~In hearing any such cases,~~ If the case is heard by the housing appeals board, the same procedures for the hearing of appeals under subsection (a) herein shall apply, and the decision of the board shall be reviewable in the same manner as decisions under subsection (a) herein."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 477
PROPOSED COMMITTEE SUBSTITUTE S477-CSSH-6 [v.1]

4/9/2003 9:32:11 AM

Short Title: Durham Housing Board Hear Other Appeals. (Local)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 102(b) of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Section 1 of Chapter 756 of the 1987 Session Laws, reads as rewritten:

"(b) The city council may, by ordinance, also authorize the ~~housing appeals board~~ Housing Appeals Board to hear and decide, without the necessity of further action by the council, any other cases under Parts 5 or 6 of Article 19 of Chapter 160A of the General ~~Statutes and Article II~~ Statues, Article 11 of Chapter VI of this ~~Charter~~ Charter, and G.S. 160A-193 which, in the absence of such ordinance, would or may reach the council for action or decision. ~~In hearing any such cases,~~ If a case is heard by the Housing Appeals Board, the same procedures for the hearing of appeals under subsection (a) herein shall apply, and the decision of the board shall be reviewable in the same manner as decisions under subsection (a) herein."

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

LOCAL BILL

S.B. 478 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

Introduced by Senator(s) Gulley Gulley

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING

MAR 20 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov. Vet. Affairs

SENATE BILL 478:
Durham Overgrown Vegetation Ordinance.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Senator Gulley
		Summary by:	Theresa Matula Committee Staff
Date:	April 7, 2003		
Version:	v.1		

SUMMARY: Senate Bill 478 authorizes the City of Durham to give annual notice to chronic violators of the overgrown vegetation ordinance.

BILL ANALYSIS:

This bill authorizes the City of Durham to notify a chronic violator of the overgrown vegetation ordinance. Current law provides that if the violator does not take action, the municipality may take action to remedy the violation and the expense of the action shall become a lien upon the property and collected as unpaid taxes.

This act is effective when it becomes law.

BACKGROUND INFORMATION:

The city of Roanoke Rapids received authorization to give notice to chronic violators in 1999, High Point and Gastonia were added in 2000, Lexington and Winston Salem were added in 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 478

Short Title:	Durham Overgrown Vegetation Ordinance.	(Local)
Sponsors:	Senator Gulley.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S.L. 2000-38, and S.L. 2001-107, reads as rewritten:

"Section 2. This act applies to the Cities of Durham, High Point, Gastonia, Lexington, Roanoke Rapids, and Winston-Salem only."

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

LOCAL BILL

S.B. 498
H581

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY.

Introduced by Senator(s) Soles

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING
MAR 20 2003
AND REFERRED TO COMMITTEE
ON S.T. Gov., Loc. Gov.
Vet. affairs

SENATE BILL 498:
Electrofishing/Waccamaw and Lumber Rivers

BILL ANALYSIS

Committee:	Sen. State and Local Govt., & Veterans' Affairs	**Introduced by:**	Sen. Soles
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	April 9, 2003		
Version:	First		

SUMMARY: This bill would allow valid license holders to use a hand-operated device that generates an electric current to take catfish. The act only applies to the taking of catfish in the waters of the Waccamaw and Lumber Rivers that are in Columbus County. The act would become effective July 1, 2003.

BILL ANALYSIS:

Section 1: This section would allow a person, who has a special device license, to use a hand-operated device that generates an electric current to fish for catfish.

Section 2: The act applies only to the portions of the Waccamaw and Lumbee Rivers located in Columbus County.

Section 3: The act is effective when it becomes law.

CURRENT LAW:

G.S. 113-272.2 requires a person to obtain a special device license to be entitled to take nongame fish with any apparatus other than hook and line. The Wildlife Resources Commission, by rule, has identified the types of special devices that will be allowed. The use of hand operated devices generating electrical currents for taking catfish is not an approved method for taking catfish under a special device license.

S498-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 498*

Short Title:	Electrofishing/Waccamaw and Lumber Rivers.	(Local)
Sponsors:	Senator Soles.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, a person who holds a current and valid special device license, as defined in G.S. 113-272.2, may use a hand-operated device which generates an electric current for taking catfish.

SECTION 2. This act applies only to those portions of the Waccamaw River located in Columbus County and to those portions of the Lumber River located in Columbus County.

SECTION 3. This act becomes effective July 1, 2003.

PUBLIC BILL

S.B. 517

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE MINIMUM MEMBERSHIP OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION, ALSO CALLED THE EASTERN REGION COMMISSION.

Introduced by Senator(s) Swindell

Principal Clerk's Use Only

FILED MAR 20 2003

PASSED 1st READING

MAR 24 2003

AND REFERRED TO COMMITTEE

ON St. Gov. Loc. Gov, Vet. Affairs

SB 517:
Adjust Eastern Region Commission

BILL ANALYSIS

Committee:	Sen. State Gov., Local Gov., & Veterans Affairs	**Introduced by:**	Senator Swindell
		Summary by:	Barbara Riley, Committee Counsel
Date:	April 8, 2003		
Version:	1st Edition		

SUMMARY:

Senate Bill 517 would amend the statutory provisions for membership on the Eastern Region Development Commission (aka Global Transpark Development Commission) by reducing the minimum number of members of the Commission.

CURRENT LAW:

G.S. 158-35 sets out the membership of the Commission for the Eastern Region Development Zone. The statute provides that the county commissioners of each member county of the Zone shall appoint 3 voting members to the Commission. The Zone consists of 13 counties; Carteret, Craven, Duplin, Edgecombe, Greene, Jones, Lenoir, Nash, Onslow, Pamlico, Pitt, Wayne and Wilson. In turn, these Commissioners appoint at least 3 and up to 7 additional voting members so as to ensure that the voting membership of the Commission includes at least 7 women and 7 members of a racial minority. The statute also provides for the appointment of 4 nonvoting members by specified entities in the Zone

BILL ANALYSIS:

Senate Bill 517 removes the requirement in G.S. 158-35 (a)(2) that the Commissioners appoint at least 3 voting members, providing instead that the Commissioners may appoint up to 7 voting members. The bill also deletes the language in G.S. 158-35(b) establishing the initial staggering of terms for the Commission.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 517

Short Title:	Adjust Eastern Region Commission.	(Public)
Sponsors:	Senator Swindell.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 24, 2003

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE MINIMUM MEMBERSHIP OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION, ALSO CALLED THE EASTERN REGION COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 158-35 reads as rewritten:

"**§ 158-35. Commission membership, officers, compensation.**

(a) Commission Membership. – The governing body of the Zone is the Global TransPark Development Commission. The members of the Commission must be residents of the Zone and shall be appointed as follows:

(1) The board of commissioners of each county participating in the Zone shall appoint three voting members, one of whom shall be a minority person as defined in G.S. 143-128.2(g)(2) and one of whom may be a member of the board of commissioners.

(2) The Commission ~~shall appoint at least three but no more than~~may appoint up to seven voting members. By the appointment of these members, the Commission shall ensure that the voting membership of the Commission includes at least seven women and seven members of a racial minority described in G.S. 143-128.2(g)(2). The Commission shall appoint the fewest number of members necessary to achieve these minimums.

(3) Four nonvoting members shall be appointed as follows:

a. One appointed by the Chancellor of East Carolina University to represent the University.

b. One appointed by a majority vote of the presidents of the community colleges located in the Zone, to represent the community colleges.

c. One appointed by the chair of the State Ports Authority, to represent the sea ports of the State.

d. One member of the board of directors of the Global TransPark Foundation, Inc., appointed by that board.

(b) Terms. – Members of the Commission shall serve for staggered four-year terms. The members appointed by the Chancellor of East Carolina University and by the chair of the State Ports Authority shall serve an initial term of two years. The members appointed by the community colleges located in the Zone and by the board of directors of the Global TransPark Foundation, Inc., shall serve an initial term of four years. ~~The Authority shall designate at least one-half of its appointees to serve an initial term of two years; its remaining appointees shall serve an initial term of four years.~~ Each board of commissioners shall designate one of its appointees to serve an initial term of four years, one to serve an initial term of two years, and one to serve an initial term to be determined at the first meeting of the Commission. One-half of the appointees designated to serve an undetermined initial term shall serve an initial term of two years, as determined by lot at the first meeting of the Commission. The remainder of the appointees designated to serve an undetermined initial term shall serve an initial term of four years. Initial terms begin upon approval by the Secretary of State of the articles of incorporation.

(c) Removal; Vacancies. – A member of the Commission may be removed with or without cause by the appointing body. In addition, a majority of the Commission members may, by majority vote, remove a member of the Commission if that member does not attend at least three-quarters of the regularly scheduled meetings of the Commission during any consecutive 12-month period of service of that member on the Commission, except that absences excused by the Commission due to serious medical or family circumstances shall not be considered. If the Commission votes to remove a member under this subsection, the vacancy shall be filled in the same manner as the original appointment. Appointments to fill vacancies shall be made for the remainder of the unexpired term by the respective appointing authority. All members shall serve until their successors are appointed and qualified, unless removed from office.

(d) Dual Office Holding. – Service on the Commission may be in addition to any other office a person is entitled to hold.

(e) Officers. – The Commission shall annually elect from its membership a chairperson and a vice-chairperson, and shall annually elect a secretary and a treasurer. After the Commission has been duly organized and its officers elected as provided in this section, the secretary of the Commission shall certify to the Secretary of State the names and addresses of the officers as well as the address of the principal office of the Commission.

(f) Compensation. – The members of the Commission shall receive no compensation other than travel, subsistence, and reasonable per diem expenses determined by the Commission for attendance at Commission meetings and other official Zone functions."

SECTION 2. This act is effective when it becomes law. This act does not affect the term of any current member of the Commission.

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — April 9, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
GRAY DAWSON	CITY OF DURHAM
Tim Minter	NC Home Builders
Stephanie Simpson	NC Assn of REALTORS
JOHN GOODMAN	MERCER & ASSOC.
Virginia Hebert	Sen. Kinnaird
Loren Mueller	NC Coalition of Police
Michael Fenell	Wake Co.
David Cooke	Wake Co.
Jim Blair	Wake
Chad Hinton	Intern
Mark Ahrendsen	Durham

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS' AFFAIRS COMMITTEE
Wednesday, April 16, 2003 at 12:00 noon
Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

BILL NO.	SHORT TITLE	SPONSOR
• SB 90	46th Senatorial District Local Act	Sen. Dalton
• SB 706	UNC-W Athletic Facilities Exemption	Sen. Ballantine
• SB 851	Amend Arboretum Ed of Directors	Sen. Metcalf
• SB 940	Disaster Leave/Vol. Emergency Personnel	Sen. Kerr
• SB 494	Carrboro Sprinkler	Sen. Kinnaird
• HB 645	Currituck County Annexation Limitation	Rep. Owens
• HB 646	Currituck County Annexation Limitation	Rep. Owens

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, APRIL 16, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met April 16, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Thirteen members were present, including Senator Ellie Kinnaird, who presided.

SB 645 was removed from the agenda.

SB 494 Carrboro Sprinkler, was explained by Senator Kinnaird. Senator Berger moved to wave the 24-hour rule. Sen. Albertson moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Clodfelter moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

SB 492 Eden Charter Amendments, was added to the agenda and was explained by Senator Berger. Sen. Hargett moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Garwood moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

SB 851 Amend Arboretum Bd. Of Directors, was explained by Senator Metcalf. Sen. Sloan moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 940 Disaster Leave/Vol. Emergency Personnel, was explained by Senator Kerr. Gordon Joyner, Executive Director of NC Association of Rescue And EMS spoke in support of the bill. Senator Malone moved a favorable report of the bill. The motion carried unanimously. **Favorable Report.**

SB 706 UNC-W Athletic Facilities Exemption, was explained by Senator Ballantine. Senator Clodfelter offered an amendment and moved to adopt it. The motion carried unanimously. Senator Hargett moved a favorable report as amended. The motion carried unanimously. **Favorable Report, As Amended**

HB 646 Currituck Game Commission, was explained by Rep. Owens. Senator Clodfelter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 90 46th Senatorial District Local Act, was explained by Senator Dalton. Senator Berger moved to wave the 24-hour rule. Senator Albertson moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Sen. Clodfelter moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, April 16, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **851** Amend Arboretum Bd. of Directors.
Sequential Referral: None
Recommended Referral: None

S.B. **940** Disaster Leave/Vol. Emergency Personnel.
Sequential Referral: None
Recommended Referral: None

H.B. **646** Currituck Game Commission.
Sequential Referral: None
Recommended Referral: None

FAVORABLE, AS AMENDED

S.B. **706** UNC-W Athletic Facilities Exemption.
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **492** Eden Charter Amendments.
Draft Number: PCS35238
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 5

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Monday, April 21, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B.	**90**	46th Senatorial District Local Act-2.	
		Draft Number:	PCS 85209
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes
S.B.	**494**	Carrboro Sprinklers.	
		Draft Number:	PCS 40014
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

LOCAL BILL

S.B. 494 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES.

Introduced by Senator(s) Kinnaird Kinnaird

Principal Clerk's Use Only
FILED MAR 19 2003

PASSED 1st READING
MAR 20 2003
AND REFERRED TO COMMITTEE
ON St. Gov. Loc. Gov, Vet. Affair

SB 494:
Carrboro Sprinklers

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans Affairs	**Introduced by:**	Senator Kinnaird
		Summary by:	Barbara Riley
Date:	April 15, 2003		Committee Counsel
Version:	PCS		

SUMMARY:

Senate Bill 494 authorizes the Town of Carrboro to require sprinklers in bars, clubs and other public assemblies that have gatherings of more than 100 people and sell alcoholic beverages. A sprinkler ordinance may apply to any new occupancy or to existing occupancies within a period of 3 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 SB 494 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 and 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.(ie a nightclub or the second floor or in a basement). Building code requirements are applicable to new construction only.

BILL ANALYSIS:

Senate Bill 494 allows Carrboro to adopt an ordinance that would require sprinklers in bars, clubs, and other places of public assembly that have gatherings of more than 100 persons and sell alcoholic beverages. The act applies to any new occupancy and may be made applicable to any existing occupancy within 3 years of the enactment of the ordinance.

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).

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 494

Short Title:	Carrboro Sprinklers.	(Local)
Sponsors:	Senator Kinnaird.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. A town may, by ordinance, require bars, clubs, and other similar places of public assembly that have gatherings of more than 100 persons and sell alcoholic beverages to install and maintain fire sprinkler systems in any indoor areas. Similar places of public occupancy also include dance halls, pool and billiard parlors, and music clubs.

This act applies to any new occupancy prior to issuance of a certificate of occupancy. The town may make it applicable within a period of five years from enactment of the ordinance to any existing occupancy with a rated occupancy load exceeding 100 persons.

In adopting the ordinance, the town may incorporate applicable definitions of the State fire code.

SECTION 2. This act applies to the Town of Carrboro only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 494
PROPOSED COMMITTEE SUBSTITUTE S494-CSRF-8 [v.1]

4/16/2003 10:20:24 AM

Short Title: Carrboro Sprinklers. (Local)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. The Carrboro Town Charter, being Chapter 476 of the 1987 Session Laws, as amended, is further amended by adding a new subsection 9-5(c) to read:

"(c) Notwithstanding any provision in the North Carolina State Building Code or any other provision of law, the Board of Aldermen may adopt an ordinance requiring that sprinkler systems be installed in bars, clubs, and other places of public assembly that are designed for occupancy by 100 or more persons and that sell alcoholic beverages. This ordinance may be made applicable to any new occupancy prior to issuance of a certificate of occupancy. The ordinance may also be made appliagle to any existing occupancy at the end of a period of three years following the date of enactment of the ordinance.

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

LOCAL BILL

S.B. 492

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN.

Introduced by Senator(s) Berger

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING

MAR 20 2003

AND REFERRED TO COMMITTEE

ON St. Gov. Loc. Gov.

Vet. Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 492

Short Title:	Eden Charter Amendments.	(Local)
Sponsors:	Senator Berger.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.3(d) of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, as amended, reads as rewritten:

"(d) The mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the General Laws of North Carolina, by his Charter, and by the ordinances of the ~~town.~~ city."

SECTION 2. Section 3.4 of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, reads as rewritten:

"Sec. 3.4. Compensation of Mayor and City Council. ~~The Mayor shall receive for his services such salary as the City Council shall determine, and no increase or reduction shall be made to take effect during the term in which it is voted. The City Council may establish a salary for its members and such salary may be increased or reduced but no increase shall be made to take effect during the term in which it is voted.~~ The council may fix its own compensation and the compensation of the Mayor and any other elected officers of the city by adoption of the annual budget ordinance as provided by law."

SECTION 3. Section 3.5(a) of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, as amended, reads as rewritten:

"(a) ~~The organizational meeting of the council shall be the first regular meeting after the regular city election.~~ The council may fix the date and time of its organizational meeting, provided it shall not be later than the date and time of the first regular meeting of the council in December after the results of the municipal election have been certified. The organization of the council shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or nonelection of one or more members, but at least a quorum of members must be present."

SECTION 4. Section 3.6.1 of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, as amended, reads as rewritten:

"Section 3.6.1 Notice of Meetings.

(a) Regular meetings. A schedule of the regular meetings shall be filed in the office of the city clerk and shall be posted ~~on the principal bulletin board~~ at city hall.

(b) Special meetings. Notice of special meetings shall be delivered to the mayor and each councilman or left at his usual dwelling place at least forty-eight hours before the special meeting. In addition, notice of a special meeting shall:

(1) Be posted ~~on the principal bulletin board~~ at city hall; and

(2) Be mailed or delivered to each news medium which has requested such special meeting notice. News media asking for special meeting notice shall annually request such notice in writing, filing such request with the city clerk and paying therewith an annual fee ~~of ten dollars~~ as established by the council to cover the costs of providing such notice.

(c) Emergency meetings. Notice of emergency meetings shall be delivered to the mayor and each councilman or left at his usual dwelling place at least six hours before the emergency meeting. In addition, notice of an emergency meeting shall be given to each local news medium which has filed a written request for notice with the city clerk. Notice shall be given to each such local news medium by telephone or by delivering such notice to the principal local office of such news medium at least six hours before an emergency meeting.

(d) The city manager shall cause all notices to be posted, mailed, delivered or telephoned as required by this section."

SECTION 5. Section 4.3 of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, is repealed.

SECTION 6. Section 5.2 of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, reads as rewritten:

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

SECTION 7. Article VII of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, is repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 492

State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 4/16/03

Short Title: Eden Charter Amendments. (Local)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.3(d) of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, as amended, reads as rewritten:

"(d) The mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the General Laws of North Carolina, by his Charter, and by the ordinances of the ~~town.~~ city."

SECTION 2. Section 3.5(a) of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, as amended, reads as rewritten:

"(a) ~~The organizational meeting of the council shall be the first regular meeting after the regular city election.~~ The council may fix the date and time of its organizational meeting, provided it shall not be later than the date and time of the first regular meeting of the council in December after the results of the municipal election have been certified. The organization of the council shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or nonelection of one or more members, but at least a quorum of members must be present."

SECTION 3. Section 3.6.1 of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, as amended, reads as rewritten:

"Section 3.6.1 Notice of Meetings.

(a) Regular meetings. A schedule of the regular meetings shall be filed in the office of the city clerk and shall be posted ~~on the principal bulletin board~~ at city hall.

(b) Special meetings. Notice of special meetings shall be delivered to the mayor and each councilman or left at his usual dwelling place at least forty-eight hours before the special meeting. In addition, notice of a special meeting shall:

(1) Be posted ~~on the principal bulletin board~~ at city hall; and

(2) Be mailed or delivered to each news medium which has requested such special meeting notice. News media asking for special meeting notice shall annually request such notice in writing, filing such request with the city clerk and paying therewith an annual fee ~~of ten dollars~~ as established by the council to cover the costs of providing such notice.

(c) Emergency meetings. Notice of emergency meetings shall be delivered to the mayor and each councilman or left at his usual dwelling place at least six hours before the emergency meeting. In addition, notice of an emergency meeting shall be given to each local news medium which has filed a written request for notice with the city clerk. Notice shall be given to each such local news medium by telephone or by delivering such notice to the principal local office of such news medium at least six hours before an emergency meeting.

(d) The city manager shall cause all notices to be posted, mailed, delivered or telephoned as required by this section."

SECTION 4. Section 4.3 of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, is repealed.

SECTION 5. Section 5.2 of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, reads as rewritten:

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

SECTION 6. Article VII of the Charter of the City of Eden, being Chapter 967 of the Session Laws of 1967, is repealed.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

S. B. No. 492

COMMITTEE SUBSTITUTE _____

DATE April 16, 2003

Amendment No. _____
(to be filled in by Principal Clerk)

Rep.)
) BERGER
Sen.)

moves to amend the bill on page 1, lines 10-18

( ) WHICH CHANGES THE TITLE

by deleting Section 2 and re-numbering the remaining sections accordingly.

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

PUBLIC BILL

S.B. 851 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON MAY BE REAPPOINTED TO THE BOARD OF DIRECTORS OF THE ARBORETUM AFTER ONE YEAR'S ABSENCE FROM THE BOARD.

Introduced by Senator(s) Metcalf

Principal Clerk's Use Only

FILED APR 2 2003

PASSED 1st READING

APR 3 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov. Vet. Affairs

SB 851:
Amend Arboretum Bd. of Directors

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans Affairs	**Introduced by:**	Senator Metcalf
		Summary by:	Barbara Riley Committee Counsel
Date:	April 15, 2003		
Version:	1st Edition		

SUMMARY: ***Allows members of the Board of Directors of the North Carolina Arboretum who have served the maximum consecutive terms allowed to be reappointed after a one year absence from the Board.***

BILL ANALYSIS:

The North Carolina Arboretum was established pursuant to Article 30 of Chapter 116 of the General Statutes. It was set up on land provided by the US Forest Service from property that was known as the Bent Creek Experimental Forest. The Arboretum is charged with maintaining plantings that are fully representative of Western North Carolina.

The North Carolina Arboretum is administered by The University of North Carolina through a Board of Directors. The statute governing the Board of Directors, G.S. 116-243, currently provides that a member of the Board may serve two full four-year terms after which the member may not be reappointed for at least four years. House Bill 851 would shorten the time that a member would have to be absent from the Board before being reappointed from four years to one year.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 851

Short Title:	Amend Arboretum Bd. of Directors.	(Public)
Sponsors:	Senator Metcalf.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON MAY BE REAPPOINTED TO THE BOARD OF DIRECTORS OF THE ARBORETUM AFTER ONE YEAR'S ABSENCE FROM THE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-243 reads as rewritten:

"**§ 116-243. Board of directors established; appointments.**

A board of directors to govern the operation of the Arboretum is established, to be appointed as follows:

(1) Two by the Governor, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year terms;

(2) Two by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the President Pro Tempore of the Senate, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year terms;

(3) Two by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the Speaker of the House of Representatives, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year terms;

(4) The President of The University of North Carolina or his designee to serve ex officio;

(5) The chancellors, chief executive officers, or their designees of the following institutions of higher education: North Carolina State University, Western Carolina University, The University of North Carolina at Asheville, Mars Hill College, and Warren Wilson College, to serve ex officio;

(6) The President of Western North Carolina Arboretum, Inc., to serve ex officio;

(7) Six by the Board of Governors of The University of North Carolina, initially, three for one-year terms, and three for three-year terms. Successors shall be appointed for four-year terms. One shall be an active grower of nursery stock, and one other shall represent the State's garden clubs;

(8) The executive director of the Arboretum and the Executive Vice President of Western North Carolina Development Association shall serve ex officio as nonvoting members of the board of directors.

All appointed members may serve two full four-year terms following the initial appointment and then may not be reappointed until they have been absent for at least ~~four years.~~ one year. Members serve until their successors have been appointed. Appointees to fill vacancies serve for the remainder of the unexpired term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Initial terms begin July 1, 1986.

The chairman of the board of directors shall be elected biennially by majority vote of the directors.

The executive director of the Arboretum shall report to the board of directors."

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

PUBLIC BILL

S.B. 940 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS, RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY SITUATION RESULTING IN THE ACTIVATION OF THE STATE EMERGENCY RESPONSE TEAM.

Introduced by Senator(s) Kerr

Principal Clerk's Use Only

FILED APR 2 2003

PASSED 1st READING

APR 3 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc Gov Vet. Affairs

SENATE BILL 940:
Disaster Leave/Vol. Emergency Personnel

BILL ANALYSIS

Committee:	Senate State and Local Govt., & Veterans' Affairs	**Introduced by:**	Senator Kerr
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	April 16, 2003		
Version:	First Edition		

SUMMARY: This act would enable voluntary firefighters, rescue squad workers, and emergency medical service personnel to preserve their vacation or accrued leave when called upon to provide emergency services.

BILL ANALYSIS:

Section 1:

- Subparagraph (a): Allows members of a volunteer fire department, rescue squad, or emergency medical services agency, who have been called into State service, to take leave without pay from their civilian employment. It also allows the member to preserve their regular leave, i.e., they cannot be forced to exhaust accrued leave. The leave without pay option would be available where the member is:
    - Called into service after a proclamation of a state of disaster by the Governor, or
    - Upon the activation of the State Emergency Response Team [SERT] in response to a disaster or emergency
- Subparagraph (b): The Director of the Division of Emergency Management, or the head of a local Emergency Management Agency must request, in writing, the member's services as a prerequisite to the leave without pay option.
- Subparagraph (c): For the purposes of the section, a disaster or emergency requiring the activation of the SERT means a disaster or emergency at Activation Level 2 or greater, according to the North Carolina State Emergency Operations Plan (November 2002). Activation Level 2 requires the State Emergency Operations Center to be fully activated with 24-hour staffing from all SERT members.
- Subparagraph (d): The Commissioner of Labor is the official with enforcement authority.

Section 2: The act is effective when it becomes law, and applies to members called into service under the terms set forth in the act after the effective date.

CURRENT LAW:

127A-111. Civilian Leave Option. N.C. National Guard members called into service by the Governor have the right to take leave without pay from their civilian employer.

127A-116. Leaves of absence for State officers and employees. The Governor or his designee shall adopt policies relating to leaves of absence for short periods of military duty and for State or federal military duty or special emergency management service of all State employees.

S940-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 940

Short Title:	Disaster Leave/Vol. Emergency Personnel.	(Public)
Sponsors:	Senator Kerr.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS, RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY SITUATION RESULTING IN THE ACTIVATION OF THE STATE EMERGENCY RESPONSE TEAM.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 166A of the General Statues is amended by adding a new section to read:

"**§ 166A-17. Leave options for voluntary firefighters, rescue squad workers, and emergency medical service personnel called into service.**

(a) A member of a volunteer fire department, rescue squad, or emergency medical services agency called into service of the State after a proclamation of a state of disaster by the Governor or by the General Assembly, or upon the activation of the State Emergency Response Team in response to a disaster or emergency, shall have the right to take leave without pay from his or her civilian employment. No member of a volunteer fire department, rescue squad, or emergency medical services agency shall be forced to use or exhaust his or her vacation or other accrued leave from his or her civilian employment for a period of active service. The choice of leave shall be solely within the discretion of the member.

(b) For the volunteer member to be entitled to take leave without pay pursuant to this section, his or her services shall be requested in writing by the Director of the Division of Emergency Management or by the head of a local Emergency Management Agency. The request shall be directed to the Chief of the member's volunteer fire department, rescue squad, or emergency medical services agency and a copy shall be provided to the member's employer.

(c) For purposes of this section, a disaster or emergency requiring the activation of the State Emergency Response Team means a disaster or emergency at Activation Level 2 or greater according to the North Carolina State Emergency Operations Plan of November 2002. Activation Level 2 requires the State Emergency Operations Center to be fully activated with 24-hour staffing from all State Emergency Response Team members.

(d) The Commissioner of Labor shall enforce the provisions of this section pursuant to Chapter 95 of the General Statutes."

SECTION 2. This act is effective when it becomes law and applies to any volunteer firefighter, rescue squad worker, or emergency medical services personnel called into service of the State after the proclamation of a state of disaster or the activation of the State Emergency Response Team occurring on or after that date.

PUBLIC BILL

S.B. 706 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW UNC-WILMINGTON TO ADD BLEACHERS TO AN EXISTING ATHLETIC STADIUM WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES.

Introduced by Senator(s) Ballantine

Principal Clerk's Use Only

FILED APR 1 2003

PASSED 1st READING
APR 2 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc. Gov, Vet. Affairs

SENATE BILL 706:
UNC-W Athletic Facilities Exemption

BILL ANALYSIS

Committee:	Senate State and Local Govt., & Veterans' Affairs	**Introduced by:**	Sen. Ballantine
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	April 16, 2003		
Version:	First Edition		

SUMMARY: ***This act would allow UNC-Wilmington to add bleachers to its athletic stadium without compliance to applicable building codes. The act is effective when it becomes law, and expires on July 1, 2004.***

BILL ANALYSIS:

Section 1: The act would exempt UNC-W from the Building Code requirements for toilet facilities at its existing athletic stadium until July 1, 2004.

Section 2: The act is effective when it becomes law, and expires on July 1, 2004.

CURRENT LAW: Based upon occupancy, the North Carolina Building Code provides for a minimum number of water closets, urinals, lavatories, and drinking fountains.

Athletic Stadiums -- Table 403.1

Over 400 persons:

Type	Male	Female	Total	Additional
Water Closets	4	12		Over 400, add 1 fixture each 300 males, each 100 females
Urinals	5			Over 400, add 1 fixture each 200 males
Lavatories			4	Over 400, add 1 fixture each 200 persons
Drinking Fountains			1 per 500	Over 1000, 2 fixtures plus 1 each 1000 persons

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 706

Short Title:	UNC-W Athletic Facilities Exemption.	(Public)
Sponsors:	Senator Ballantine.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW UNC-WILMINGTON TO ADD BLEACHERS TO AN EXISTING ATHLETIC STADIUM WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any requirements for additional plumbing facilities imposed under Section 403.3.1.4, Table 403.1, and Table 403.4 of Chapter 4 of the North Carolina Plumbing Code, 2002 Edition, the University of North Carolina at Wilmington, as part of its addition of bleachers to an existing athletic stadium, shall not be required to provide toilet facilities in addition to those facilities currently existing at the stadium.

SECTION 2. This act is effective when it becomes law and expires July 1, 2004.

68365 SHIELDS BUSINESS FORMS, RALEIGH, NC 27605

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE April 16, 2003

S. B. No. 706 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) CLODFELTER
)
Sen.)

moves to amend the bill on page 1, lines 12-13

( ) WHICH CHANGES THE TITLE

by deleting the words "and expires July 1, 2004." and inserting a period after the word "law."

SIGNED David G. Clodfelter

ADOPTED ✓ FAILED _____ TABLED _____

LOCAL BILL

H.B. 0646

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION.

Introduced by Representative(s): Owens.

Principal Clerk's Use Only

PASSED 1st READING
MAR 25 2003
AND REFERRED TO COMMITTEE
ON Wildlife Resources

The Committee on Wildlife Resources a majority being present, having ... this bill, recommend that it do ...
Rep. Barbee
For the Committee

REPORTED FAVORABLY APR 9 2003

PURSUANT TO RULE 36(b)
APR 9 2003
PLACED ON CALENDAR
OF 4-10-03

PASSED 2nd & 3rd READING
APR 10 2003
ORDERED SENT TO SENATE
Denise Weeks

RECEIVED
APR 11 2003
From the House of Representatives
by Clerk AP 9:15 AM

PASSED 1st READING
APR 14 2003
AND REFERRED TO COMMITTEE
St. Govt. Loc. Gov't
Vet. Affairs

HOUSE BILL 646:
Currituck Game Commission

BILL ANALYSIS

Committee:	Senate State/Local Government & Veterans Affairs	**Introduced by:**	Representative Owens
		Summary by:	Barbara Riley Committee Counsel
Date:	April 15, 2003		
Version:	1st Edition		

SUMMARY:

House Bill 646 changes the current method of selecting the members of the Currituck County Game Commission.

CURRENT LAW:

The Currituck County Game Commission consists of 5 members selected and appointed by the board of County Commissions. S.L. 57-1436 set forth the geographic areas of the county from which each member would be drawn. These areas included the district south of the Narrows, North of the Narrows, south of the northerly end of Church's Island on the west side of the sound, north of Church's Island on the easterly side of the Sound and north of Currituck Courthouse on the westerly side of the sound.

BILL ANALYSIS

House Bill 646 provides that the County Commissioners shall select one member of the Game Commission from each of the four townships in the County and one member shall be appointed to serve at large. The bill would not effect the terms of the current membership of the Commission.

The act becomes effective June 1, 2003.

HOUSE BILL 646

Short Title:	Currituck Game Commission.	(Local)
Sponsors:	Representative Owens.	
Referred to:	Wildlife Resources.	

March 25, 2003

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of Chapter 1436 of the 1957 Session Laws, as amended by Chapter 622 of the 1981 Session Laws, reads as rewritten:

"Sec. 5. A Game Commission of Currituck County is hereby created which Commission shall consist of five members, each of whom shall be thoroughly acquainted with migratory water fowl shooting both ashore and afloat. The Game Commission shall be selected and appointed by the Board of County Commissioners of Currituck County, but no member shall be removed except upon the unanimous vote of all the members of the board of commissioners. ~~One member of said Commission shall be chosen from the district South of the Narrows, on from the district North of the Narrows and South of the northerly end of Church's Island, one from the district North of Church's Island on the westerly side of the Sound, one from the district North of Church's Island on the easterly side of the Sound, and one from the district North of Currituck Courthouse on the westerly side of the Sound.~~ One member shall be chosen from each of the four townships of Currituck County and one member shall be appointed to serve at large. In the event of a vacancy, successors to the members of the Commission shall be similarly appointed.

The members of said Game Commission shall be appointed by the board of county commissioners on the first Monday in July, 1957 and thereafter on the first Monday of June of each year as terms expire, and shall hold their offices for terms of two years, or until their successors are appointed and qualified, provided the terms of those appointed on the first Monday of July, 1957, shall expire on the first Monday of June, ~~1959. Provided~~ 1959, and provided that present members serving on date of ratification shall finish their ~~term.~~terms.

The said Game Commission acting with the North Carolina Wildlife Resources Commission shall have charge of the enforcement of this and all migratory wild fowl

game laws in Currituck County, and the said Game commission acting with the North Carolina Wildlife Resources Commission shall have the power and authority to prescribe rules and regulations for the enforcement of such game laws and the protection of wild fowl life in said county, not inconsistent with the provisions of this Act. It is expressly provided that said Game Commission may establish sanctuaries or rest areas in which no wild fowl may be shot, hunted or disturbed."

SECTION 2. This act becomes effective June 1, 2003.

LOCAL BILL

S.B. 90

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

Introduced by Senator(s) Dalton

Principal Clerk's Use Only

FILED FEB 18 2003

PASSED 1st READING

FEB 19 2003

AND REFERRED TO COMMITTEE

ON Rules

WITH UNANIMOUS CONSENT

WITHDRAWN FROM

Rules

APR 14 2003

RE-REFERRED TO

St. Govt. Loc. Govt.

Vet. Affairs

SB 90:
Cleveland Co. Sanitary Dist. Salaries

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans Affairs	**Introduced by:**	Senator Dalton
		Summary by:	Barbara Riley Committee Counsel
Date:	April 15, 2003		
Version:	PCS		

SUMMARY:

Senate Bill 90 allows the Cleveland County Sanitary Board to set compensation for its members.

BILL ANALYSIS:

G.S. 130A-56 currently provides that a county sanitary district board may set the compensation of its members by ordinance. The amount may not exceed $150 per month and any increase voted may not become effective before the first meeting of the board after the next election of board members. If the board does not adopt an ordinance (or until such an ordinance is adopted) members of the sanitary district board may receive a per diem as provided for in G.S. 138-5; $15 per day plus travel and subsistence.

Senate Bill 90 would allow the Cleveland County Sanitary Board to set the compensation and allowances of the chairman and members by inclusion of the compensation and allowances in the annual budget ordinance. Compensation and allowances are to be paid from the funds of the Sanitary District.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 90

Short Title:	46th Senatorial District Local Act-2.	(Local)
Sponsors:	Senator Dalton.	
Referred to:	Rules and Operations of the Senate.	

February 19, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 46th Senatorial District.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S **2**

SENATE BILL 90

State Government, Local Government, and Veterans' Affairs Comittee Substitute Adopted 4/21/03

Short Title: Cleveland County Sanitary District Salaries (Local)

Sponsors:

Referred to:

February 19, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CLEVELAND COUNTY SANITARY BOARD TO SET COMPENSATION FOR ITS MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-56(c) reads as rewritten:

"(c) The board ~~may, by ordinance,~~ may fix the compensation ~~of its members in an amount not to exceed one hundred fifty dollars ($150.00) per month, payable from the funds of the district, but no increase may become effective earlier than the first meeting of the board following the next election of board members after adoption of the ordinance. Until adoption of an ordinance under this subsection, each member of the board may receive compensation as provided for members of State boards under G.S. 138-5, payable from funds of the district~~ and allowances of its chairman and the other members of the board by inclusion in and adoption of the compensation and allowances in the annual budget ordinance. The compensation and allowances shall be payable from the funds of the district."

SECTION 2. This act applies only to the Cleveland County Sanitary District.

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — April 16, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Phelps	NCLM
David Crawford	AIA North Carolina
Ronnie Hahn	Assoc. Fire Prot.
Gordon A Joyner	NC Assoc of Rescue & EMS
Andrew Needham	NC Assoc. of Elec. Coops
Mary Thomas	REBIC
R. Carl Wilson	NCHBA
Stephen Simpson	NCAR
Ken McHan	Alley Associates
Kevin Howell	Sen. Ballantine
Dan Sing	CIAC

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — April 16, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chad Hinton	Intern Sen Ballantine

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS' AFFAIRS COMMITTEE
Wednesday, April 23, 2003 at 12:00 noon
Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

BILL NO.	SHORT TITLE	SPONSOR
• SB 623	Anti-Hacker Attack Analysis	Sen. Reeves
• SB 83	11th Senatorial District Local Act-1	Sen. Swindell
• SB 102	30th Senatorial District Local Act-1	Sen. Garwood
• SB 243	Name Halifax-North Hampton Airport Autl	Sen. Holloman
• SB 430	4th Senatorial District Local Act-1	Sen. Holloman
• SB 443	Charlotte Charter Nondiscrimination Policy	Sen. Dannelly
• SB 493	Carrboro Inclusionary Zoning	Sen. Kinnaird
• SB 788	State Personnel Act Changes	Sen. Reeves
• HB 645	Currituck County Annexation Limitation	Rep. Owens
• SB 819	Use of State Prop./Blount St. Historic Dist.	Sen. Rand

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, APRIL 23, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met April 23, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Thirteen members were present, including Senator Ellie Kinnaird, who presided.

SB 430 4th Senatorial District Local Act –1 and **SB 443** Charlotte Charter Nondiscrimination Policy were removed for the Agenda.

HB 645 Currituck County Annexation Limitation, was explained by Rep. Owens. Sen. Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 819 Use of State Prop. /Blount St. Historic Dist. Was explained by Senator Rand. Sen. Sloan moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 623 Anti-Hacker Attack Analysis, was explained by Senator Reeves. Senator Albertson moved to wave the 24-hour rule. . Lt. Gov. Purdue spoke on the bill. George Bakolia, from the State Information Technology Office answered questions. Sen. Berger moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

SB 788 State Personnel Act Changes was explained by Sen. Reeves. Senator Stevens moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. There was on discussions and no vote on the bill.

SB 83 11th Senatorial District Local Act was explained by Senator Swindell. Senator Queen moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Sen. Sloan moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

SB 102 30th Senatorial District Local Act – 1 was explained by Senator Garwood. Senator Garwood moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Sen. Weinstein moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

SB 243 Name Halifax North Hampton Airport Autl. was explained by Sen. Holloman. Sen. Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

Senator Kinnaird asked Senator Soles to chaired the meeting while she explained her bill.

SB 494 Carrboro Sprinklers was explained by Sen. Kinnaird. Senator Berger moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Sen. Kinnaird moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

SB 493 Carrboro Inclusionary Zoning was explained by Senator Kinnaird. Senator Kinnair moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Mike Brough, Town Manager Town of Carrboro explained why the Town of Carrboro wanted the legislation. Alex Zaffron Mayor Pro Temp Town of Carrboro spoke in favor of the bill. Christine Westfall and Martha Isleib, Orange Community Housing and Land Trust spoke in favor of the bill. Tim Minton, NC Home Builders Assoc. spoke against the bill. Sen. Smith moved for an unfavorable report. Senator Dorsett made a substitute motion. Senator Dorsett withdrew her motion. Senator Soles adjourned the meeting.

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, April 23, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B. **243** Name Halifax-Northampton Airport Authority.
Sequential Referral: None
Recommended Referral: None

S.B. **819** Use of State Prop./Blount St. Historic Dist.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **645** Currituck County Annexation Limitation.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **102** 30th Senatorial District Local Act-1.
Draft Number: PCS 40008
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Thursday, April 24, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **83** 11th Senatorial District Local Act-1.

Draft Number:	PCS 40031
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **623** Anti-Hacker Attack Analysis.

Draft Number:	PCS 85221
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2

S.B.(CS #1) **494** Carrboro Sprinklers.

Draft Number:	PCS 35257
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

~~PUBLIC BILL~~

LOCAL BILL

no RC

title change

~~Proposed~~ Committee Substitute For
H.B. 645

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT NO GOVERNMENT ENTITY OUTSIDE OF CURRITUCK COUNTY MAY ANNEX ANY PORTION OF CURRITUCK COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO CURRITUCK COUNTY.

Introduced by Representative(s): Owens

Principal Clerk's Use Only

The Committee on Local Govt I
a majority being present, having considered
this bill, recommend that it do pass

D.D. Walker
For the Committee

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL

APR 9 2003 TITLE CHANGE

AND PLACED ON CALENDAR FOR
366

4-10-03

RECEIVED
APR 11 2003
From House of Representatives
By Clerk AM/PM

PASSED 1st READING
APR 14 2003
AND REFERRED TO COMMITTEE
on H. Gov, Loc. Gov
Vet. Affairs

VV VV
PASSED 2nd & 3rd READING
APR 10 2003
ORDERED SENT TO SENATE

Denise Walker

HOUSE BILL 645:
Currituck County Annexation Limitation

BILL ANALYSIS

Committee:	Senate State/Local Government & Veterans Affairs	**Introduced by:**	Representative Owens
		Summary by:	Theresa Matula Committee Staff
Date:	April 15, 2003		
Version:	Second Edition		

SUMMARY: ***House Bill 645 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: House Bill 645 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 incorporated areas in Currituck County. The two closest municipalities are Duck in Dare County and Elizabeth City in Pasquotank County.

BACKGROUND: In the past, similar provisions were enacted for Davie County (Chapter 91 of the 1981 Session Laws) and Forsyth County (Chapter 453 of the 1973 Session Laws). The provision for Davie County provided an exception for annexation by a city located primarily outside of Davie County pursuant to provisions for annexation by petition under G.S. 160A-31.

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

* *R. Erika Churchill substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 645
Committee Substitute Favorable 4/9/03

Short Title: Currituck County Annexation Limitation. (Local)

Sponsors:

Referred to:

March 25, 2003

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT NO GOVERNMENT ENTITY OUTSIDE OF CURRITUCK COUNTY MAY ANNEX ANY PORTION OF CURRITUCK COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO CURRITUCK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, no government entity outside of Currituck County may annex any territory within Currituck County or extend its extraterritorial jurisdiction into Currituck County.

SECTION 2. This act applies to Currituck County only.

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

PUBLIC BILL

S.B. 819

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

Introduced by Senator(s) Rand Rand

Principal Clerk's Use Only

FILED APR 2 2003

PASSED 1st READING

APR 3 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc Gov. Vet. Affairs

SB 819:
Use of State Property/Blount St. Hist. District

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans' Affairs	**Introduced by:**	Senator Rand
		Summary by:	Barbara Riley Committee Counsel
Date:	April 22, 2003		
Version:	1st Edition		

SUMMARY:

Senate Bill 819 directs the Department of Administration to modify the Capital Area Master Plan to provide for the sale of State owned properties to private and public entities. The bill also establishes the Blount Street Historic District Oversight Commission to monitor the implementation of the modified plan for the Blount Street Historic District.

BILL ANALYSIS:

Senate Bill 819 provides for the modification of the Capital Area Master Plan and provides for the sale of State owned properties in the Blount Street Historical District. The District is comprised of the area bordered by North Person Street, Jones Street, North Wilmington Street and Peace Street, except for the Leonidas Lafayette Polk House.

Properties may be sold as the Department of Administration determines that the land is no longer needed for State purposes. Preservation or conservation agreements will be required on all sales to ensure that the use of the property is consistent with the historic and architectural character of the District. The bill makes the Historic Preservation Foundation of North Carolina, Inc. a party to all preservation or conservation agreements entered into under the act, and the Foundation is authorized to enforce the agreements.

Properties are to be sold by private negotiation and sale, and all sales must be approved by the State Property Office. When a property is to be sold for use as other than a private residence, the property shall be advertised for sale at least 45 days prior to any negotiations for the sale. Also an announcement of the terms of the proposed sale and the opportunity for public comment must be made at least 45 days prior to the sale. If a property is to be sold as a private residence, the property shall be advertised at least 45 days prior to any negotiations for sale.

The net proceeds of any sales shall be used first in accordance with any trust provisions or title instruments under which the State acquired title to the property. The next $10 million dollars shall be placed in a special trust fund in the Department of State Treasurer to be used solely for the upkeep, repair, and maintenance of State owned properties within the Blount Street Historic District not to be sold under this act. The remainder of the funds go to the General Fund.

The act also creates the Blount Street Historic District Oversight Committee whose purpose shall be to monitor the implementation of this act. The Committee shall consist of 6 members, 2 each appointed by the Governor, President Pro Tem and Speaker. The Department of Administration must submit to the Committee a plan and a schedule to implement the act. The plan is to provide for the sale of any property that is vacant for more than 3 months.

The bill also amends the General Statutes establishing the Executive Mansion Fine Arts Committee to add the responsibility of advising the Secretary of Cultural Resources on the use of funds from the trust created by this act to the extent that the funds are used for the upkeep of the Executive Mansion.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 819

Short Title:	Use of State Prop./Blount St. Historic Dist.	(Public)
Sponsors:	Senator Rand.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

Whereas, the North Carolina Capital Planning Commission adopted a master plan for the State government complex in Raleigh; and

Whereas, recommendations in the master plan for the Blount Street Historic District include: (i) the introduction of residential land uses, (ii) infill along Blount Street with structures equal to the quality of existing structures, (iii) the systematic removal of most State offices from the existing structures, and (iv) the adaptive reuse for private residences of structures previously used for State office space; and

Whereas, implementation of the master plan will result in (i) the moving of State offices to more efficient structures, (ii) the preservation of historical structures and the historic district, and (iii) the revitalization of the area consistent with the principles of smart growth development; and

Whereas, the adaptation of property in this area to mixed residential and business use should be accomplished by the private sector and not by State government; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Modification of the Capital Area Master Plan to provide for the sale of certain properties. – Prior to May 1, 2004, the Department of Administration and the Capital Planning Commission shall modify the Capital Area Master Plan for State Government to provide for the sale to private or public entities of State-owned properties within and adjacent to the Blount Street Historic District, an area bordered by North Person Street, Jones Street, North Wilmington Street, and Peace Street, except for the Leonidas Lafayette Polk House, on Blount Street, which shall be excluded from the sales provisions hereof. The sales shall take place at such times as the Department of Administration determines that land is no longer needed for State purposes and that it is in the best interest of the State that the land be sold.

SECTION 1.(b) Preservation or conservation agreements required on all sales. – The sale of property in this area shall be subject to preservation or conservation agreements as defined in G.S. 121-35 that ensure that the use of the property is consistent with the historic and architectural character of the district. The Historic Preservation Foundation of North Carolina, Inc., shall be a party to all preservation or conservation agreements entered into pursuant to this act. The Historic Preservation Foundation of North Carolina, Inc., is authorized to enforce such agreements in accordance with G.S. 121-39.

SECTION 1.(c) Procedures for the sale of properties. – Due to (i) the significant architectural, archaeological, artistic, cultural, or historical associations of these properties, (ii) the properties' relationship to other property that is significant for architectural, archaeological, artistic, cultural, or historical associations, and (iii) the requirement that a preservation agreement or conservation agreement as defined in G.S. 121-35 is placed in the deed conveying said property from the State, these properties shall be sold by private negotiation and sale, and all such sales shall be approved by the State Property Office.

When a property available for sale is not to be sold and used as a private residence, advertisement of the availability of that property for sale shall occur at least 45 days prior to any private negotiations for the sale of that property. Also, an announcement of the terms of the proposed sale and an opportunity for public comment on the proposed sale shall occur at least 45 days prior to the sale.

When a property available for sale is to be sold and used as a private residence, advertisement of the availability of that property for sale shall occur at least 45 days prior to any private negotiations for the sale of that property. The property may then be sold without a 45-day public comment period.

The Department of Administration shall use the services of the Historic Preservation Foundation of North Carolina, Inc., to assist it in the administration of this act.

SECTION 2. Use of the net proceeds of sales. – The net proceeds of any sale made in accordance with this act shall be handled in the following priority order:

(1) The funds shall be used in accordance with the provisions of any trust or other instrument of title under which title to the real property was acquired by the State. The term "net proceeds" means the gross amount received from the sale of any such property less any expenses incurred incident to that sale, subject to regulations adopted by the Governor and approved by the Council of State.

(2) The next ten million dollars ($10,000,000) of the funds shall be placed in a special trust fund in the Department of State Treasurer, hereinafter to be held in trust and used solely for the upkeep, repair, and maintenance of State-owned properties not to be sold hereunder and located within the Blount Street Historic District. The State Treasurer, as custodian of the special trust fund, shall authorize the use of interest earned by the special trust fund only for such purposes approved by the Governor and the Secretary of Cultural Resources. The State

Treasurer shall authorize the use of the principal only as authorized by the General Assembly and approved by the Governor and the Secretary of Cultural Resources.

(3) The remainder of the funds shall be deposited in the General Fund.

SECTION 3.(a) Establishment of the Blount Street Historic District Oversight Committee. – The Blount Street Historic District Oversight Committee is established in the Office of the Governor.

SECTION 3.(b) Membership of the Committee. – The Committee shall consist of six members appointed as follows:

(1) Two members appointed by the Governor, one of whom shall be a person with experience in urban planning;

(2) Two members appointed by the President Pro Tempore of the Senate, one of whom shall be a person with experience in historic preservation; and

(3) Two members appointed by the Speaker of the House of Representatives, one of whom shall be a resident of Historic Oakwood in Raleigh.

In making initial appointments to the Committee, the appointing officers shall designate one appointee to serve for a term of four years ending July 1, 2007, and one a term of six years ending July 1, 2009. Subsequent terms shall be for four years. A member shall continue to serve until the member's successor is appointed. A vacancy shall be filled for the remainder of the term by the officer who made the original appointment.

In making all appointments, the appointing officer shall consider the unique historic and architectural nature of the area and shall appoint people who are dedicated to preserving it.

SECTION 3.(c) Purpose of the Committee. – The purpose of the Committee shall be to monitor the implementation of this act.

SECTION 4. Implementation plan for this act. – Prior to September 1, 2003, the Department of Administration shall submit to the Blount Street Historic District Oversight Committee a plan for the implementation of this act and a schedule for implementation of the plan. The plan shall provide for the sale of any property that is vacant for more than three months. The plan may also provide for the sale of property in separate parcels.

SECTION 5. G.S. 143B-79 reads as rewritten:

"**§ 143B-79.** Executive Mansion Fine Arts Committee – creation, powers and duties.

There is hereby created the Executive Mansion Fine Arts Committee. The Executive Mansion Fine Arts Committee shall have the following functions and duties:

(1) To advise the Secretary of Cultural Resources on the preservation and maintenance of the Executive Mansion located at 200 North Blount Street, Raleigh, North Carolina;

(2) To encourage gifts and objects of art, furniture and articles of historical value for furnishing the Executive Mansion, and advise the

Secretary of Cultural Resources on major changes in the furnishings of the Mansion;

(3) To make recommendations to the Secretary of Cultural Resources concerning major renovations necessary to preserve and maintain the structure;

(4) To aid the Secretary of Cultural Resources in keeping a complete list of all gifts and articles received together with their history and value;

(4a) To advise the Secretary of Cultural Resources on the use of funds from the special trust fund held in trust by the State Treasurer for the upkeep, repair, and maintenance of State-owned property located within the Blount Street Historic District to the extent that such funds are to be used for the upkeep, repair, and maintenance of the Executive Mansion. These funds shall not be expended without the approval of the Committee;

(5) No gifts or articles shall be accepted for the Executive Mansion without the approval of the Committee;

(6) The Committee shall advise the Secretary of Cultural Resources upon any matter the Secretary may refer to it; and

(7) The Committee may dispose of property held in the Executive Mansion after consultation with a review committee comprised of one person from the Executive Mansion Fine Arts Committee, appointed by its chairman; one person from the Department of Administration appointed by the Secretary of Administration; and two qualified professionals from the Department of Cultural Resources, Division of Archives and History, appointed by the Secretary of Cultural Resources. Upon request of the Executive Mansion Fine Arts Committee, the review committee will view proposed items for disposition and make a recommendation to the North Carolina Historical Commission who will make a final decision. The Historical Commission must consider whether the disposition is in the best interest of the State of North Carolina. If such property is sold, (i) if the records with regard to the property reflect that it was acquired by the State by gift or devise the net proceeds of each such sale shall be deposited in the State Treasury to the credit of the Executive Mansion, Special Fund, and shall be used only for the purchase, conservation, restoration or repair of other property for use in the Executive Mansion and; (ii) if the records with regard to the property reflect that the property was acquired by the State by purchase with appropriated funds or do not show the manner of acquisition, the net proceeds of such sale shall be deposited in the General Fund."

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

PUBLIC BILL

S.B. 623

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT RELATING TO ANTI-HACKER ATTACK ANALYSIS.

Introduced by Senator(s) Reeves

Principal Clerk's Use Only

FILED MAR 3 1 2003

PASSED 1st READING

APR 1 2003

AND REFERRED TO COMMITTEE ON Rules

WITH UNANIMOUS CONSENT WITHDRAWN FROM Rules

APR 16 2003

RE-REFERRED TO St. Gov, Loc. Gov, Vet. Affairs

SB 623:
Anti Hacker Attack Analysis

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans' Affairs	**Introduced by:**	Senator Reeves
		Summary by:	Barbara Riley Committee Counsel
Date:	April 22, 2003		
Version:	PCS		

SUMMARY:

Senate Bill 623 directs the State Information Officer to assess the capability of State agencies to comply with the current security standards.

BILL ANALYSIS:

The Office of Information Technology Services was established in 1999 and was transferred to the Governor's office in 2000. S.L. 1999-434, S.L. 2000-174. The powers and duties of the State Chief Information Officer and the Office of Information Technology Services include the establishment of an enterprise-wide set of standards for information technology security to maximize the function, security, and interoperability of the State's info technology assets. G.S. 147-33.82(c).

Senate Bill 623 requires the State Chief Information Officer to assess the ability of each State agency to comply with the security standards. At minimum the assessment shall cover each agency's rate of compliance with the standards, security organization, network security, architecture, their current expenditures for information technology security, and estimates of the cost to fully comply with the security standards. Agencies must submit information to the State Chief Information Officer on request. The Officer shall submit a public report summarizing the assessments to the Information Resources management Commission and the Joint Legislative Commission on Governmental Operations at least annually.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 623

Short Title:	Anti-Hacker Attack Analysis.	(Public)
Sponsors:	Senator Reeves.	
Referred to:	Rules and Operations of the Senate.	

April 1, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO ANTI-HACKER ATTACK ANALYSIS.

The General Assembly of North Carolina enacts:

SECTION 1. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 623
PROPOSED COMMITTEE SUBSTITUTE S623-CSLR-17 [v.1]

4/22/2003 5:49:06 PM

Short Title: IT Gap Analysis/"Hack Attack". (Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE EVALUATION OF THE STATE'S INFORMATION TECHNOLOGY SECURITY POLICY AND STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 147-33.82 is amended by adding a new subsection to read:

"(e1) The State Chief Information Officer shall assess the ability of each agency to comply with the current security enterprise-wide set of standards established pursuant to this section. The assessment shall include, at a minimum, the rate of compliance with the standards in each agency and an assessment of each agency's security organization, network security architecture, and current expenditures for information technology security. The assessment shall also estimate the cost to implement the security measures needed for agencies to fully comply with the standards. Each agency subject to the standards shall submit information required by the State Chief Information Officer for purposes of this assessment. Not later than May 4, 2004, the Information Resources Management Commission and the State Chief Information Officer shall submit a public report that summarizes the status of the assessment, including the available estimates of additional funding needed to bring agencies into compliance, to the Joint Legislative Commission on Governmental Operations, and shall provide updated assessment information by January 15th of each subsequent year."

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

PUBLIC BILL

S.B. 788 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AMENDING CHAPTER 126 OF THE GENERAL STATUTES, THE STATE PERSONNEL ACT.

Introduced by Senator(s) Reeves

Principal Clerk's Use Only

FILED APR 2 2003

PASSED 1st READING

APR 3 2003

AND REFERRED TO COMMITTEE

ON Rules

WITH UNANIMOUS CONSENT WITHDRAWN FROM

Rules

APR 16 2003

RE-REFERRED TO

St. Gov, Loc. Gov, Vet. Affairs

SEQUENTIAL REFERRAL:

Appro/Base Bud.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 788

Short Title:	State Personnel Act Changes.	(Public)
Sponsors:	Senator Reeves.	
Referred to:	Rules and Operations of the Senate.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING CHAPTER 126 OF THE GENERAL STATUTES, THE STATE PERSONNEL ACT.

The General Assembly of North Carolina enacts:

SECTION 1. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 788
PROPOSED COMMITTEE SUBSTITUTE S788-CSLR-16 [v.7]

4/23/2003 8:24:54 AM

Short Title: Establish NC Human Resources System. (Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT ESTABLISHING THE NORTH CAROLINA HUMAN RESOURCES SYSTEM AND AMENDING CHAPTER 150B OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 126 of the General Statutes is repealed.

SECTION 2. The General Statutes are amended by adding a new Chapter to read:

"**Chapter 126A**

"**North Carolina Human Resources System.**

"Article 1.

"North Carolina Human Resources System Established.

"**§ 126A-1. Purpose of the Chapter.**

(a) It is the purpose of this Chapter to establish for the government of the State a system of human resources administration under the Governor, based on contemporary human resources principles.

(b) It is the intent of this Chapter that:

(1) This system of human resources administration shall apply to local government employees included in Article 12 of this Chapter.

(2) Local or area governing boards or commissions shall have the authority to establish local pay plans and local human resources systems consistent with the purpose of this Chapter.

(3) Human resources administration be delegated as appropriate to departments, universities, agencies and institutions of the State as appropriate and without additional cost to the state with the Office of Human Resources Management as the policy-making body.

(c) The Office shall be responsible for monitoring and reviewing the administration of all human resources programs delegated to any department, university, agency, or institution of the State to ensure compliance with human resources policies.

The Office also shall be responsible for ensuring the effectiveness and accountability of human resources programs operated by departments, universities, agencies and institutions of the State pursuant to this Act. The department, university, agency, and institution heads shall be accountable for the execution of human resources policies for their employees subject to this Act.

(d) The Office shall adopt, implement, revise and repeal human resources programs, policies, and procedures with the approval of the State Human Resources Commission.

(e) The Office shall develop statewide policies and standards for effective and efficient human resources management programs. The Office shall develop procedures for the administration of human resources programs, provide training and technical assistance to all departments, universities, agencies and institutions, and provide oversight through the process of audits to monitor compliance with established policies. The Office shall administer a system for implementing corrective action up to and including the revocation of authority delegated to departments, universities, agencies and institutions to administer human resources programs when policies, procedures, or criteria are ignored or violated.

(f) The Office shall serve as a central repository for employee and position information from all departments, universities, agencies and institutions.

(g) The State Employee Appeals shall render final administrative decisions in all employee grievances subject to this Chapter.

(h) The Office shall provide administrative support for the Commission and the Board.

"§ 126A-1.1. Definitions.

The following definitions apply in this Chapter:

(1) Board. – State Employee Appeals Board.

(2) Commission. – State Human Resources Commission.

(3) Director. – State Human Resources Director.

(4) Office. – Office of Human Resource Management.

(5) SEIBP -- The State Employee Incentive Bonus Program.

"Article 2.

"Administration.

"§ 126A-2. The Office of Human Resources Management established; appointment, compensation, and tenure of Director.

The Office of State Personnel is hereby renamed the Office of Human Resources Management. It shall be placed for organizational purposes only within the Office of the Governor. The Office shall exercise all of its statutory powers independently and shall be under the supervision of the State Human Resources Director. The salary of the Director shall be fixed by the General Assembly in the Current Operations Appropriations Act. The Director shall be appointed by, and serve at the pleasure of, the Governor.

"§ 126A-3. The State Personnel Commission to become the State Human Resources Commission.

Effective July 1, 2004, the State Personnel Commission shall be renamed the State Human Resources Commission. The Commission shall consist of five members. The members shall include a chair and two members appointed by the Governor, one upon recommendation of the State Employees Association of North Carolina; one member appointed by the Speaker of the House of Representatives and one member appointed by the President Pro Tempore of the Senate. The terms of the initial members appointed by Governor shall terminate on July 1, 2005. The terms of the members appointed by the Speaker of the House of Representatives and the President of the Senate shall terminate on July 1, 2007. The term of each commissioner appointed after July 1, 2005 shall be for four years. The terms of all current members of the State Personnel Commission shall terminate December 31, 2003. Each person appointed to the Commission shall have a background in human resources, in either the public sector or private industry. The Commission shall meet at least quarterly, or more often as required by the Director. Three members of the Commission shall constitute a quorum. No person may serve more than two consecutive terms as a member or chair of the Commission.

"§ 126A-4. The State Employee Appeal Board is established.

There is hereby established the State Employee Appeal Board, effective July 1, 2004. The Board shall consist of five members. The board shall include a chair and two members appointed by the Governor, one member appointed by the Speaker of the House of Representatives and one member appointed by the President Pro Tempore of the Senate. The Board shall meet at least bi-monthly to render the final administrative decision on state employee grievances under this Chapter. The terms of the initial members appointed by Governor shall terminate on July 1, 2005. The terms of the initial member appointed by the Speaker of the House of Representatives and the initial member appointed by the President of the Senate shall terminate on July 1, 2007. The term of each board member appointed after July 1, 2005 shall be for four years. At least three members of the Board shall be attorneys. At least one member of the Board shall be a current or retired non-supervisory employee of a department, university, agency or institution of the State of North Carolina. At least one member of the Board shall be a current or retired supervisory employee of a department, university, agency, or institution of the State of North Carolina. Any Board member may be removed for misfeasance, malfeasance or nonfeasance of duties by consensus among the Governor, the Speaker of the House of Representatives and the President of the Senate upon the recommendation of the Director. Three members of the Board shall constitute a quorum. No person may serve more than two consecutive terms as a member or chair of the State Employee Appeal Board.

"§ 126A-5. Powers and duties of the Office of Human Resources Management.

The Office shall be responsible for the following activities and such other activities as specified in this Chapter:

(1) Developing, implementing and administering programs and policies, consistent with the provisions of this Chapter and upon approval of the Commission, for the effective and efficient operation of the state government workforce.

(2) Developing and implementing standards and criteria for the delegation and monitoring of human resources programs administered by the various State departments, universities, agencies and institutions.

(3) Providing training and technical assistance in human resources management and related programs to departments, universities, agencies and institutions. This shall include providing train-the-trainer programs where sufficient departmental or university staff exists with the necessary knowledge and competencies to provide the training within their respective agencies or universities.

(4) Approving delegation of authority agreements with all departments, universities, agencies and institutions for those human resources programs which the respective agencies or universities are found to have sufficient resources.

(5) Establishing and applying monitoring and auditing standards, criteria and procedures to ensure that all delegated program and policy authority exercised by departments, universities, agencies and institutions is in compliance with policies and procedures and is exercised in a prudent and professional manner. This includes developing appropriate actions up to and including the revocation of authority delegated to departments, universities, agencies and institutions for those situations in which a department or university violates policies or procedures, or fails to carry out State human resources policies according to standards and criteria developed and published by the Office.

(6) Maintaining an information database on employee and position information required for the efficient management and administration of the State's workforce and to satisfy reporting requirements.

(7) Developing and implementing criteria and standards to measure the effectiveness and economy of human resources programs, including the ability of such programs to provide a diverse workforce capable of meeting goals and objectives.

(8) Developing and implementing recruitment and retention programs designed to promote and encourage a diverse and well qualified work force.

(9) Developing and implementing programs on productivity, cost savings and quality of work incentives, equal opportunity, compensation, benefits, and other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and contemporary system of human resources administration.

"§ 126A-6. The responsibility and authority of the Office to develop, implement and administer policies and procedures necessary to the administration of this Chapter.

(a) Pursuant to policy-making provisions contained elsewhere in this Chapter, and the approval of the State Human Resources Commission, the Office shall have the

authority to develop, implement, and administer policies and procedures on the following matters necessary to the administration of the State's system of human resources management:

(1) The recruitment and selection of persons for employment by the State.

(2) The appointment, promotion, demotion, transfer and separation of employees; and the discipline of employees, including dismissal.

(3) Programs of equal employment opportunity.

(4) The classification and compensation of all employees subject to this Chapter.

(5) Hours of work, paid holidays, leave and other matters pertaining to conditions of employment.

(6) Programs of accountability to assure the human resources programs are efficient, effective and are operated in compliance with policies and regulations.

(7) Other programs, policies and procedures necessary for, or in support of, a contemporary, fair and equitable system of human resources management.

(b) The Office, with the approval of the Commission, shall adopt policies and procedures concerning the conduct of demonstration projects. The purposes of demonstration projects are (i) to determine if the potential human resources program would be of benefit to State Government, (ii) to prevent the costly implementation of untested human resources programs on a statewide basis, (iii) to measure the benefits of potential human resources programs versus program costs, and (iv) to test and modify program guidelines prior to the adoption of policies and procedures governing a statewide program.

(c) Demonstration projects shall include (i) specific goals and objectives, (ii) an analysis, at the end of the project, of the estimated costs/benefits of the project, (iii) measurement criteria so that achievement of the goals and objectives can be accurately measured, and (iv) specific beginning and ending dates.

(d) The Office shall, with the approval of the Commission, operate demonstration projects initiated by the Office, as well as approve projects proposed and initiated by the various departments and universities, either singly or jointly. Demonstration projects may be proposed in any human resources area. With concurrence from the Office of State Budget & Management, departments, universities and agencies shall have the flexibility to use any allowable and available funds to operate demonstration projects. Upon the completion of a demonstration project, the Office or the participating departments, universities, agencies or institutions shall submit a report to the Commission that includes an analysis of both the costs and the benefits of the program, a program evaluation including all measures identified in the program design proposal, and recommendations based on the results of the demonstration project. Upon termination of a demonstration project, employee salaries may be adjusted to reflect any legislative increases, and any other adverse employment impact caused by employee participation in the demonstration project shall be rectified. The Office, with the

approval of the Commission, may propose, adopt and implement statewide policies and procedures based on a successful demonstration project.

"§ 126A-7. Coverage of State employees pursuant to this act; status of employees.

(a) All employees of any agency, department, university, institution, or instrumentality of the State of North Carolina are subject to the provisions of this Chapter unless herein specifically exempted from this Chapter or one or more provisions of this Chapter.

(b) For the purposes of this Chapter, "career State employee" shall mean a State employee who is in a permanently established position subject to this Chapter, regardless of funding source; and, who has been continuously employed by the State of North Carolina in a permanently established position subject to this Chapter for a period of twelve consecutive months or who has completed a recognized trainee progression, whichever is longer, unless the employee is exempted from this Chapter.

(c) As used in this Article, "Exempt position" means positions that are:

(1) Senior administrators and are delegated with significant managerial or programmatic responsibility that is essential to the successful operation of a State department, agency, or division and the authority to develop departmental policy and impose the final decision as to a settled course of action to be followed within an agency, department, or institution; or

(2) Confidential assistants, confidential secretaries, and other positions that require loyalty to the department head in order to implement the policies of their office.

(d) Except as to the policies and procedures adopted by the Office with the approval of the Commission, and except as to the provisions of Article 4, Article 5, Article 6, Article 7 and Article 11, the provisions of this Chapter shall not apply to any employee of the State who is not a career State employee as defined by this Chapter.

(e) Except as to the provisions of Article 6, Article 7, and Article 11 of this Chapter, the provisions of this Chapter shall not apply to:

(1) Officials or employees whose salaries are fixed by the General Assembly, or by the Governor, or by the Governor and the Council of State, or by the Governor subject to the approval of the Council of State.

(2) Employees of the Office of the Governor that the Governor exempts at any time from the application of the provisions of this Chapter by means of a letter to the Director designating these employees. The Director shall notify such persons in writing of their exemption from this Chapter by the Governor.

(3) Employees of the Office of the Lieutenant Governor that the Lieutenant Governor exempts at any time from the application of the provisions of this Chapter by means of a letter to the Director designating these employees. The Director shall notify such persons in writing of their exemption from this Chapter by the Lieutenant Governor.

(4) Constitutional officers of the State.
(5) Officers and employees of the Judicial Department.
(6) Officers and employees of the General Assembly.
(7) Members of boards, committees, commissions, councils, and advisory councils compensated on a per diem basis.
(8) Instructional and research staff, physicians, and dentists of The University of North Carolina.
(9) Employees whose salaries are fixed under the authority vested in the Board of Governors of The University of North Carolina by the provisions of G.S. 116-11(4), 116-11(5) and 116-14.
(10) North Carolina School of Science and Mathematics' employees whose salaries are fixed in accordance with the provisions of G.S. 116-235(c)(1) and G.S. 116-235(c)(2).
(11) Employees of the North Carolina State Ports Authority.
(12) Employees of the North Carolina Global TransPark Authority
(13) The executive director and one associate director of the North Carolina Center for Nursing established under Article 9F of Chapter 90 of the General Statutes.
(14) The executive director of the independent staff of the Information Resources Management Commission established under G.S. 143B-472.41A.
(15) Employees of the Tobacco Trust Fund Commission established in Article 75 of Chapter 143 of the General Statutes.
(16) Employees of the Health and Wellness Trust Fund Commission established in Article 21 of Chapter 130A of the General Statutes.
(17) Employees of the North Carolina Rural Redevelopment Authority created in Part 2D of Article 10 of Chapter 143B of the General Statutes.
(18) Employees of the Clean Water Management Trust Fund.
(19) Employees of the North Carolina Turnpike Authority.

(f) Except for Article 11 of this Chapter, the provisions of this Chapter shall not apply to public school superintendents, principals, teachers, and other public school employees.

(g) Except for Article 11 of this Chapter, the provisions of this Chapter shall not apply to employees of local Community Colleges.

(h) Except for Article 11of this Chapter, the provisions of this chapter shall not apply to employees of community colleges whose salaries are fixed in accordance with the provisions of G.S. 115D-5 and G.S. 115D-20, and employees of the Community Colleges System Office whose salaries are fixed by the State Board of Community Colleges in accordance with the provisions of G.S. 115D-3.

(i) Except as to the policies established by the Office pursuant to G.S. 126A-28, 126A-68(a)(11) and G.S. 126A-68(a)(12), Article 6 and Article 11 of this Chapter, the provisions of this Chapter shall not apply to: teaching and related educational classes of employees of the Department of Correction, the Department of Health and Human

Services, and any other State department, agency, or institution whose salaries shall be set in the same manner as set for corresponding public school employees in accordance with Chapter 115C of the General Statutes.

(j) Except for Articles 6, 7, and 11 of this Chapter, the provisions of this article shall not apply to any employee of the UNC Health Care System; employees of the Medical Faculty Practice Plan, a division of the School of Medicine of East Carolina University.

(k) Except as to the provisions of Articles 4, 6, 7, and 11 of this Chapter, the provisions of this Chapter shall not apply to exempt positions in Cabinet Departments. The Governor may designate as exempt positions a number up to one percent (1%) of the total number of full-time positions, or thirty positions, whichever is greater within each Cabinet department, with a maximum of 750 positions designated as exempt. This list shall be designated in a letter to the State Human Resources Director by June 1 of the year in which the oath of office is administered to the Governor.

(l) Except as to the provisions of Articles 4, 6, 7, and 11 of this Chapter, the provisions of this Chapter shall not apply to exempt positions in the Council of State Departments and Offices – The Secretary of State, the Auditor, the Treasurer, the Attorney General, the Commissioner of Agriculture, the Commissioner of Insurance and the Labor Commissioner may designate exempt positions. The State Board of Education may designate exempt positions in the Department of Public Instruction. The number of exempt positions in each department headed by an elected department head listed above in this sub-subdivision shall be limited to thirty exempt positions or one percent (1%), whichever is greater. This list shall be designated in a letter to the Director by June 1 of the year in which the oath of office is administered to the Governor.

(m) In the event of a vacancy in the Office of the Governor, the person who succeeds to the unexpired term shall have 120 days to designate positions as exempt.

(n) Creation, Transfer, or Reorganization – The Governor, elected department head or State Board of Education may designate additional positions as exempt or may designate exempt positions as non-exempt at any time as long as the total number of exempt positions in the agency, department or institution does not exceed its maximum number of exempt positions. Any changes in exempt status shall be described in a letter to the Director within 30 days of the changes.

(o) An exempt employee may be transferred, separated or dismissed from his or her position for non-disciplinary reasons by the department, agency or institution head authorized to designate the exempt position except:

(1) When an employee has completed at least twelve continuous months of service, but less than 10 years of cumulative service in positions subject to this Chapter prior to placement in an exempt position and is removed from an exempt position, the employee shall have the same priority to reemployment as established by policies of the Office for employees separated in a reduction-in-force.

(2) When an employee has completed 10 years or more cumulative service, including the immediately preceding 12 months, in positions

subject to this Chapter prior to placement in an exempt position is removed from an exempt position, the employee shall be reassigned to a subject position within the same agency, department, or institution and within a 50 mile radius of the exempt position, at the same salary, including all across-the-board increases, as his most recent position subject to this act.

(p) No employee shall be placed in an exempt position without 10 calendar day's prior written notification that such position is designated exempt. Positions designated as exempt must be so identified in any vacancy listing or advertisement.

"**§ 126A-8. Reports.**

(a) Beginning January 1, 2004, and annually thereafter, the head of each State agency, university, department or institution employing persons subject to this Chapter shall report to the Office on the costs associated with the settlement of administrative grievances and lawsuits filed by current or former State employees and applicants for state employment. The costs shall include the costs of settlements, attorney fees, reasonable witness fees and costs, damages or awards incurred by the respective State agency, university, department or institution.

(b) Beginning May 1, 2004, and annually thereafter, the Director shall report to the Joint Legislative Commission on Governmental Operations on the costs associated with the settlement of administrative grievances and lawsuits as compiled in compliance with subsection (a) of this section.

(c) Beginning May 1, 2004, and annually thereafter, the Director shall report to the Joint Legislative Commission on Governmental Operations on outcomes with respect to State employee hirings, promotions, disciplinary actions, and compensation based on demographics of the state workforce by occupational category.

(d) Pursuant to G.S. 126A-23, G.S. 126A-24, and G.S. 126A-25, the Office shall report to the Chair of the Appropriations Committees of the House and Senate on compensation and benefit trends and recommendations for compensation and benefit changes for State employees. This report shall be submitted no later than three weeks after the convening of the General Assembly in odd-numbered years, and by May 1st in even-numbered years.

(e) The Office shall be responsible for the preparation and submission of the Workplace Requirements report as required by Article 63 of Chapter 143.

(f) The Office shall annually submit a report to the General Assembly concerning the status of Equal Employment Opportunity plans and programs of all State departments, universities, agencies and institutions. The report shall include an analysis of compensation, workforce representation, new hires, and promotions by demographics and occupational categories, and achieved employment objectives.

(g) The Office shall annually submit a report to the General Assembly summarizing the training activities conducted within the Equal Employment Opportunity Training Institute program.

"**§§ 126A-9 through 126A-13. Reserved for future codification purposes.**

"Article 3.

"Role and Responsibilities of the State Human Resources Commission.

"**§ 126A-14. Powers of the State Human Resources Commission.**

(a) The Commission shall review and approve policies recommended by the Director to establish new or revise existing human resources programs.

(b) The Commission shall approve exceptions to human resources policies as recommended by the Director.

(c) The Commission shall review and approve all reports required by the General Assembly prior to submittal

(d) The Commission shall conduct studies regarding any human resources issue including conducting any human resources study arising from legislation.

(f) The Commission shall approve all recommendations from the Director to revoke authority delegated to agencies, universities, departments and institutions to administer human resources programs and all recommendations from the Director for investigations based on evidence of failure to comply with approved policies.

(g) The Commission shall approve human resources demonstration projects pursuant to 126A-6(b).

(h) The Commission shall recommend that the Office explore the feasibility of developing new human resources programs based on contemporary human resources practices in the private and public sector.

"**§§ 126A-15 through 126A-19. Reserved for future codification purposes.**

"Article 4.

"Compensation of State Employees.

"**§ 126A-20. Compensation philosophy of the State of North Carolina.**

State employees are essential in planning and delivering vital services to North Carolina's citizens. Recognizing the value and importance of its human resources by striving to ensure competitive compensation for all State employees within their defined labor markets is a key strategy to ensure continuous high quality service delivery. It is the policy of the State to compensate its employees competitively in order to reinforce high standards and to enable the State to recruit, retain and develop a highly qualified, motivated and diverse workforce; promote proven successful work behaviors; emphasize competencies and demonstrated proficiency on the job; and clearly link job competencies to State agency, department, university or institution missions, visions and goals. North Carolina's compensation philosophy is to provide for all State employees a total compensation package of direct pay and benefits that is market competitive.

"**§ 126A-21. Compensation of State employees.**

The Office, with the approval of the Commission, shall develop a system of contemporary employee compensation based on competitive market rates, recognition of performance, recognition of achievement of skills, abilities and knowledge relevant to improved job performance. The system shall incorporate and reflect regular reviews of the state and national economy, labor market information and increases in the cost-of-living. This system shall include at least salary range minimums and maximums and average market rates for classes of work appropriate to the state, incentive bonuses based on individual or group contribution, an across-the-board increase based on average market movement, and increases to the cost-of-living for all employees

performing at least at a satisfactory level, a performance-based increase based on performance, employee growth and labor market information, and additional funds to increase salaries in occupational areas where salaries are deficient in relation to the labor market. This system of compensation shall be developed through the policy making process set out elsewhere in this Chapter.

"§ 126A-22. Job classification of State employees.

The Office, with the approval of the Commission, shall develop a system of contemporary job classification that supports the compensation philosophy of the State.

"§ 126A-23. Across-the-board legislative increase.

The Office, with the approval of the Commission, based on an analysis of the relevant labor market and increases in the cost-of-living, shall recommend annually an across-the-board increase for State employees who are performing at least at the satisfactory level. This recommendation shall be presented by the Director to the Appropriations Committees of the House and Senate no later than three weeks after the convening of the General Assembly in odd-numbered years, and by May 1st of even-numbered years.

"§ 126A-24. Performance-based legislative increase.

The Office, with the approval of the Commission, based on an analysis of the relevant labor market, shall annually recommend a performance-based increase for State employees. Performance-based increases shall be granted to employees considering one or more of the following factors: performance, competency growth, skill growth, and employee salary with respect to the average market rate. Based on these factors, performance-based increases may vary from employee to employee. The Director of Budget shall transfer to the agency, department, institution, or university an average performance-based increase to distribute according to a plan developed by the agency, university, department or institution and approved by the Office. The average performance-based increase shall be based on a recommendation presented by the Director to the Appropriations Committees of the House and Senate no later than three weeks after the convening of the General Assembly in odd-numbered years, and by May 1st of even-numbered years. The Office, with the approval of the Commission, shall develop a contemporary system of performance management, including regular, written evaluations and a process for resolving disputes about performance ratings. This system shall be an integral component of the employee compensation system and every other relevant human resources process and decision, including but not limited to promotion, salary increases, reduction-in-force and disciplinary action.

"§ 126A-25. Labor Market Adjustment Fund.

The Office, with the approval of the Commission, based on analysis of the relevant labor market, shall annually recommend an amount of money to place in a Labor Market Adjustment Fund. The fund shall be used to increase salaries in occupational areas that have experienced unusual increases in average salaries. The fund shall be administered by the Office of Budget and Management and funds shall be transferred to agencies, departments, universities and institutions based on a plan approved by the Commission based on recommendations made by the Director. The Labor Market Adjustment Fund shall be based on a recommendation presented by the Director to the

Appropriations Committees of the House and Senate no later than three weeks after the convening of the General Assembly in odd-numbered years, and by May 1st of even-numbered years.

"§ 126A-26. Additional compensation programs.

The Office, with the approval of the Commission, in response to critical labor factors, may establish compensation programs to enhance the recruitment and retention of valuable employees. Such compensation programs may be temporary in nature and will be evaluated on an annual basis to verify their continued need. The Office, with the approval of the Commission, may establish other compensation programs needed in order to remain competitive. Compensation programs that include bonuses not funded through savings pursuant to 126A-29 shall be funded from agency, department, university, or institution lapsed salary, other personal services funds, or other funds as appropriate for the universities.

"§ 126A-27. Longevity pay program.

Employees in all branches of State government on duty on December 31, 2003, shall be eligible to receive or, as they become eligible, shall begin to receive longevity pay according to longevity pay schedules in effect on that date. Any State employee hired after December 31, 2003, shall not be eligible for participation in the State's longevity pay program. Employees who are reduced-in-force and who are reemployed within 12 months remain eligible to participate in the longevity program. Any funds saved through the elimination of the longevity pay shall be retained by agencies, universities, departments, and institutions to be used exclusively for pay improvements for State employees.

"§ 126A-28. Programs of leave for State employees.

The Office of Human Resources Management, with the approval of the Commission, shall establish policies and guidelines for programs to administer leave that are competitive with the State's labor market, that consider the differing needs of State employees, and that are flexible to accommodate the differing business needs of the State's agencies, departments, universities and institutions.

"§ 126A-29. State Employee Incentive Bonus Program

(a) It is the State's objective to promote agencies' employee suggestion programs, goalsharing, and gainsharing programs through the State Employee Incentive Bonus Program whereby employees and groups of employees can be recognized and rewarded for adopted ideas, suggestions, innovations and the achievement of individual or group goals that improve their agencies' and state governmental operations. The Office shall administer the State's program and is authorized, with the approval of the Commission, to adopt and implement policies and administer a State Employee Incentive Bonus Program.

(b) All agencies, departments, institutions and universities are required to have a State Employee Incentive Bonus Program that is consistent with the policy approved by the Commission.

(c) A State Review Committee shall consist of nine members as follows:

(1) The State SEIBP Coordinator.

(2) A representative of the Office of State Budget and Management.

(3) A representative of the Office.
(4) A representative of The University of North Carolina appointed by the President.
(5) A representative of the Department of Justice.
(6) A representative of the Department of Labor.
(7) One current State employee appointed by the Speaker of the House of Representatives.
(8) One current State employee appointed by the President Pro Tempore of the Senate.
(9) One current State employee appointed by the governor upon the recommendation of the State Employees Association of North Carolina.

(d) The State Review Committee shall have the final authority to approve any bonuses consistent with State Employee Incentive Bonus Program policy. First year suggestion savings and other gainsharing bonuses derived from General Fund appropriations shall be distributed as follows:

(1) 20% to the suggester and/or suggester group, with an individual limit of $20,000, and an aggregate team limit of $100,000.
(2) 20% to the General Fund.
(3) 40% to the implementing agency, department, university, or institution.
(4) 10% to the State Employees Incentive Bonus Program for administrative and operating expenses.
(5) 10% to the Office to be used for employee training.

Agencies and universities, with the approval of the State Review Committee, may adopt alternate distribution formulas in situations where programs are not funded through the General Fund.

(e) Goalsharing bonuses shall be recommended by the agency, university department or institution based on a consideration of the value of improved services. This recommendation shall be approved by the State Review Committee. Goalsharing bonuses shall be funded through the use of lapsed salaries or other personal services funds.

"§§ 126A-30 through 126A-35. Reserved for future codification purposes.

"Article 5.

"Policy-Making Authority of the Office of Human Resources Management.

"§ 126A-36. Definitions.

The following definitions apply in this Article:

(1) Policy – A guiding principle or course of action regulating or implementing a human resources activity or transaction.
(2) Program – A set of policies, procedures and guidelines to accomplish a broad range of related human resources activities or transactions.
(3) Procedure – A process or method of accomplishing human resources transactions or activities.
(4) Guideline – An explanatory provision for a policy or procedure.

(5) Temporary Policy – A course of action adopted, using expedited notice and hearing processes in order to address unexpected, unplanned or otherwise unanticipated activities. A temporary policy shall be in effect only as long as necessary to complete the usual policy-making process.

"§ 126A-37. Public process for policy adoption, amendment and repeal.

It is the policy of the State of North Carolina that policies, procedures and programs implementing and administering the State's human resources programs and activities shall be adopted, amended or repealed in a process that provides opportunity for affected groups to receive advance notice of the policy-making process, participate in providing input to the process and otherwise be part of the process. The policy-making process for the Human Resources System shall be as follows:

(1) The Office shall announce proposed new and revised policies to all State agencies, departments, universities, institutions and other affected parties in an established written format. The Office in conjunction with all State agencies, departments, universities, institutions shall announce all proposed changes to affected State employees. The Office shall provide a period of 60 calendar days for submitting written comments.

(2) Subsequent to the conclusion of the comment period, the Office shall establish a date for a public hearing. The public hearing shall not occur sooner than 10 calendar days following the end of the comment period. The Office shall announce the public hearing consistent with subdivision (1) of this section. Any person, party or organization affected by the proposed policy, amendment or repeal may request an opportunity to speak at the public hearing. Any person, party or organization affected by the proposed policy, amendment or repeal may provide written comments in lieu of appearing at the public hearing upon request.

(3) The Office shall conduct the public hearing as scheduled. At the hearing, the comments, either from a presentation or submitted in writing, shall be heard and recorded. The Director or a designee shall provide a report of the public hearing.

(4) The Commission shall review all comments received, in whatever form, make any revisions deemed necessary to the proposal, and consider approval of the proposal. If the proposal is approved, the Director shall announce an effective date of the policy that is no sooner than 30 days after the final policy is announced. The Director or designee shall make available a copy of the policy action taken as a result of this process.

"§ 126A-38. Publication and communication.

(a) For the purposes of this Section, "publishing" shall include, but not be limited to, publication in an electronic format and in a paper format. Other formats may be utilized for publication to comply with this Section as appropriate.

(b) The Office shall be responsible for collecting and publishing all human resources policies, procedures and guidelines. The Office also shall publish a handbook for State employees that incorporates significant human resources policies and procedures. State agencies or universities, may, at their own expense, publish similar handbooks for the benefit of their employees.

(c) The Office shall publish at least every six months, or more often as necessary, notification of all policy adoptions, amendments or repeals. This publication shall at least be sent to the human resources offices of each State agency, department, university and institution. Other organizations may request to receive copies of this publication. Each State agency, department, university and institution shall be responsible for communicating this information to its employees in an appropriate and timely fashion. Each State agency, university and institution shall notify the Office by January 1 of each year the manner in which this information shall be communicated to its employees.

"Article 6.

"Equal Employment Opportunity.

"§ 126A-39. Equal employment opportunity.

(a) All State departments, agencies, universities, institutions, and all local political subdivisions of North Carolina shall give equal opportunity for employment and compensation, without regard to race, religion, color, creed, national origin, sex, age, or disability as defined in G.S. 168A-3 to all persons otherwise qualified, except where specific age, sex, or ability requirements constitute bona fide occupational qualifications necessary to proper and efficient administration. This section with respect to equal opportunity as to age shall be limited to individuals who are at least 40 years of age.

(b) The Office shall be responsible for providing technical assistance and training to agencies and universities; program oversight, monitoring, and evaluation; and required reporting.

"§ 126A-40. Retaliation by State departments, universities, institutions, and agencies.

No State department, university, institution, or agency shall retaliate against an employee, applicant or former employee for protesting alleged violations of G.S. 126A-39.

"§ 126A-41. Equal opportunity plans; reports.

(a) Each member of the Council of State under G.S. 143A-11, each of the principal departments enumerated in G.S. 143B-6, the constituent schools and universities in the University of North Carolina system, the UNC Health Care System, the Medical Family Practice Plan within the School of Medicine at ECU, the Judicial branch and the Legislative branch shall develop and submit an Equal Employment Opportunity plan which shall include goals and programs that provide positive measures to assure equitable and fair representation based on an analysis of North Carolina's working population and civilian labor force within occupational categories in the State government workforce. Plans shall address outcomes with respect to hirings, promotions, disciplinary actions and compensation. The plans developed by the judicial Branch and the Legislative branch shall be submitted annually to the General Assembly.

All other such plans shall be submitted to the Director for review and approval on or before March 1 of each year.

(b) The Office shall annually submit a report to the General Assembly concerning the status of Equal Employment Opportunity plans of all State departments, universities, agencies and institutions.

"§ 126A-42. Equal Employment Opportunity Institute training.

All departments, agencies, universities, and institutions shall enroll all new managers and supervisors in the Equal Employment Opportunity Institute within one year of appointment.

"§§ 126A-43 through 126A-45: Reserved for future codification purposes.

"Article 7.

"Privacy of Human Resources Records for Employees Subject to This Chapter.

"§ 126A-46. Human Resources files not subject to inspection under G.S. 132-6.

Human resources files of State employees, former State employees, or applicants for State employment shall not be subject to inspection, examination or copying as authorized by G.S. 132-6. For the purposes of this Article, a human resources file consists of any information gathered by the department, university, agency, institution or constituent component thereof which employs an individual, previously employed an individual, or considered an individual's application for employment, or by the Office, and which information relates to the individual's application, selection or nonselection, promotions, demotions, transfers, leave accrual or use, salary, compensation, discipline of any sanctioned form, employee investigations, medical records, performance evaluation forms, and termination of employment wherever located and in whatever physical or electronic form.

"§ 126A-47. Certain human resources information to be open for inspection and copying by State agencies.

(a) Each department, university, agency, institution, commission, and bureau of the State shall maintain records open to inspection and copying of its employees and former employees, containing the following information with respect to each employee and former employee:

(1) Name,
(2) Date of birth,
(3) Date of original employment to State service,
(4) Current position title and other information identifying the position such as position number and working title,
(5) Current salary,
(6) Date and amount of most recent increase or decrease in salary,
(7) Date and type of most recent personnel action involving promotion, demotion, transfer, position reallocation, separation; and
(8) Except as prohibited by G.S. 15C-1, et seq., the office or station to which the employee is currently assigned, including the street address and mailing address, if different, of such station.

(b) Nonconfidential information collected on applicants for State employment shall not be open to inspection or copying until after the employee is hired.

(c) Every person having custody of such records containing information set out in subsection (a) of this section shall permit them to be inspected, examined and copies made by any person at a reasonable fee for any reason during that office's regular business hours. Any person who is denied access to any such record for the purpose of examining or copying the same shall have a right to compel compliance with the provisions of this Article by application to a court of competent jurisdiction for appropriate relief.

"**§ 126A-48. Confidential human resources information; access to such information.**

(a) All material contained in a human resources file, in whatever physical or electronic form, except for information set out in G.S. 126A-47(a) (1)-(8), is confidential and shall not be open to inspection and copying except as set out in this section.

(b) The following persons shall have authority to examine and copy any material in a human resources file:

(1) The employee, former employee or applicant for employment, or the properly authorized agent of same, who may examine his human resources file in its entirety except for any written reference solicited prior to employment, promotion, or transfer.

(2) The supervisor of the employee or any person in the line of managerial authority above the employee in the department, university, agency or institution.

(3) Members of the General Assembly who may inspect and examine human resources records pursuant to the authority of G.S. 120-19.

(4) A party by authority of a proper court order may inspect that portion of a human resources file specified in the order.

(5) An official of an agency of the federal government, State government or any political subdivision thereof in the pursuance of an official function; provided, however, that such information shall not be divulged for purposes of assisting in a criminal prosecution, nor for purposes of assisting in a tax investigation.

(c) Notwithstanding any other provision of this Chapter, a head of a department, university, agency or institution of the State of North Carolina may inform any person or corporation of any confidential human resources information if, in the discretion of the department, university, agency or institution head, such disclosure is necessary to protect the integrity of the department, university, agency or institution from false, inaccurate or misleading public statements by any person, or to maintain the level or quality of services provided by the department, university, agency or institution. When such disclosure is made, the department, agency, university or institution head or his designee shall prepare a memorandum setting forth the circumstances the department, agency, university or institution head deems to require such disclosure and the specific information to be disclosed. The memorandum shall be placed in the human resources file or files of the employee or employees whose information is being released. This memorandum shall be a public record.

"**§ 126A-49. Remedy of employee objecting to material in file.**

The sole remedy for an employee, former employee or applicant for employment who objects to material in their personnel file on the basis that said material is inaccurate or misleading, shall be to place in his file a statement relating to and/or correcting the material considered to be inaccurate or misleading. The department, university, agency or institution is responsible for seeing that this addendum is physically or electronically attached to the material considered to be inaccurate or misleading and is provided to anyone who seeks to examine said material.

"**§ 126A-50. Penalty for permitting access to confidential file material by unauthorized person; penalty for examining, copying confidential material without authority.**

Any person who shall knowingly and willfully permit any person to have access to or custody of any portion of a human resources file designated as confidential by this Article unless otherwise authorized by this Article shall be guilty of a Class 3 misdemeanor and upon conviction shall be fined in the discretion of the court in an amount not to exceed five hundred dollars ($500.00). Any person who examines or copies human resources file material designated as confidential by this Article without lawful authority shall be guilty of a Class 3 misdemeanor and shall be fined in the discretion of the court in an amount not to exceed five hundred dollars ($500.00).

"**§§ 126A-51 through 125A-54: Reserved for future codification purposes.**

"Article 8.

"Filling of Vacancies; Reduction-in-Force; Veteran's Preference; Employment Priorities.

"**§ 126A-55. Filling of vacancies.**

(a) The Office, with the approval of the Commission, shall establish policies and procedures to ensure that vacant positions not exempted under the provisions of 126A-7 are filled by the best qualified applicant practicable considering equity with current employees and fiscal constraints. The Office, with the approval of the Commission, shall establish policies that ensure open and fair recruitment and selection processes free of political influence.

(b) All vacancies for which any State agency, department, university, or institution openly recruits shall be posted within at least the following:

a. The human resources office of the agency, department, university or institution having the vacancy; and

b. The particular work unit having the vacancy in a location readily accessible to employees.

(c) All positions should have reasonable recruitment requirements including knowledge, skills, and abilities.

(d) If the decision is made, initially or at any time while the vacancy remains open, to receive applicants from outside the recruiting agency, department, university or institution, the vacancy shall be posted statewide according to policies of the Office and shall include a closing date. The policies of the Office shall include procedures that address the hiring, promotion or transfer of persons in violation of those policies. It shall be the responsibility of the agency, department, university or institution to prove

that any disputed hiring, promotion or transfer was done in compliance with these policies.

(e) Each State agency, department, university, or institution is encouraged to hire qualified applicants who are current or former Work First Program participants.

"§ 126A-56. Policies implementing the preference for veterans in initial employment and reduction in force in State government

The Office, with approval of the Commission, shall develop, implement and communicate policies regarding veteran's status, as well as preference for veterans in initial employment and reduction-in-force. Notwithstanding any other Articles in G.S. 126A, such policies shall include a description of the employment situations where veteran's preference applies.

"§ 126A-57. Reduction in force.

(a) Career State employees to be affected by a reduction in force shall be notified in writing of the reduction in force not less than 30 days prior to the effective date of the reduction-in-force.

(b) Every agency, department, university or institution shall develop criteria and internal policies and procedures for conducting a reduction-in-force in accordance with polices established by the Office. These policies shall at least include factors and procedures for selecting positions or employees to be reduced and effective communication to employees affected by a reduction in force of all rights, privileges, and benefits available.

(c) The Office, with the approval of the Commission, shall adopt policies and procedures to provide for priority consideration for State employees separated through a reduction-in-force to enable a State employee's return to regular service. These policies shall provide that the agency, department, university or institution that is separating the employee shall be primarily responsible for returning the State employee to regular State service.

(d) Any person separated from an exempt position subject to the provisions of G.S. 126A-7(o) shall be covered by the policies adopted by the Office under subsections (c) of this section.

(e) A State employee who has been separated due to a reduction-in-force shall retain career status as a State employee, provided they are reemployed by any State agency, department, university or institution within 12 months from separation.

"§ 126A-58. Employment priorities; ranking of priorities.

(a) The Office, with the approval of the Commission, shall adopt policies including but not limited to time limits, level of priority, and ranking of priorities where employees are eligible for more than one priority. Priorities shall be given to career state employees:

(1) Separated pursuant to a reduction in force.

(2) Seeking a promotion in career State service, not only within that State employee's home agency, department, university or institution, but within any agency, department, university or institution subject to this Chapter.

(3) Returning to work from Worker's Compensation.

(4) Supporting the equal employment opportunity philosophy of the State of North Carolina to encourage a diverse and productive State work force.

(5) Having veteran's preference.

(6) Any other employment priority adopted in accordance with Article 5 of this act and supporting career State employees and consistent with a contemporary system of human resources management.

"§§ 126A-59 and 126A-60 Reserved for future codification purposes.

"Article 9.

"State Employee Appeals Board.

"§ 126A-61. State Employee Appeals Board; authority to make the final administrative decision in State employee grievances.

(a) The State Employee Appeals Board shall be the successor to the State Personnel Commission for the responsibility of reviewing and making final administrative decisions in State employee grievances subject to this Chapter. The Board shall have jurisdiction over any grievance not already reviewed by the State Personnel Commission on or before July 1, 2003.

(b) The Board shall make the final administrative decision in the appeals of all State employees subject to this Chapter.

(c) The Board shall have the authority to review all decisions of administrative law judges on contested cases arising under this Chapter rendered pursuant to G.S. 150B-34. The decision of the Board in contested cases shall be a final agency decision pursuant to G.S. 150B-36.

(d) The Board, in making the final agency decision, is not subject to the provisions of G.S. 150B-36(b1), (b2) and (b3). The Board may reject any finding of fact of the administrative law judge that is not supported by the record. The Board may reject any conclusion of law of the administrative law judge that is not based on existing case or statutory law, is not supported by relevant policies of the Office, or is not supported by the record. The Board shall specifically identify each finding of fact or conclusion of law of the administrative law judge that it is rejecting and shall specify the reason for the rejection. The Board shall have the authority to adopt new or different findings of fact supported by competent evidence in the record. In doing so, the Board shall cite the evidence in the record that supports each new or different finding of fact it adopts. The Board shall have the authority to reject any conclusion of law of an administrative law judge that is in conflict with existing policy, or statutory or case law. In adopting new or different conclusions of law, the Board shall cite the relevant law, policy or facts that support new or different conclusions of law. The Board, based on its own judgment, shall have the authority to accept, reject or modify the decision of the administrative law judge.

(e) To the extent practicable based on statutory and case law, and consistent with the specific facts of each appeal, the Board shall act consistently with its own prior decisions in employee appeals.

(f) Notwithstanding any provision of G.S. 150B-23, only those appeals of local government employees involving claims of discrimination prohibited by G.S.

126A-68(a)(11) and G.S. 126A-68(a)(12) shall come to the State Employee Appeals Board for review and decision. The decision of the Board in such cases shall be binding on the local government entity.

(g) The Board shall have the authority to issue binding corrective orders or such other appropriate action concerning employment, promotion, demotion, transfer, discharge, reinstatement, and any other issue defined as a contested case issue by this Chapter.

(h) In those contested cases in which the Board finds discrimination, retaliation, or harassment prohibited by G.S. 126A-68(a)(11) and G.S. 126A-68(a)(12), or orders reinstatement from disciplinary demotion, suspension without pay or dismissal, the Board shall have the authority to award reasonable attorney fees, reasonable witness fees and costs, to the grievant.

"§ 126A-62. Judicial review of decisions by the Board.

Either party to a final decision of the State Employee Appeals Board may petition the Superior Court for judicial review.

"§§ 126A-63 through 126A-65. Reserved for future codification purposes.

"Article 10.

"Disciplinary Actions; Employee Grievances.

"§ 126A-66. Just cause for discipline required.

No career employee subject to this Chapter shall be suspended without pay, demoted for disciplinary purposes, or dismissed except for just cause. The procedure for suspension without pay, disciplinary demotion and dismissal shall be established in the policies and procedures adopted by the Office pursuant to Article 5 of this Chapter.

"§ 126A-67. Grievance procedures.

(a) Each agency, department, university, and institution subject to this Chapter shall adopt a grievance procedure for use by applicants, employees and former employees of the agency, department, university and institution in accordance with policies adopted by the Office with approval of the Commission. Such procedures shall provide an opportunity for applicants, employees and former employees to contest actions alleged to be in violation of G.S. 126A-68, as allowed by G.S. 126A-69. Agencies, departments, universities and institutions shall have an alternate dispute resolution program as a part of their grievance procedure. For grievances that involve allegations of discrimination or retaliation, employees may appeal directly to the State Employee Appeals Board by filing a petition for a contested case hearing with the Office of Administrative Hearings.

(b) The agency, university, department or institution shall have 120 days to complete the internal review process excluding any mutually agreeable alternate dispute resolution process.

(c) An applicant, employee or former employee must file a grievance within their agency, university, department or institution grievance procedure no later than 30 calendar days from the notice of the action precipitating the grievance. Failure to file a grievance within 30 days shall be cause for the grievance to be dismissed as untimely.

(d) An applicant, employee or former employee must file a grievance regarding prohibited discrimination or retaliation within 30 calendar days from notice of the action

complained of as discriminatory or retaliatory, if the employee chooses to file within the agency, university, department or institution. Failure to file a grievance within 30 days shall be cause for the grievance to be dismissed as untimely. An applicant, employee or former employee may elect to file with the Equal Employment Opportunity Commission concurrently with the internal grievance filing, subject to all federal laws and regulations, or concurrently with filing a petition with the Office of Administrative Hearings for a direct appeal to the State Employee Appeals Board.

(e) An employee or former employee must file a grievance regarding violations of Title I of the Americans with Disability Act, the Age Discrimination in Employment Act or the Fair Labor Standards Act, as it relates to hours of work, and the denial of leave under the Family and Medical Leave Act within 30 calendar days from the action alleged to violate rights under those laws. Failure to file a grievance within 30 days shall be cause for the grievance to be dismissed as untimely.

(f) All appeals to the State Employee Appeals Board that allege discrimination or retaliation must be referred to the Civil Rights Division of the Office of Administrative Hearings for investigation and conciliation, prior to conducting a hearing, and the contested case shall be stayed during this time period. If the conciliation process does not resolve the appeal, then the Civil Rights Division shall refer the matter back to the contested Case Division for a Hearing on the merits of the grievance.

"§ 126A-68. Jurisdiction of the Office of Administrative Hearings over contested cases of employees subject to this Article.

(a) Notwithstanding any provision of G.S. 150B Article 3, the Office of Administrative Hearings shall have jurisdiction over appeals only as follows:

(1) For career State employees only, disciplinary demotion, suspension without pay, and dismissal.

(2) For all career State employees, allegations of violations of G.S. 126A-57, Reduction-in-Force.

(3) For applicants, violations of any policy adopted pursuant to G.S. 126A-56 implementing the preference for veterans and initial employment, and for career State employees, violations of any policy adopted pursuant to G.S. 126A-56 regarding veterans status and reduction in force in State government.

(4) For Applicants, employees and former employees, allegations of violations of any policy adopted pursuant to G.S. 126A-71, G.S. 126A-72, G.S.126A–73 and G.S. 126A–74, Policies Governing the Political Activity of State Employees Subject to this Chapter.

(5) For employees and former employees, allegations of violations of any policy adopted pursuant to G.S. 126A-74, Policies Providing for the Protection of State Employees Subject to this Chapter Reporting Improper Government Activities.

(6) For formerly exempt employees, allegations of violations of G.S. 126A-7(o)(1) and (2).

(7) For career State employees, allegations of violations regarding promotional priority pursuant to G.S. 126A-58(a)(2).

(8) For applicants and State employees subject to Article 8, allegations of violations of G.S. 126A-55 concerning the posting and filling of vacant positions by a State employee or applicant for state employment.

(9) For applicants and employees, allegations of violation of G.S. 126A-7(c), designation as exempt from this Chapter.

(10) For applicants, and employees and former employees subject to Article 10, allegations of violations of Title I of the Americans with Disability Act, Age Discrimination and Employment Act, Fair Labor Standards Act as it relates to hours of work, and the denial of leave under the Family and Medical Leave Act.

(11) For applicants, and employees and former employees subject to Article 10, allegations that employment, promotion, training, or transfer have been denied or that demotion, layoff, transfer, or termination was forced upon the employee in retaliation for opposition to alleged discrimination or because of the employee's age, sex, race, color, national origin, religion, creed, political affiliation, or disability as defined by G.S. 168A-3 except where specific age, sex or ability requirements constitute a bona fide occupational qualification necessary to properly and efficiently perform the essential job functions. Under these circumstances, employees may bypass the agency, university, department or institution grievance policy and appeal directly to the Board by filing a petition for a contested case hearing with the Office of Administrative Hearings.

(12) Any State employee or former State employee who has reason to believe that the employee has been subjected to any of the following shall have the right to appeal directly to the Board by filing a petition for a contested case hearing with the Office of Administrative Hearings:

a. Harassment in the workplace based upon age, sex, race, color, national origin, religion, creed, or disability, whether the harassment is based upon the creation of a hostile work environment or upon a quid pro quo; or

b. Retaliation for opposition to harassment in the workplace based upon age, sex, race, color, national origin, religion, creed, or disability, whether the harassment is based upon the creation of a hostile work environment or upon a quid pro quo.

(b) Unless otherwise provided in this Article, any applicant, State employee, or former State employee, having a grievance arising out of or due to the employee's employment shall follow the grievance procedure established by the agency, university, department or institution. A petition for a contested case hearing arising out of this Article shall be filed with the Office of Administrative Hearings not more than 30

calendar days subsequent to receipt of notice of appeal rights at the conclusion of the internal grievance procedure.

(c) Any request for a contested case hearing that is not filed with the Office of Administrative Hearings within the time specified by this section shall be dismissed by the Office of Administrative Hearings as untimely.

"§§ 126A-69 and 126A-70: Reserved for future codification purposes.

"Article 11.

"Political Activity, Protection for Reporting Improper Government Activity, "Communication With The General Assembly.

"§ 126A-71. Appropriate political activity of State employees defined.

(a) As an individual, each State employee retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no State employee subject to G.S. 126A or temporary State employee shall:

(1) Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the State;

(2) Otherwise use the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.

(b) No head of any State department, agency, or institution, or other State employee exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any State employee as an individual to engage in political activity while not on duty or at times during which he is not performing services for which he receives compensation from the State. A State employee who is or may be expected to perform his duties on a twenty-four hour per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when he is actually performing the duties of his office. The willful violation of this subdivision shall be a Class 1 misdemeanor.

"§ 126A-72. Promise or threat to obtain political contribution or support.

(a) It is unlawful for a State employee or a person appointed to State office, other than elective office or office on a board, commission, committee, or council whose function is advisory only, whether or not subject to G.S. 126A, to coerce:

(1) A State employee subject to G.S.126A,

(2) A probationary State employee,

(3) A temporary State employee, or

(4) An applicant for a position subject to G.S. 126A to support or contribute to a political candidate, political committee as defined in G.S. 163-278.6, or political party or to change the party designation of his voter registration by threatening that change in employment status

or discipline or preferential personnel treatment will occur with regard to a person listed in subdivisions (1) through (4) of this subsection.

a. Any person violating this section shall be guilty of a Class 2 misdemeanor.

b. A State employee subject to the G.S. 126A, probationary State employee, or temporary State employee who without probable cause falsely accuses a State employee or a person appointed to State office of violating this section shall be subject to discipline or change in employment status in accordance with the provisions of Articles 9 and 10 of this Chapter and may, as otherwise provided by law, be subject to criminal penalties for perjury or civil liability for libel, slander, or malicious prosecution.

"**§ 126A-73. Threat to obtain political contribution or support.**

(a) It is unlawful for any person to coerce:

(1) A State employee subject to the G.S. 126A,

(2) A probationary State employee,

(3) A temporary State employee, or

(4) An applicant for a position subject to the G.S. 126A to support or contribute to a political candidate, political committee as defined in G.S. 163-278.6, or political party or to change the party designation of his voter registration by explicitly threatening that change in employment status or discipline or preferential personnel treatment will occur with regard to any person listed in subdivisions (1) through (3) of this subsection.

(b) Any person violating this section shall be guilty of a Class 2 misdemeanor.

(c) A State employee subject to the G.S. 126A, probationary State employee, or temporary State employee, who without probable cause falsely accuses a person of violating this section shall be subject to discipline or change in employment status in accordance with the provisions of Articles 9 and 10 of this Chapter and may, as otherwise provided by law, be subject to criminal penalties for perjury or civil liability for libel, slander, or malicious prosecution.

"**§ 126A-74. Policies providing for the protection of State employees subject to this Chapter reporting improper government activity.**

(a) It is the policy of this State that State employees shall be encouraged to report to their supervisor, department head, or other appropriate authority, evidence of activity by a State agency or State employee constituting:

(1) A violation of State or federal law, rule or regulation;

(2) Fraud;

(3) Misappropriation of State resources;

(4) Substantial and specific danger to the public health and safety; or

(5) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

(b) Further, it is the policy of this State that State employees be free of intimidation or harassment when reporting to public bodies about matters of public concern, including offering testimony to or testifying before appropriate legislative panels.

(c) No head of any State department, university, agency or institution or other State employee exercising supervisory authority shall discharge, threaten or otherwise discriminate against a State employee regarding the State employee's compensation, terms, conditions, location, or privileges of employment because the State employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, any activity described in subsection (a) of this section unless the State employee knows or has reason to believe that the report is inaccurate. No State employee shall retaliate against another State employee because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, any activity described in subsection (a) of this section.

(d) No head of any State department, university, agency or institution or other State employee exercising supervisory authority shall discharge, threaten or otherwise discriminate against a State employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the State employee has refused to carry out a directive which in fact constitutes a violation of State or federal law, rule or regulation or poses a substantial and specific danger to the public health and safety. No State employee shall retaliate against another State employee because the employee has refused to carry out a directive that may constitute a violation of State or Federal law, rule or regulation, or poses a substantial and specific danger to the public health and safety.

(e) The protections of this Article shall include State employee who report any activity described in subsection (a) of this section to the State Auditor as authorized by G.S. 147-64.6(c)(16).

(f) Any State employee injured by a violation subsections(c), (d), (e) of this section may maintain an action in superior court for damages, an injunction, or other remedies provided by this section against the person or agency who committed the violation within one year after the occurrence of the violation of this section; provided, however, any claim arising under Article 21 of Chapter 95 of the General Statutes may be maintained pursuant to the provisions of that Article only and may be redressed only by the remedies and relief available under that Article.

(g) A court, in rendering a judgment in an action brought pursuant to this section, may order an injunction, damages, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, costs, reasonable attorney's fees or any combination of these. If an application for a permanent injunction is granted, the employee shall be awarded costs and reasonable attorney's fees. If in an action for damages the court finds that the employee was injured by a willful violation of subsections (c), (d), or (e) of this section, the court shall award as damages three times the amount of actual damages plus costs and reasonable attorney's fees against the individual or individuals found to be in violation of subsection (a) of this section.

(h) It shall be the duty of an employer of a State employee to post notice in accordance with G.S. 95-9 or use other appropriate means to keep employees informed of their protections and obligations under this Article.

"§ 126A-75. Communications with members of the General Assembly.

The Office, with approval of the Commission, shall develop, implement and communicate policies protecting a state employee's right to speak to a member of the General Assembly at the member's request. Such rights shall not be directly or indirectly limited by the employee's supervisor or by any policy of the department, agency, university, or institution that employs that State employee.

"Article 12.

"Application to Local Government Employees.

"§ 126A-76. Employees subject to Chapter.

(a) The provisions of this Chapter shall apply to employees of:

(1) County social services departments;

(2) County health departments and district health departments;

(3) Area programs for mental health, developmental disabilities and substance abuse [MH/DD/SAS]; and

(4) Local emergency management agencies that receive federal grant-in-aid funds.

"§ 126A-77. Local discretion as to local government employees.

(a) Local government employees subject to the Chapter shall comply with county policies and rules governing paid leave, leave without pay, hours of work, overtime compensation, holidays, employee benefits, performance management systems, and any other policy or rule not specifically provided for by the Office.

(b) Local government jurisdictions shall file with the Office applicable policies and rules for leave, hours of work, overtime compensation, holidays, employee benefits and performance management systems at the beginning of each fiscal year.

"§ 126-78. Compliance with federal merit standards.

Local government jurisdictions shall comply with the Standards for a Merit System of Personnel Administration as expressed in Sections 900.603-604 and other applicable provisions of the federal code as a condition of eligibility for Federal assistance or participation in an intergovernmental program. The Office may certify local jurisdictions' compliance with the Standards and shall determine if local jurisdictions are non-compliant with the Standards.

"§ 126-79. Delegation of authority.

The State Human Resources Director may establish procedures to delegate the administration of state human resources programs, policies and rules to local jurisdictions where such programs, policies and rules apply to employees subject to the Chapter.

"§ 126-80. Substantially equivalent systems.

(a) The Board of County Commissioners of any county may establish and maintain a system of human resources administration for all employees of the county subject to its jurisdiction. County human resources systems shall apply to local employees subject to the Chapter when the Director approves county human resources

systems as substantially equivalent to the standards established under this Chapter. The Office shall accept requests from counties for determination of a substantially equivalent system or any portion thereof and shall assess whether or not such requests are substantially in compliance with the Standards of this Chapter. If approved, employees otherwise subject to the Chapter shall be exempt for all provisions except Articles 6, 7, and 11.

(b) The Boards of County Commissioners of the county or counties which comprise an area mental health program or district public health may establish and maintain a system of human resources for all employees of the area mental health program or district public health program upon recommendation from the area mental health authority or public health district board. The Office shall accept requests from counties for determination of a substantially equivalent system or any portion thereof for employees of area mental health programs or public health districts shall assess whether or not such requests are substantially in compliance with the Standards of this Chapter. At his discretion, the Director shall approve requests for substantially equivalent systems. If approved, mental health and public health employees otherwise subject to the Chapter shall be exempt for all provisions except Articles 6, 7, and 11 of this Chapter and except as provided for in G.S. 122C-121.

(c) The Office shall review and audit substantially equivalent systems on a regular basis to determine continued compliance. Counties or other jurisdictions with approved human resources systems deemed substantially equivalent by the Director shall submit their human resources policies and rules at the beginning of each fiscal year to the Office for review."

SECTION 3. G.S. 150B-1 is amended by adding a new subsection to read:

"(12) The Office of Human Resources Management in the development of human resources programs for State employees covered by Chapter 126A of the General Statutes."

SECTION 4. G.S. 150B-21.1 is amended by adding a new subsection to read:

"(a11) Notwithstanding the provisions of subsection (a) of this section, the State Human Resources Director may adopt temporary rules to implement the provisions of Chapter 126A of the General Statutes as they relate to recruitment and selection of non-state employees. After having the proposed temporary rule published in the North Carolina Register and at least 30 days prior to adopting a temporary rule pursuant to this subsection, the Director shall:

(1) Notify persons on its mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a temporary rule;

(2) Accept oral and written comments on the proposed temporary rule; and

(3) Hold at least one public hearing on the proposed temporary rule.

When the Director adopts a temporary rule pursuant to this subsection, the Director must submit a reference to this subsection as the Director's statement of need to the Codifier of Rules. Notwithstanding any other provision of this Chapter, theCodifier of

Rules shall publish in the North Carolina Register a proposed temporary rule received from the Director in accordance with this subsection."

SECTION 5. This act becomes effective July 1, 2004.

LOCAL BILL

S.B. 83

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

Introduced by Senator(s) Swindell

Principal Clerk's Use Only

FILED FEB 17 2003

PASSED 1st READING

FEB 18 2003

AND REFERRED TO COMMITTEE

on Rules

WITH UNANIMOUS CONSENT
WITHDRAWN FROM

Rules

APR 9 2003

RE-REFERRED TO

St. Gov, Loc. Gov.
Vet. Affairs

PCS FOR SENATE BILL 83:
Rocky Mt. Overgrown Vegetation Ordinance.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Senator Swindell
		Summary by:	Theresa Matula Committee Staff
Date:	April 22, 2003		
Version:	1st Edition, PCS (S83-CSLM-13)		

SUMMARY: The Proposed Committee Substitute for Senate Bill 83 authorizes the City of Rocky Mount to give annual notice to chronic violators of the overgrown vegetation ordinance.

BILL ANALYSIS:

This Proposed Committee Substitute for Senate Bill 83 (S83-CSLM-13) authorizes the City of Rocky Mount to notify a chronic violator of the overgrown vegetation ordinance. Current law provides that if the violator does not take action, the municipality may take action to remedy the violation and the expense of the action shall become a lien upon the property and collected as unpaid taxes.

This bill becomes effective when it becomes law.

BACKGROUND INFORMATION:

The city of Roanoke Rapids received authorization to give notice to chronic violators in 1999, High Point and Gastonia were added in 2000, Lexington and Winston Salem were added in 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 83

Short Title:	11th Senatorial District Local Act-1.	(Local)
Sponsors:	Senator Swindell.	
Referred to:	Rules and Operations of the Senate.	

February 18, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 11th Senatorial District.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 83
PROPOSED COMMITTEE SUBSTITUTE S83-PCS40031-LM-13

Short Title: Rocky Mt. Overgrown Vegetation Ordinance. (Local)

Sponsors:

Referred to:

February 18, 2003

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S.L. 2000-38, and S.L. 2001-107, reads as rewritten:

"Section 2. This act applies to the Cities of High Point, Gastonia, Lexington, Roanoke Rapids, Rocky Mount, and Winston-Salem only."

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

LOCAL BILL

S.B. 102 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

Introduced by Senator(s) Garwood Garwood

Principal Clerk's Use Only

FILED FEB 19 2003

PASSED 1st READING

FEB 20 2003

AND REFERRED TO COMMITTEE

ON Rules

WITH UNANIMOUS CONSENT
WITHDRAWN FROM
Rules

APR 15 2003

RE-REFERRED TO
St. Gov, Loc. Gov-
Vet. Affairs

SB 102:
Surry Sheriff Vacancy

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans' Affairs	**Introduced by:**	Senator Garwood
		Summary by:	Barbara Riley Committee Counsel
Date:	April 22, 2003		
Version:	PCS		

SUMMARY:

SB 102 adds Surry County to those counties who fill vacancies in the office of sheriff pursuant to G.S. 162-5.1.

CURRENT LAW:

G.S. 162-5.1 provides that when a vacancy occurs in the office of sheriff, and the regularly elected sheriff was elected as a nominee of a political party, the board of county commissioners must consult with the county executive committee of that political party before filling the vacancy. If the party executive committee makes a recommendation for the vacancy within 30 days of its occurrence, the board of county commissioners shall elect the person recommended. This section currently applies to 43 counties in the State.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 102

Short Title:	30th Senatorial District Local Act-1.	(Local)
Sponsors:	Senator Garwood.	
Referred to:	Rules and Operations of the Senate.	

February 20, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 30th Senatorial District.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 102
PROPOSED COMMITTEE SUBSTITUTE S102-PCS40008-LB-17

Short Title: Surry Sheriff Vacancy (Local)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-5.1 reads as rewritten:

"**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell,

Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Wake, and Yancey."

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

S.B. 243
H182

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

Introduced by Senator(s) Holloman

Principal Clerk's Use Only
FILED FEB 26 2003

PASSED 1st READING
FEB 27 2003
AND REFERRED TO COMMITTEE
St. Gov, Loc Gov, Vet. Affairs

SENATE BILL 243:
Name Halifax-Northampton Airport Authority

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Senator Holloman
		Summary by:	Theresa Matula Committee Staff
Date:	April 22, 2003		
Version:	v.1		

SUMMARY: Senate Bill 243 renames the Halifax Regional Airport Authority to the Halifax-Northampton Regional Airport Authority.

BILL ANALYSIS:

Sections 1 and 2.

Sections 1 and 2 of Senate Bill 243 rename the Halifax Regional Airport Authority the "Halifax-Northampton Regional Airport Authority."

Section 3.

Senate Bill 243 is effective when it becomes law.

HISTORY:

The Halifax-Roanoke Rapids Regional Airport Authority was created by the General Assembly in 1997 to maintain and operate the airport facilities.

In 1998, the Authority was renamed the Halifax Regional Airport Authority.

ADDITIONAL INFORMATION:

- The Airport Authority consists of members appointed by the Roanoke Rapids City Council, the Northampton County Board of Commissioners, and the Halifax County Board of Commissioners.
- The Airport Authority is required to make annual reports to the Halifax County Board of Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council.
- The regional airport facilities serve the City of Roanoke Rapids, the County of Northampton, the County of Halifax, and surrounding areas.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 243

Short Title:	Name Halifax-Northampton Airport Authority.	(Local)
Sponsors:	Senator Holloman.	
Referred to:	State Government, Local Government and Veterans' Affairs.	

February 27, 2003

A BILL TO BE ENTITLED

AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 1997-275, as rewritten by Section 1 of S.L. 1998-130, reads as rewritten:

"**Section 1.** There is hereby created the '~~Halifax~~Halifax-Northampton Regional Airport Authority' (for brevity hereinafter referred to as the 'Airport Authority'), which shall be a body both corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by general law and future acts of the General Assembly. For purposes of this act the word 'City' when used alone shall mean the City of Roanoke Rapids and the word 'County' when used alone shall mean either Halifax County or Northampton County."

SECTION 2. Section 15 of S.L. 1997-275, as rewritten by Section 8 of S.L. 1998-130, reads as rewritten:

"**Section 15.** The powers granted to the Airport Authority shall not be effective until the members of the Airport Authority have been appointed by the Halifax County Board of Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council, and nothing in this act shall require the Board of Commissioners or City Council to make the initial appointments. It is the intent of this act to enable but not to require the formation of the ~~Halifax~~ Halifax-Northampton Regional Airport Authority."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 494

State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 4/21/03

Short Title: Carrboro Sprinklers. (Local)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. The Carrboro Town Charter, being Chapter 476 of the 1987 Session Laws, as amended, is further amended by adding a new subsection 9-5(c) to read:

"(c) Notwithstanding any provision in the North Carolina State Building Code or any other provision of law, the Board of Aldermen may adopt an ordinance requiring that sprinkler systems be installed in bars, clubs, and other places of public assembly that are designed for occupancy by 100 or more persons and that sell alcoholic beverages. This ordinance may be made applicable to any new occupancy prior to issuance of a certificate of occupancy. The ordinance may also be made applicable to any existing occupancy at the end of a period of three years following the date of enactment of the ordinance."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 494
PROPOSED COMMITTEE SUBSTITUTE S494-PCS35257-RF-11

Short Title: Carrboro Sprinklers. (Local)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 9-5 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as amended, reads as rewritten:

"**Section 9-5.** Sprinkler Systems.

(a) Notwithstanding any provision of the North Carolina State Building Code or any general or local law to the contrary, the board of aldermen may adopt an ordinance requiring that sprinkler systems be installed in all of the following types of buildings constructed within the town or its extraterritorial planning jurisdiction: (i) buildings in excess of 50 feet in height; (ii) nonresidential buildings containing at least 5,000 square feet of floor surface area; or (iii) buildings designed for assembly occupancy (as defined in the North Carolina State Building Code) that accommodate more than 25 people. This ordinance applies to existing buildings only to the extent and under the circumstances that the provisions of the North Carolina State Building Code apply to preexisting buildings.

(b) Notwithstanding any provision in the North Carolina State Building Code or any other provision of law, the Board of Aldermen may adopt an ordinance requiring that sprinkler systems be installed in bars, clubs, and other places of public assembly that are designed for occupancy by 100 or more persons and that sell alcoholic beverages. This ordinance may be made applicable to any new occupancy prior to issuance of a certificate of occupancy. The ordinance may also be made applicable to any existing occupancy at the end of a period of three years following the date of enactment of the ordinance."

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

LOCAL BILL

S.B. 493

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A PILOT PROGRAM FOR INCLUSIONARY ZONING IN THE TOWN OF CARRBORO.

Introduced by Senator(s) Kinnaird

Principal Clerk's Use Only

FILED MAR 19 2003

PASSED 1st READING

MAR 20 2003

AND REFERRED TO COMMITTEE

ON St. Gov, Loc. Gov.

Vet. Affairs

SB 493:
Carrboro Inclusionary Zoning

BILL ANALYSIS

Committee:	Sen. State Gov., Local Gov., & Veterans Affairs	**Introduced by:**	Senator Kinnaird
		Summary by:	Barbara Riley, Committee Counsel
Date:	April 8, 2003		
Version:	PCS		

SUMMARY:

Senate Bill 493 would allow the Town of Carrboro to use inclusionary zoning as a planning tool to promote the development of affordable housing in the community.

BILL ANALYSIS:

Senate Bill 493 would amend the Carrboro town charter authorizing the Town to use inclusionary zoning to increase the supply of affordable housing in the Town. An affordable housing is defined as a dwelling unit (1) that is offered for sale at a price that does not exceed two and one-half times an amount equal to eighty percent of the annual median income level for a family of four in the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area (RDU-MSA) **or** (2) that is offered for rent at a monthly rental that does not exceed an amount equal to (i) twelve percent of the median monthly income for a family of two in the RDU-MSA if the unit contains on bedroom, (ii) twelve percent of the median monthly income for a family of three in the RDU-MSA if the unit contains two bedrooms, and (iii) twelve percent of the median monthly income for a family of four in the RDU-MSA if the unit contains three or more bedrooms **and** the developer of the unit has arranged for the unit to remain affordable for a period of at least thirty years from the date of the initial sale or occupancy of the unit, by (i) including provisions to ensure the continued affordability in a legally binding agreement, deed restriction, or other covenant, (ii) transferring such unit to a land trust or other non-profit organization or (iii) otherwise.

The Town may require the construction of affordable housing units in new residential developments of 25 or more houses. If the construction of affordable housing units is required, the Town must allow the developer to construct at least one additional housing unit for each affordable house built, notwithstanding the existing density requirements. These additional housing units are referred to as "density bonus units."

The ordinance will not apply to any development for which a development permit application has been filed and the application fee paid prior to the effective date of the ordinance. The effective date of any ordinance adopted must be at least 6 months after its adoption.

Senate Bill 493 also provides that the Town, notwithstanding the provisions of G.S. 42-14.1, rent control, may restrict the amount of rent charged for affordable housing units.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 493

Short Title:	Carrboro Inclusionary Zoning.	(Local)
Sponsors:	Senator Kinnaird.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A PILOT PROGRAM FOR INCLUSIONARY ZONING IN THE TOWN OF CARRBORO.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds and declares that the purpose of this act is to provide authority for the Town of Carrboro to use inclusionary zoning to promote the development of affordable housing for sale or rental to persons and families of low and moderate income. The General Assembly finds and declares that there exists in that town a serious shortage of decent residential housing available at low prices or rentals to persons and families of low and moderate income.

SECTION 2. Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-383.2. Pilot program for inclusionary housing.**

(a) For the purposes of this section, the following definitions apply:

(1) Affordable housing unit. – A dwelling unit which is affordable for:

a. Sale to any person or family whose income does not exceed eighty percent (80%) of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development; or

b. Rent to any person or family whose income does not exceed sixty percent (60%) of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development.

(2) Inclusionary zoning. – Any zoning regulation, requirement, or condition of development imposed by ordinance or regulation, or pursuant to any special permit, special exception, or subdivision plan that promotes the development of affordable housing units.

(b) A city in Region J may use inclusionary zoning to increase the availability of affordable dwelling units in the city. A city may require affordable dwellings only if the development, including all phases, will add more than 49 dwellings. If the city requires a developer to construct one or more affordable dwelling units, the city shall grant to the developer permission to construct a total number of units in excess of the number allowed by any applicable density limit and shall permit at least one additional dwelling unit for each affordable dwelling unit, or the city may compensate the developer in other ways that the developer considers at least equivalent to the additional permitted dwelling unit(s).

(c) Under inclusionary zoning, an affordable dwelling unit must stay affordable for at least five years, but no more than 50 years, after development.

(d) The sales or rental price for affordable dwellings shall be established such that the owner/applicant shall not suffer economic loss as a result of providing the required affordable dwelling units.

(e) An inclusionary zoning requirement shall be delayed for 18 months after the city adopts such a requirement if:

(1) The development is built by the property owners of record as of the date the inclusionary zoning requirement is adopted; and

(2) The development is permitted without a rezoning request.

(f) This section applies only to the Town of Carrboro."

SECTION 3. G.S. 42-14.1 reads as rewritten:

"**§ 42-14.1. Rent control.**

No county or city as defined by G.S. 160A-1 may enact, maintain, or enforce any ordinance or resolution which regulates the amount of rent to be charged for privately owned, single-family or multiple-unit residential or commercial rental property. This section shall not be construed as prohibiting any county or city, or any authority created by a county or city for that purpose, from:

(1) Regulating in any way property belonging to that city, county, or ~~authority;~~authority.

(2) Entering into agreements with private persons which regulate the amount of rent charged for subsidized rental ~~properties; or~~properties.

(3) Enacting ordinances or resolutions restricting rent for properties assisted with Community Development Block Grant Funds.

(4) Enacting ordinances or resolutions restricting rents for properties designated as affordable dwelling units under G.S. 160A-383.2. This subdivision applies only to the Town of Carrboro."

SECTION 4. The authority granted by this act is supplementary in nature and shall not be construed to limit the authority otherwise provided by law.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 493
PROPOSED COMMITTEE SUBSTITUTE S493-CSRF-7 [v.6]

4/23/2003 10:05:57 AM

Short Title: Carrboro Inclusionary Zoning. (Local)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CARRBORO TO USE ITS ZONING AND SUBDIVISION REGULATION AUTHORITY TO PROMOTE AFFORDABLE HOUSING.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as amended, is further amended by adding a new section to read:

"Section 9-6. Affordable Housing.

(a) As used in this section "affordable housing unit" means a dwelling unit:

(1) That is offered for sale at a price that does not exceed two and one-half times an amount equal to eighty percent of the annual median income level for a family of four in the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area; or

(2) That is offered for rent at a monthly rental that does not exceed an amount equal to (i) twelve percent of the median monthly income for a family of two in the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area if the unit contains one bedroom, (ii) twelve percent of the median monthly income for a family of three in the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area if the unit contains two bedrooms, and (iii) twelve percent of the median monthly income for a family of four in the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area if the unit contains three or more bedrooms; and

(3) For which the developer of the unit has arranged for the unit to remain affordable for a period of at least thirty years from the date of the initial sale or occupancy of the unit, by (i) including provisions to ensure the continued affordability in a legally binding agreement, deed restriction, or other covenant, (ii) transferring such unit to a land trust

or other non-profit organization or (iii) otherwise arranging for the continued affordability of the unit.

(b) The Board of Aldermen may include in any ordinance adopted under the authority granted in Article 19 of Chapter 160A of the General Statutes, or Section 9-2 of the Town Charter, provisions that require that any new residential development designed to contain at least twenty-five residential units, including all phases of the development, shall also contain affordable housing units equal in number to not more than fifteen percent of the residential housing units that are neither affordable housing units nor density bonus units. Any ordinance adopted pursuant to this section shall allow the developer to construct one residential housing unit that is not an affordable housing unit for each affordable housing unit that is constructed. For purposes of this subsection, the term "density bonus unit" refers to these additional residential housing units a developer may construct. Neither affordable housing units nor density bonus units shall be included in determining the maximum permissible density authorized under the provisions of the land use ordinance.

(c) An ordinance adopted under the authority granted in this section shall not be applicable to any development for which a development permit application has been submitted and the application fee paid prior to the effective date of the ordinance. The effective date of the ordinance shall be set at least six months after its adoption.

(d) Notwithstanding the provisions of G.S. 42-14.1 or any other provision of law, an ordinance adopted pursuant to this section may restrict the amount of rent to be charged for affordable housing units required to be built under this section.

(e) Nothing in this section shall be construed as limiting the authority of the Town to enact land use ordinances that offer incentives to developers to voluntarily provide affordable housing units.

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — April 23, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R. Paul Wiles	NCHBA
Tim Minton	NC Home Builders
Mike Carpenter	NCHBA
Mike Brough	Town of Carrboro
Lee Mandell	NCLM
Stephanie Simpson	NCAR
John McMillan	MFHS
Malcolm Graham	City of Charlotte
Cindy White	City of Charlotte
Boyd Cauble	City of Charlotte
Tommy Hall	NCADA

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — April 23, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Thomas Hughes	OSP
Michael D Thornton	DPI
Ronnie Condrey	DOI
Gary Wiggins	OSP
Lavada VanBetthuyse	OSP
Frank Lewis	OSBM
Ruth W. Yang	Legal Counsel
R. Alex Zaffron	Mayor Pro-Tem, Town of Carrboro
Christine Westfall	Orange Community Housing and Land Trust
Martha J. Isleib	" " " " " Carrboro, NC
Joshua Prokopy	EmPOWERment, Inc - Chapel Hill, NC

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — April 23, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Crawford	AIA North Carolina
Dave Simpson	CAROLINAS AGC
MICHAEL PEELER	SECRETARY OF STATE
PETER GOOLSBY	SECY OF STATE
BRUCE GARNER	Sec. of State
LLOYD PRICE	NCACC
Reid Parrott	Nash County
Rachel M Joyner	Nash co. Clerk of Court
Nellie Raburg	Office of State Personnel
Danny Lovelace	ITS
Sherry Meston	SEANC
John Rustin	NCFPC

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ardis Jetki	SEANC
Camilla Stell	ICCLH
Kim Hibbard	NCLM
George Bakolia	SCIO / ITS
Carolyn Riegsecker	—
ANDREA Harris	NCIMED
Lori Ann HARRIS	L.A. HARRIS & ASSOC
[illegible]	[illegible]
[illegible]	DENR
Lisa Martin	NC HBA
Mark Fleming	University System
Renner Vance	DCR
Joanne Winn	NCSBE
R. R. Grayson	IRS

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS' AFFAIRS COMMITTEE

Tuesday, April 29, 2003 at fifteen minutes before session

Sen. Kinnaird's chamber desk

I. Welcome and Opening Remarks

II. Bills to be Considered

• SB 74	Amend Public Laws - 3	Senator Rand
• SB 124	13th Senatorial District Local Act – 1	Senator Weinstein
• SB 319	Cabarrus County Local Act-1	Senator Hartsell

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, APRIL 29, 2003

MINUTES

State Government and Local Government and Veteran Affairs Committee met April 29, 2003 at 2:45 p. m. around Senator Kinnaird's desk in the Senate Chamber. Seven members were present, including Senator Ellie Kinnaird, who presided.

SB 74 Amend Public Law - 3, was explained by Hal Pell, staff attorney. Senator Stevens moved to adopt a Purposed Committee Substitute and moved to adopt it. The motion carried unanimously. Senator Stevens moved a favorable report as amended. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report**

SB 124 13th Senatorial District Local Act 1, was explained by Barbara Riley, staff attorney. Sen. Berger moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Berger moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

SB 319 Cabarrus County Local Act -1, was explained by Theresa Matula, Research staff. Sen. Berger moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Garwood moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute.**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Tuesday, April 29, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B.	**74**	Amend Public Laws - 3.	
		Draft Number:	PCS 65282
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes
S.B.	**319**	Cabarrus County Local Act-1.	
		Draft Number:	PCS 35263
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Tuesday, April 29, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **124** 13th Senatorial District Local Act-1.

Draft Number:	PCS 40035
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

SENATE BILL 74:
Township ABC Elections.

BILL ANALYSIS

Committee:	Senate State & Local Govt. & Veterans' Affairs	**Introduced by:**	
Date:	April 29, 2003	**Summary by:**	H. Alan Pell Committee Co-Counsel
Version:	PCS [S74-65282-LC-28]		

SUMMARY: ***This act would allow Township ABC elections in a county which both borders on a county with a population of 500,000 or over, and a county with a population of over 10,000 housed in military quarters. A qualifying county would be allowed to establish, by the county board of commissioners, the process by which township resident could petition for elections.***

BILL ANALYSIS: This act would create a new subdivision in the statute which authorizes townships to hold ABC elections. Townships would be authorized to hold township ABC elections, if located in counties that border:

1. A county with a population of over 500,000 according to the latest fedcral decennial census, and
2. A county with a population in excess of 10,000 housed in military quarters, according to the latest fedcral decennial census.

The act provides that the county board of commissioners may establish procedures for residents of townships to petition for ABC elections. The act may be subject to constitutional challenge because the description of the area to which it applies is limited to less that State-wide application. The State Constitution prohibits local acts affecting trade or commerce.

The act is effective when it becomes law.

S74-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 74
PROPOSED COMMITTEE SUBSTITUTE S74-PCS65282-LC-28

Short Title: Township ABC Elections. (Public)

Sponsors:

Referred to:

February 18, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT CERTAIN TOWNSHIP ABC ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-600(f) reads as rewritten:

"(f) Township Elections. – An election may be called on any of the propositions listed in G.S. 18B-602 in any township located within:

(1) A county where ABC stores have heretofore been established by petition pursuant to law.

(2) A county where ABC stores have been established pursuant to law, in which county according to data from the North Carolina Department of Commerce: (i) one-third or more of the employment is travel related, (ii) spending on travel exceeds four hundred million dollars ($400,000,000) per year, and where the entirety of two townships consists of one island (and several smaller islands not making up more than one percent (1%) of the total land area of the two townships) where that island:

a. Has a population of 4,000 or over according to the most recent decennial federal census;

b. Is located with one side facing the ocean and another side facing a coastal sound.

(3) A county bordering on both:

a. A county with a population of 500,000 or over, according to the most recent decennial federal census; and

b. A county with a population of over 10,000 housed in military quarters, according to the most recent decennial federal census.

In the case of subdivision (2) of this section, an election may be called in the two townships voting together on the proposition contained in G.S. 18B-602(h).

The election shall be held by the county board of elections upon request of the county board of commissioners or upon petition of twenty-five percent (25%) of the registered voters of the township, or in the case of subdivision (2) of this section, of the two townships taken together. The county board of commissioners in any county authorized to hold township elections pursuant to subdivision (3) of this subsection may establish a different process under which the residents of townships in that county may petition the board to call for the township elections. The election shall be conducted and the results determined in the same manner as county elections held under this Article. For purposes of this Article, townships holding any election under this subsection shall be treated on the same basis as counties, and municipalities located within those townships shall be treated on the same basis as cities. In the case of an election under subdivision (2) of this subsection, the votes of the two townships counted together shall determine the result of the election.

In order for an establishment to qualify for a permit under this subsection, the establishment's gross receipts from food and nonalcoholic beverages shall be greater than its gross receipts from alcoholic beverages."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 124
PROPOSED COMMITTEE SUBSTITUTE S124-CSLM-17 [v.1]

4/24/2003 10:46:12 AM

Short Title: Lumberton Construction Contracts. (Local)

Sponsors:

Referred to:

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Lumberton may contract for the design and renovation or construction of buildings to be used by industries locating to the city without being subject to the requirements of Article 8 of Chapter 143 of the General Statutes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 319
PROPOSED COMMITTEE SUBSTITUTE S319-PCS35263-RF-16

Short Title: Cabarrus Work Over Welfare Changes. (Local)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CABARRUS COUNTY DEMONSTRATION WORK OVER WELFARE PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 1998-106, as amended by S.L. 2001-354, reads as rewritten:

"Section 1. Notwithstanding any law to the contrary, the Department of Health and Human Services shall continue designation of Cabarrus County as a pilot county for the purpose of conducting a demonstration welfare reform program for certain Work First and Food Stamp recipients. Immediately upon the ratification of this act, the Department shall ensure that all federal waivers necessary to allow this demonstration program to continue are obtained. To the extent that this act or the program established pursuant to it conflicts with any State law, the program supersedes that law.

Sec. 2. The Cabarrus County demonstration Work Over Welfare Program for certain Work First and Food Stamp recipients shall:

(1) Provide job opportunities to all able-bodied Work First and Food Stamp recipients who are required to participate in the Work First employment program;

(2) Create job opportunities in the public, the private, nonprofit, and the private, for-profit ~~sector, primarily in the human services areas~~ sectors by allowing Cabarrus County to use grant diversions, consisting of the Work First benefits and the cash value of Food Stamps that would be paid to otherwise eligible recipients to match employer funds, to subsidize the employment of these ~~recipients. Human service area jobs will meet such socially necessary needs as day care work, nursing home aide work, and in-home aide work;~~recipients;

(3) Allow wages paid to these recipients, which contain grant-diverted funds, to be exempt from income for purposes of determining eligibility for assistance;

(4) Structure payment of wages to these recipients such that they will be considered income, in order to make recipients eligible for the federal earned income tax credit;

(5) Create work experience opportunities in the private sector more realistically to reflect the world of work;

(6) Require these recipients to participate in the development of an opportunity agreement outlining the responsibilities of the recipient and agency, as well as the incentives for compliance and the sanctions for noncompliance;

(7) Require all these recipients who participate in the program to pursue and accept employment, full or part time, subsidized or unsubsidized, as a condition for continued eligibility for Work First and Food Stamp assistance;

(8) Require job search training of all ~~participants;~~participants who are assessed as needing it;

(9) Require monitored job search of all participants until employment is found or until other work activities of up to 40 hours per week are in place;

(10) Create a positive work incentive by providing wage incentives to participants who are in compliance with the program by using the job bonus as outlined in the Work First Policy Manual for ~~both Work First and Food Stamp benefits;~~Work First benefits;

(11) Provide for a system in which the Work First cash assistance case is terminated following the first month of noncompliance, with restoration of assistance after the client agrees to comply with requirements and files a new application. To ensure that children in terminated households are not harmed, provide social worker monitoring and the use of direct vendor payments or assistance from other community resources for rent, utilities, or other basic needs of children as necessary, during the period in which assistance for the household is terminated. This period of social worker monitoring shall ~~coincide with the period of time that the household would have been, as a Work First case, under a three month pay for performance sanction system and shall~~ not exceed three months from the date of ~~termination.~~termination, unless, in the judgment of the social worker, there is reason to monitor for a longer period of time;

(12) Provide for all individuals to be evaluated for ongoing Medicaid and children to be evaluated for Health Choice eligibility any time Work First terminates. This act shall not alter any individual's eligibility for Medicaid or Health Choice as set out in State and Federal law or ~~regulation.~~regulation;

(13) Require that a recipient who voluntarily terminates employment without good cause be ineligible for Work First until the individual returns to work, provided work opportunities are available. Provide employment services for 30 days to assist the individual in obtaining employment;

(14) Require applicants for Work First to meet with child support staff within 10 days of application. Failure or refusal to pursue child support without good cause is grounds for denial of benefits;

(15) Provide that an applicant may be eligible for a one-time Work First benefit diversion payment in an amount not exceeding one thousand two hundred dollars ($1,200). Applicants receiving the benefit diversion payment shall not be eligible for ongoing Work First benefits for a period of three months from the date of receipt of the benefit diversion payment. Individuals receiving a diversion payment must attend budgetary counseling and may be required to have a protective payee for the benefit diversion payment;

(16) Provide that the period of exemption from participation in employment services for a parent of a newborn child is three months. If a recipient returns to work within six weeks of childbirth, the recipient may reclaim the remainder of the three-month exemption if the recipient chooses not to continue working during the initial six-week period;

(17) In ongoing Work First cases, require family reassessment of service needs when the family circumstance changes due to an able-bodied, financially responsible adult moving into the home. Family reassessment may result in benefit diversion, change in services, or termination from Work First program participation;

(18) Not sanction individuals who demonstrate that they cannot meet program requirements because necessary child care is not ~~available.~~available;

(19) Assist children in Work First child-only cases, where the children are living with relatives other than the biological parents, 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.

Sec. 3. This act shall be funded by Cabarrus County using available grant diversions and administrative transfers, together with federal and State administrative funding allocated to Cabarrus County for the public assistance programs.

Sec. 4. The Department of Health and Human Services shall evaluate the Cabarrus County Demonstration Project and report to the General Assembly and to the Joint Legislative Public Assistance Commission on or before September 1, 2002.

Sec. 5. This act becomes effective July 1, 1995 and shall expire on ~~September 30, 2003.~~ September 30, 2005."

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

PCS FOR SENATE BILL 319:
Cabarrus Work Over Welfare Changes

BILL ANALYSIS

Committee:	Senate State/Local Government & Veterans' Affairs	**Introduced by:**	Senator Hartsell
		Summary by:	Theresa Matula Committee Staff
Date:	April 29, 2003		
Version:	PCS (S319-PCS35263-RF-16)		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 319 amends the Cabarrus County demonstration Work Over Welfare Program and extends the program until September 30, 2005.***

BILL ANALYSIS:

The Proposed Committee Substitute (S319-PCS35263-RF-16) for Senate Bill 319 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:

Section 2 of the PCS for Senate Bill 319 establishes that this act is effective when it becomes law.

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS'AFFAIRS COMMITTEE

Wednesday, April 30 , 2003 at 12:00 Noon

Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

•	SB 232	Orange County Local Act	Senator Kinnaird
•	SB 430	4th Senatorial District Local Act-1	Senator Holloman
•	SB 805	Consolidate Administrative Functions	Senator Rand
•	SB 817	Deferred Retirement Option Program	Senator Rand
•	HB 703	Greensboro ABC Board Membership	Rep. Jeffus
•	SB 167	12th Senatorial District Local Act 1	Senator Smith

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, APRIL 30, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met April 30, 2003 at 12:00 noon in Room 1124 of the Legislative Building and adjourned until after session. Thirteen members were present, including Senator Ellie Kinnaird, who presided.

SB 430 4th Senatorial District Local Act –1 was explained by Senator Holloman. Senator Smith moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Sen. Smith moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

SB 167 12th Senatorial District Local Act –1 was explained by Senator Smith. Senator Sloan moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Sen. Weinstein moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

HB 703 Greensboro ABC Board Membership, was explained by Senator Dorsett. Sen. Sloan moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 805 Consolidate Administrative Functions, was explained by Theresa Matula, Research Analysis. Sen. Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 817 Deferred Retirement Option Program, was explained by Theresa Matula, Research Analysis. Sen. Reeves moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

SB 232 Orange County Local Act, was explained by Senator Kinnaird. Senator Queen moved to adopt a Proposed Committee Substitute. The motioned carried unanimously. Senator Smith moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, April 30, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	**805**	Consolidate Administrative Functions.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**817**	Deferred Retirement Option Program.	
		Sequential Referral:	Pensions & Retirement and Aging
		Recommended Referral:	None
H.B.(CS #1)	**703**	Greensboro ABC Board Membership.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 3

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Thursday, May 01, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B.	**167**	12th Senatorial District Local Act-1.	
		Draft Number:	PCS 55188
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes
S.B.	**232**	Orange County Local Act-1.	
		Draft Number:	PCS 85232
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes
S.B.	**430**	4th Senatorial District Local Act-1.	
		Draft Number:	PCS 40039
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

SB 430:
Warren County Telecommunications

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans' Affairs	**Introduced by:**	Senator Holloman
		Summary by:	Barbara Riley Committee Counsel
Date:	April 22, 2003		
Version:	PCS		

SUMMARY:

Senate Bill 430 allows Warren County, by resolution or ordinance to establish a Telecommunications Authority to provide broadband services to county residents.

BILL ANALYSIS:

Senate Bill 430 authorizes Warren County to establish a Telecommunications Authority. Members of the Authority shall be appointed by the Board of County Commissioners.

The Authority may grant telecommunications franchises, and sell or lease, at full or partial compensation, infrastructure and equipment. Such franchises and equipment sales may be to any department, commission or entity of Warren County, a citizen of Warren County, the County school board, or a department or commission of an adjoining county if the actual cost of the equipment or service does not exceed the cost of providing the equipment or service.

The Authority will have the power to acquire real property by eminent domain, but shall not acquire any property owned by a phone, electric or cable company. With the approval of the Board, the Authority may also enter into contracts as necessary to carry out its purpose. The Authority shall be fiscally accountable to the Board of County Commissioners, and the Board may examine all records and accounts of the Authority at any time.

The act provides that the creation of a Telecommunications Authority by the County is a governmental function and constitutes a public purpose. The Board may appropriate funds to support the Authority, and the Authority may establish license and regulatory fees, subject to approval by the Board.

The act shall not be construed to limit the authority of the North Carolina Utilities Commission, or the right to appeal to the Commission, or to limit or affect the applicability of the Federal Communications Act of 1996.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 430

Short Title:	4th Senatorial District Local Act-1.	(Local)
Sponsors:	Senator Holloman.	
Referred to:	Rules and Operations of the Senate.	

March 17, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 4th Senatorial District.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 430
PROPOSED COMMITTEE SUBSTITUTE S430-PCS40039-LM-12

Short Title: Warren County Telecommunications. (Local)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING WARREN COUNTY TO CREATE A TELECOMMUNICATIONS AUTHORITY TO PROVIDE GREATER TELECOMMUNICATIONS SERVICES TO CITIZENS AND BUSINESSES IN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Warren County may, by resolution or ordinance, create a Telecommunications Authority (hereinafter referred to as the Authority) that shall consist of five members, who shall serve for two-year terms. The members shall be appointed by the County's Board of Commissioners (hereinafter referred to as the Board). Appointments to fill vacancies occurring during the regular terms shall be made by the Board. The appointments of all members shall run until their successors are appointed and qualified.

The members of the Authority shall elect a chairman and vice-chairman from the membership of the Authority. They shall also elect a secretary who may, or may not, be a member of the Authority.

A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of the majority of the members present at a meeting of the Authority shall be required to constitute action of the Authority.

SECTION 2. The Telecommunications Authority shall be authorized to grant telecommunications franchises and to offer for sale or lease at full or partial consideration telecommunications infrastructure or equipment, including pole or tower attachments, antennas or conduit occupancy, or services, including intragovernmental radio dispatch or paging systems, to: (i) any department, office, board, commission, agency, or other division or entity of Warren County; (ii) the citizens of Warren County; (iii) the Warren County School Board; or (iv) a department, office, board, commission, agency, or other division or entity of an adjoining county if the actual cost of the telecommunications equipment, infrastructure, or service does not exceed the cost of

providing the equipment, infrastructure, or service. For purposes of this act, telecommunications shall mean a high-speed, switched electrical or spectral transmission enabling users to originate and receive voice, data, graphics, and video using any available technology.

SECTION 3. The Telecommunications Authority shall also have the authority to:

(1) Acquire real property by eminent domain under Chapter 40A of the General Statutes, but the Authority shall not acquire any facilities or property owned by a telephone company, electric company, or cable operator.

(2) With the approval of the Board, make or enter into contracts or agreements necessary to carry out its purpose as stated in this act.

SECTION 4. The establishment and operation of a Telecommunications Authority as authorized in this act are governmental functions and constitute a public purpose, and the Board is hereby authorized to appropriate funds to support the establishment and operation of the Authority. The Authority is hereby authorized to establish such license and regulatory fees and charges as it may deem appropriate, subject to the approval of the Board.

SECTION 5. The Authority shall be fiscally accountable to the Board, and the Board shall have authority to examine all records and accounts of the Authority at any time.

SECTION 6. Nothing in this act shall be construed to limit or otherwise affect the power or authority of the North Carolina Utilities Commission or the right of appeal to the North Carolina Utilities Commission as provided by law.

SECTION 7. Nothing in this act shall be construed to limit or otherwise affect the applicability of the Federal Telecommunications Act of 1996, 47 U.S.C. § 151, et seq., to any actions taken by the Telecommunications Authority or the Warren County Board of Commissioners.

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

SB 167:
Permit Weapons at Johnston CC Nature Ctr.

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans' Affairs	**Introduced by:**	Senator Smith
		Summary by:	Barbara Riley Committee Counsel
Date:	April 30, 2003		
Version:	PCS		

SUMMARY:

Senate Bill 164 allows the use of weapons for the purpose of hunting at the Howell Woods Nature Center in Johnston County when used with the written permission of the Johnston County Community College.

BILL ANALYSIS:

G.S. 14-269.2 makes it a Class I felony for a person to possess a gun on educational property. Educational property includes any property owned, used, or operated by a board of education, school board of trustees or directors for the administration of a school.

Howell Woods Nature Center is owned by the Johnston County Community College. Feral pigs have become a problem on the property, but may not be hunted because of the prohibition against weapons in G.S. 14-269.2. The bill would add an exemption to the prohibition against weapons on school property for hunting at Howell Woods when the person has the written permission of the Community College.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 167

Short Title:	12th Senatorial District Local Act-1.	(Local)
Sponsors:	Senator Smith.	
Referred to:	Rules and Operations of the Senate.	

February 25, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 12th Senatorial District.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 167
PROPOSED COMMITTEE SUBSTITUTE S167-PCS55188-RL-27

Short Title: Permit Weapons at Johnston CC Nature Ctr. (Public)

Sponsors:

Referred to:

February 25, 2003

A BILL TO BE ENTITLED

AN ACT PERMITTING WEAPONS ON THE HOWELL WOODS NATURE CENTER PROPERTY OF JOHNSTON COMMUNITY COLLEGE FOR HUNTING PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-269.2(g) reads as rewritten:

"(g) This section shall not apply to:

(1) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;

(1a) A person exempted by the provisions of G.S. 14-269(b);

(2) Firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by an educational institution, when acting in the discharge of their official duties; ~~or~~

(3) Home schools as defined in ~~G.S. 115C-563(a).~~ G.S. 115C-563(a); or

(4) Weapons used for hunting purposes on the Howell Woods Nature Center property in Johnston County owned by Johnston Community College when used with the written permission of Johnston Community College."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 703
Committee Substitute Favorable 4/10/03

Short Title: Greensboro ABC Board Membership. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AND THE GENERAL STATUTES TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5.1 of the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, reads as rewritten:

"Sec. 5.21. Board of Alcoholic Control: Selection, Composition and Terms.

The City of Greensboro Board of Alcoholic Control is hereby continued under this charter, and shall consist of ~~three~~ five members who shall be known for their character, ability, and business acumen. The city council shall appoint the members of said board for three-year overlapping terms; shall fix their compensation; and shall designate one of the members as chairman. Vacancies occurring otherwise than by expiration of term shall be filled by the council for the unexpired term."

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 terms 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.~~The City of Greensboro's Alcoholic Beverage Control Board shall consist of five members appointed for three-year terms. 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 3 of this act. 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."

SECTION 3. The city council shall appoint additional members authorized by this act to serve one-year or two-year initial terms and then for three-year terms thereafter. The initial terms shall be decided upon to maintain the staggered appointment periods required by the city charter.

SECTION 4. Section 2 of this act applies to the City of Greensboro only.

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

SENATE BILL 805:
Consolidate Administrative Functions

BILL ANALYSIS

Committee:	Senate State/Local Government & Veterans' Affairs	**Introduced by:**	Senator Rand
		Summary by:	Theresa Matula Committee Staff
Date:	April 28, 2003		
Version:	First Edition		

SUMMARY: ***Senate Bill 805 provides for the consolidation of administrative functions within State government to promote State spending efficiency and savings.***

BILL ANALYSIS:

Senate Bill 805 requires the following entities to develop a plan to consolidate administrative functions in areas with high concentrations of State facilities:

- The University of North Carolina (through the Office of the President)
- Judicial Branch (through the Administrative Office of the Courts)
- Executive Branch (through the Department of Administration)
- Legislative Branch (through the Legislative Services Office)
- Community College System (through the President's Office)
- Department of Public Instruction

The plan shall be presented to the General Assembly no later than May 1, 2004.

The act would become effective when it becomes law.

BACKGROUND:

This recommendation was included in the Governor's Commission to Promote Government Efficiency and Savings on State Spending. The recommendation is modeled on similar measures taken for State facilities in the Morganton area.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 805

Short Title:	Consolidate Administrative Functions.	(Public)
Sponsors:	Senator Rand.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS WITHIN STATE GOVERNMENT, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING.

The General Assembly of North Carolina enacts:

SECTION 1. The Governor's Commission to Promote Government Efficiency and Savings on State Spending has recommended that administrative and support functions of State government be consolidated in areas of high concentration of State facilities, modeled after similar measures taken recently for State facilities in the Morganton area. To that end, The University of North Carolina (through the Office of the President), the Judicial Branch (through the Administrative Office of the Courts), the Executive Branch (through the Department of Administration), the Legislative Branch (through the Legislative Services Office), the Community College System (through the President's Office), and the Department of Public Instruction shall develop a plan to consolidate administrative functions in areas of high concentrations of State facilities. That plan shall be presented to the General Assembly no later than May 1, 2004.

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

PUBLIC BILL

S.B. 817 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW RETIREES WITH SPECIAL EXPERTISE TO RETIRE UNDER A DEFERRED RETIREMENT OPTION PROGRAM, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING.

Introduced by Senator(s) Rand Rand

Principal Clerk's Use Only

FILED APR 2 2003

PASSED 1st READING
APR 3 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc Gov. Vet. Affairs

SEQUENTIAL REFERRAL:
Pens, Ret. + Aging

SENATE BILL 817:
Deferred Retirement Option Program

BILL ANALYSIS

Committee:	Senate State/Local Government & Veterans' Affairs	**Introduced by:**	Senator Rand
		Summary by:	Theresa Matula Committee Staff
Date:	April 30, 2003		
Version:	First Edition		

SUMMARY: ***Senate Bill 817 establishes a Deferred Retirement Option Program for retirees in the Teachers' and State Employees' Retirement System with expertise that is difficult to obtain in the recruitment process.***

BILL ANALYSIS:

Section 1 of Senate Bill 817 adds a new section to Article 1 of Chapter 135 establishing the Deferred Retirement Option Program. This provision would allow a member eligible for service retirement, and whose job title or classification has been designated as a position requiring expertise that is difficult to obtain through the recruitment process, to participate in the program. Elements are summarized below:

- The designation of eligible job titles or classifications will be made by the Board of Trustees of the Teachers' and State Employees' Retirement System (TSERS) and a list compiled during the final quarter of each calendar year.
- The member's normal retirement benefit is calculated on the basis of the member's average final compensation and service credit at the time the program period begins.
- The member's normal retirement benefit is deferred during the program period and the deferred monthly payment is placed in the System's trust fund on behalf of the member. No interest shall be paid on the member's deferred monthly benefit placed in the trust fund during the specified program period.
- The program participant shall agree to continue employment with an employer participating in the System for a program period, not to exceed five years.
- Upon termination of employment either during or at the end of the program period, the member shall receive the balance in his/her program account by electing one of the following distribution alternatives:

  (1) A lump-sum distribution, paying appropriate taxes; or
  (2) To the extent permitted by law, a tax-sheltered rollover into an eligible plan.

  The member will also receive the previously determined normal retirement benefits based upon the member's average final compensation and service credit at the time the program period began, plus any applicable cost-of-living increases declared during the program period. The program participant is thereafter subject to the earning limitation of G.S. 135-3(8)c.
- If a program participant fails to terminate employment within one month after the end of the specified program period, the member shall receive the previously determined normal retirement benefits based upon the member's average final compensation and service credit at the time the

program began, plus any applicable cost-of-living increases declared during the program period. The program participant is thereafter subject to the earning limitation of G.S. 135-3(8)c and will receive the balance in his/her program account by selecting one of the distribution alternatives.

- The employer pays the employer contribution for active members prescribed by law with respect to any program participant it employs.
- A program participant is retired from the System as of the beginning of the program period, makes no further employee contributions to the System, accrues no service credit during the program period, and is not eligible to receive group life insurance benefits or disability retirement benefits. Accrued annual leave and sick leave used in any manner in the calculation of the program participant's retirement benefits is deducted from the amount of that leave accrued by the participant.
- A program participant is retired for retirement purposes only, but for employment purposes is considered to be an active employee, retaining all other rights and benefits of an active employee and is not subject to the earnings limitation of G.S. 135-3(8)c. during the program period.
- If a program participant dies during the specified program period, the member's designated beneficiary shall receive the balance in the member's program account by electing one of the distribution alternatives set forth under the program. Additionally, in accordance with the form of System benefit selected by the member at the time the program commenced, the member's designated beneficiary shall receive either a survivor benefit or a refund of contributions from the member's System account.
- A member is not eligible to participate in the program if the member has participated previously in and received a benefit under this program or any other state retirement system.

Section 2 provides that this act becomes effective January 1, 2004 and applies to persons eligible to retire from the TSERS on or after that date.

BACKGROUND:

This recommendation was included in the final report from the Governor's Commission to Promote Government Efficiency and Savings on State Spending.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 817

Short Title:	Deferred Retirement Option Program.	(Public)
Sponsors:	Senator Rand.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW RETIREES WITH SPECIAL EXPERTISE TO RETIRE UNDER A DEFERRED RETIREMENT OPTION PROGRAM, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 135 of the General Statutes is amended by adding a new section to read:

"**§ 135-18.9. Deferred Retirement Option Program.**

(a) A member who is eligible for service retirement under this Chapter and whose job title or classification has been designated by the Board of Trustees of the Teachers' and State Employees' Retirement System as a position requiring expertise that is difficult to obtain through the recruitment process may, upon compliance with the requirements of this section participate in the Teachers' and State Employees' Deferred Retirement Option Program. During the final quarter of each calendar year, the Board of Trustees shall compile a list of job titles or classifications eligible for the Deferred Retirement Option Program during the upcoming calendar year.

A member selected to participate in the program retires for purposes of the System, and the member's normal retirement benefit is calculated on the basis of the member's average final compensation and service credit at the time the program period begins. The program participant shall agree to continue employment with an employer participating in the System for a program period, not to exceed five years. Such employment shall be with the same agency or department from which the member retired, unless the list compiled by the Board of Trustees for that calendar year indicates that the job title or classification in question is eligible for employment with any agency or department. The member shall notify the System before the beginning of the program period. Participation in the program does not guarantee employment for the specified program period.

(b) During the specified program period, receipt of the member's normal retirement benefit is deferred. The member's deferred monthly payment shall be placed in the System's trust fund on behalf of the member. No interest shall be paid on the member's deferred monthly benefit placed in the trust fund during the specified program period.

(c) During the specified program period, the employer shall pay to the System the employer contribution for active members prescribed by law with respect to any program participant it employs, regardless of whether the program participant is a part-time employee, a temporary employee, or a full-time employee. If an employer who is obligated to the System pursuant to this subsection fails to pay the amount due, as determined by the System, the amount shall be deducted from any funds payable to the employer by the State.

(d) A program participant is retired from the System as of the beginning of the program period. A program participant makes no further employee contributions to the System, accrues no service credit during the program period, and is not eligible to receive group life insurance benefits or disability retirement benefits. Accrued annual leave and sick leave used in any manner in the calculation of the program participant's retirement benefits is deducted from the amount of that leave accrued by the participant.

(e) A program participant is retired for retirement purposes only. For employment purposes, a program participant is considered to be an active employee, retaining all other rights and benefits of an active employee and is not subject to the earnings limitation of G.S. 135-3(8)c. during the program period.

(f) Upon termination of employment either during or at the end of the program period, the member shall receive the balance in the member's program account by electing one of the following distribution alternatives:

(1) A lump-sum distribution, paying appropriate taxes; or

(2) To the extent permitted by law, a tax-sheltered rollover into an eligible plan.

The member also shall receive the previously determined normal retirement benefits based upon the member's average final compensation and service credit at the time the program period began, plus any applicable cost-of-living increases declared during the program period. The program participant is thereafter subject to the earning limitation of G.S. 135-3(8)c.

(g) If a program participant dies during the specified program period, the member's designated beneficiary shall receive the balance in the member's program account by electing one of the distribution alternatives set forth in subsection (f) of this section. In accordance with the form of System benefit selected by the member at the time the program commenced, the member's designated beneficiary shall receive either a survivor benefit or a refund of contributions from the member's System account.

(h) If a program participant fails to terminate employment with an employer participating in the System within one month after the end of the specified program period, the member shall receive the previously determined normal retirement benefits based upon the member's average final compensation and service credit at the time the program began, plus any applicable cost-of-living increases declared during the

program period. The program participant is thereafter subject to the earning limitation of G.S. 135-3(8)c. The program participant also shall receive the balance in the member's program account by selecting one of the distribution alternatives set forth in subsection (f) of this section.

(i) A member is not eligible to participate in the program if the member has participated previously in and received a benefit under this program or any other state retirement system."

SECTION 2. This act becomes effective January 1, 2004, and applies to persons eligible to retire from the Teachers' and State Employees' Retirement System on or after that date.

SENATE BILL 232:
Orange County Bikeways and Trails.

BILL ANALYSIS

Committee:	Senate State and Local Govt. & Veterans' Affairs	**Introduced by:**	Sen. Kinnaird
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	April 30, 2003		
Version:	PCS S232-40010-LB-18		

SUMMARY: ***This act would allow Orange County to use available funds for bikeway projects. The act is effective when it becomes law.***

CURRENT LAW: Under the Bicycle and Bikeway Act of 1974, cities and towns are authorized to use available funds for bikeway projects.

BILL ANALYSIS: This act would add "counties" to the list of political entities that are allowed to expend available funds for bikeway projects. The provision is limited to Orange County. The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 232

Short Title:	Orange County Local Act-1.	(Local)
Sponsors:	Senator Kinnaird.	
Referred to:	Rules and Operations of the Senate.	

February 27, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE COUNTY OF ORANGE.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates to Orange County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 232
PROPOSED COMMITTEE SUBSTITUTE S232-PCS40010-LB-18

Short Title: Orange County Bikeways and Trails (Local)

Sponsors:

Referred to:

February 27, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE COUNTY OF ORANGE TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS THROUGHOUT THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-71.12 reads as rewritten:

"**§ 136-71.12. Funds.**

The General Assembly hereby authorizes the Department to include needed funds for the program in its annual budgets for fiscal years after June 30, 1975, subject to the approval of the General Assembly.

The Department is authorized to spend any federal, State, local or private funds available to the Department and designated for the accomplishment of this Article. ~~Cities and towns~~ Cities, towns, and counties may use any funds available."

SECTION 2. This act relates to Orange County only.

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — April 30, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tim Minton	NC Home Builders
Stephanie Simpson	NC Assn. of Realtors
Frank Lewis	OSBM
John Phelps	NCLM
Kim Hibbard	NCLM
Suzanne Winn	NCCCS

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS'AFFAIRS COMMITTEE

Wednesday, May 7, 2003 at 12:00 Noon

Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

	BILL NO.	SHORT TITLE	SPONSOR
•	HB 710	Occaneechi Bank of Saponi/Indians	Rep. Sutton
•	HB 745	Indian Cultural Center Changes	Rep. Sutton
•	HB 746	Amend Indian Recognition	Rep. Sutton
•	HB 727	Soil and Water Conservation Commission	Rep. Culp

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, MAY 7, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met May 7, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Eleven members were present, including Senator Ellie Kinnaird, who presided.

HB 727 Soil and Water Conservation Commission, was explained by Rep. Culp. Sen. Hargett moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 710 Occaneechi Band of Saponi/Indians Cult.Ctr. was explained by Rep. Sutton. There was no vote on the bill. The bill will be voted on next week. Ken Melton, Alley Associates, Inc. answered questions.

HB 745 Indian Cultural Center Changes was explained by Rep. Sutton. There was no vote on the bill. The bill will be voted on next week.

HB 746 Amend Indian Recognition was explained by Rep. Sutton. There was no vote on the bill. The bill will be voted on next week.

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, May 07, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **727** Soil and Water Conservation Commission.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

PUBLIC BILL

H.B. 0727

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES.

Introduced by Representative(s): Culp.

Tolson, Dockham, Dest, Lucas, Wilson, Hall, Boyce, Rhodes, David Roberson, Barker Jr., Rep Tracy Walker, Dewey Hill, Blust, Saunders, N. Church

Principal Clerk's Use Only

PASSED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE
ON State Government

The Committee on STATE GOVERNMENT a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Womack
For the Committee

REPORTED FAVORABLY APR 23 2003

PURSUANT TO RULE 36(b)
APR 23 2003
PLACED ON CALENDAR
OF 4-24-03

100-3EV VV

PASSED 2nd & 3rd READING
APR 24 2003
ORDERED SENT TO SENATE

Dennis Wicker

RECEIVED
APR 25 2003
From House of Representatives
By Clerk 9:15 AM/PM

PASSED 1st READING
APR 28 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc. Gov

Vet. Affairs

HOUSE BILL 727:
Soil and Water Conservation Commission

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans Affairs	**Introduced by:**	Representative Culp
		Summary by:	Kory J. Goldsmith Committee Counsel
Date:	May 7, 2003		
Version:	1st Edition		

SUMMARY: ***HB 727 would allow a member of the Soil and Water Conservation Commission to concurrently hold that office as well as another appointed and another elected office.***

CURRENT LAW: Section 9(2) of Article VI of the North Carolina Constitution prohibits a person from concurrently holding two offices elected by the people. It also prohibits a person from concurrently holding more than two appointive offices, or any combination of appointive and elected offices, except as provided by statute. G.S. 128-1.1 prohibits a person from concurrently holding more than one elected and one appointive office.

BILL ANALYSIS: The bill amends G.S. 143B-295 regarding dual office holding for a member of the Soil and Water Conservation Commission. The change would allow a member of the commission to also concurrently hold one elected and one appointed office. Given the constitutional prohibition against concurrently holding two elected offices, the change would not allow a person to concurrently hold one appointed office and two elected offices.

The act is effective when it becomes law.

H727-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 727

Short Title:	Soil and Water Conservation Commission.	(Public)
Sponsors:	Representatives Culp; Barbee, Blust, Church, Dockham, Fox, Gibson, Hill, Lewis, McGee, Ray, Rhodes, Saunders, Tolson, Walker, West, G. Wilson, and Yongue.	
Referred to:	State Government.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-295 reads as rewritten:

"**§ 143B-295. Soil and Water Conservation Commission – members; selection; removal; compensation; quorum; services.**

(a) The Soil and Water Conservation Commission of the Department of Environment and Natural Resources shall be composed of seven members appointed by the Governor. The Commission shall be composed of the following members:

(1) The president, first vice-president, and immediate past president of the North Carolina Association of Soil and Water Conservation Districts. Vacancies arising in any of these positions shall be filled through appointment by the Governor upon the nomination by the executive committee of the North Carolina Association of Soil and Water Conservation Districts;

(2) Three supervisor members nominated by the North Carolina Association of Soil and Water Conservation Districts from its own membership representing the three major geographical regions of the State and appointed by the Governor;

(3) One member appointed at large by the Governor.

(b) The members of the Commission, except those members serving in an ex officio capacity, shall be appointed for terms of three years and shall serve until their successors are appointed and qualified. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

(c) The office of member of the Soil and Water Conservation Commission may be held concurrently with any other ~~elected or appointed~~ elective or appointive office, ~~as authorized by G.S.128-1.1 and Article VI, Section 9, of the Constitution of North Carolina.~~ in addition to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

(d) The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, and nonfeasance according to the provisions of G.S. 143B-13.

(e) The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(f) A majority of the Commission shall constitute a quorum for the transaction of business.

(g) All clerical and other services required by the Commission shall be supplied by the Secretary of Environment and Natural Resources."

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

PUBLIC BILL

title change

~~Proposed~~ Committee Substitute For
H.B. 710

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER.

Introduced by Representative(s): Sutton

Principal Clerk's Use Only

The Committee on Military, Veterans and Indian Affairs a majority being present, having considered this bill, recommend that it do V pass.

Rep. Lucas
For the Committee

FAVORABLE TO COMM. SUB.
UNFAVORABLE TO BILL

APR 10 2003

TITLE CHANGE

AND PLACED ON CALENDAR FOR
36b

4/17/03

111-0 EV VV

PASSED 2nd & 3rd READING

APR 22 2003

ORDERED SENT TO SENATE

Denise Weeks

RECEIVED

APR 23 2003

From House of Representatives
By Clerk 10:00 AM/PM

PASSED 1st READING

APR 23 2003

AND REFERRED TO COMMITTEE
St. Gov, Loc Gov.
Vet. Affairs

HOUSE BILL 710:
Occaneechi Band of Saponi/Indian Cult. Ctr.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Representative Sutton
		Summary by:	Theresa Matula Committee Staff
Date:	May 6, 2003		
Version:	Second Edition		

SUMMARY: House Bill 710 adds a member to the Board of the North Carolina Indian Cultural Center to represent the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties.

BILL ANALYSIS:

Section 1 of House Bill 710 amends Subsection (b) of Section 2 of Chapter 41 of the 1997 Session Laws, as amended by S.L. 1998-19 and S.L. 2001-318 to increase the membership of the Board of the North Carolina Indian Cultural Center, Inc. from 17 to 18 members. The additional member would represent the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties. Members of the Board serve two-year terms, however, the initial term of the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties shall be for one year.

Section 2 provides for the appropriate staggering of terms.

Section 3 establishes that this act will become effective July 1, 2003.

BACKGROUND INFORMATION:

The Board of the North Carolina Indian Cultural Center, Inc. initially consisted of 15 members. The 16th member was added by S.L. 1998-19 to represent the Indians of Person County, and the 17th member was added by S.L. 2001-318 to represent the Triangle Native American Society.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 710

Committee Substitute Favorable 4/10/03

Short Title: Occaneechi Band of Saponi/Indian Cult. Ctr. (Public)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of Chapter 41 of the 1997 Session Laws, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of ~~17~~ 18 members, appointed as follows:

(1) One member representing each of the following Indian groups recognized by the State of North Carolina: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke, and Scotland Counties; the Meherrin of Hertford County; the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties; the Indians of Person County; and the Waccamaw-Siouan from Columbus and Bladen Counties;

(2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, the Metrolina Native Americans, and the Triangle Native American Society;

(3) One member representing the education community of the State;

(4) Two members representing the business community of the State;

(5) Two members representing the government of the State of North Carolina; and

(6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member

designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

(1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the business community shall be for one year; and

(2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; one member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

SECTION 2. In order to provide for appropriate staggering of terms, the term of the member added pursuant to Section 1 of this act to represent the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties shall run concurrently with the terms of the members whose initial terms were for one year.

SECTION 3. This act becomes effective July 1, 2003.

PUBLIC BILL

H.B. 0745 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

Introduced by Representative(s): Sutton.

Principal Clerk's Use Only

PASSED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE
ON Military, Veterans, and Indian Affairs

Military, ~~Indians~~ Veterans, and Indian Affairs

The Committee on ..... a majority being present, having considered this bill, recommend that it do ..... pass.

Rep. Lucas
For the Committee

REPORTED FAVORABLY APR 9 2003

PURSUANT TO RULE 36(b)
APR 9 2003
PLACED ON CALENDAR
ON 4-16-03

111-0 EV VV
PASSED 2nd & 3rd READING
APR 22 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
APR 23 2003
From House of Representatives
By Clerk 10:00 AM/PM

PASSED 1st READING
APR 23 2003
AND REFERRED TO COMMITTEE
St. Gov, Loc. Gov. Vet. Affairs

HOUSE BILL 745:
Indian Cultural Center Changes.

BILL ANALYSIS

Committee:	Sen. State/Local Govt. & Veterans' Affairs	**Introduced by:**	Rep. Sutton
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	May 7, 2003		
Version:	First Edition		

SUMMARY: ***The bill would increase the number of representatives from one to two on the Board of the Indian Cultural Center for the following: the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties. The bill would also require the members from the education and business communities, and from State government, to reside in specified counties. The act is effective July 1, 2003.***

BILL ANALYSIS:

Section 1: The act

- increases the membership of the Board of the North Carolina Indian Cultural Center from 17 to 19 members.
- Two Indian groups would have their membership increased from one to two: the Lumbees of Robeson, Hoke, and Scotland Counties; and the Waccamaw-Siouan from Columbus and Bladen Counties.
- The members that are from the business and education communities, as well as the members representing State government, would be required to reside in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties.

Section 2: This section provides for the initial terms for the new members, and for replacement of members from State government that do not meet residency requirements.

Section 3: The act would become effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 745

Short Title:	Indian Cultural Center Changes.	(Public)
Sponsors:	Representative Sutton.	
Referred to:	Military, Veterans and Indian Affairs.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of Chapter 41 of the 1997 Session Laws, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of ~~17~~ 19 members, appointed as follows:

(1) One member representing each of the following Indian groups recognized by the State of North Carolina: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; ~~the Lumbees of Robeson, Hoke, and Scotland Counties;~~ the Meherrin of Hertford County; and the Indians of Person ~~County; and the Waccamaw-Siouan from Columbus and Bladen Counties;~~ County;

(1a) Two members representing each of the following Indian groups recognized by the State of North Carolina: the Lumbees of Robeson, Hoke, and Scotland Counties; and the Waccamaw-Siouan from Columbus and Bladen Counties;

(2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, the Metrolina Native Americans, and the Triangle Native American Society;

(3) One member representing the education community of the ~~State;~~ State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland County;

(4) Two members representing the business community of the ~~State;~~ State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties;

(5) Two members representing the government of the State of North ~~Carolina; and~~ Carolina and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties; and

(6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

(1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the business community shall be for one year; and

(2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; one member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

SECTION 2. The initial term of the additional Lumbee representative provided for in Section 1 of this act shall be for one year. The initial term of the additional Waccamaw-Siouan representative shall be for two years. If the members representing the education community, the business community, and the government of the State of North Carolina do not meet the residency requirement provided for in Section 1 of this act on the effective date of this act, new members shall be appointed to those seats to serve the remainder of those members' terms.

SECTION 3. This act becomes effective July 1, 2003.

PUBLIC BILL

H.B. 0746

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION.

Introduced by Representative(s): Sutton.

Principal Clerk's Use Only

PASSED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE
ON Military, Veterans, and Indian Affairs

Military, Veterans and Indian Affairs

The Committee on ..... a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Lucas
For the Committee

REPORTED FAVORABLY APR 9 2003

PURSUANT TO RULE 36(b)
APR 9 2003
PLACED ON CALENDAR
OF 4-16-03

111-1EV VV

PASSED 2nd & 3rd READING
APR 22 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
APR 23 2003
From House of Representatives
By Clerk 10:00 AM/PM

PASSED 1st READING
APR 23 2003
AND REFERRED TO COMMITTEES
St. Gov, Loc. Gov. Vet. Affairs

HOUSE BILL 746:
Amend Indian Recognition.

BILL ANALYSIS

Committee:	Sen. State/Local Govt.	**Introduced by:**	Rep. Sutton
Date:	May 7, 2003	**Summary by:**	H. Alan Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***The bill would amend the statute that officially recognized the Lumbee Tribe; and provide official State recognition to two Indian groups.***

BILL ANALYSIS:

Section 1: The act would amend the provision that recognized the Lumbee Tribe by setting forth the names by which the Tribe was previously known.

Section 2: This section would

- provide official State recognition to the Meherrin Tribe. The Tribe is described as those Indians now residing in Hertford, Bertie, Gates, and Northampton Counties. The recognition is retroactive to July 20, 1971.
- provide official State recognition to the Occaneechi Band of the Saponi Nation. The Indians are stated as living "primarily in the old settlement of Little Texas in Pleasant Grove Township, Alamance County." The recognition is retroactive to July 20, 1971.

Section 3: The act is effective when it becomes law.

H746-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 746

Short Title:	Amend Indian Recognition.	(Public)
Sponsors:	Representative Sutton.	
Referred to:	Military, Veterans and Indian Affairs.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 71A-3 reads as rewritten:

"**§ 71A-3. Lumbee Tribe of North Carolina; rights, privileges, immunities, obligations and duties.**

The Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American Colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, who have previously been known as "Croatan Indians," "Indians of Robeson County," and "Cherokee Indians of Robeson County," shall, from and after April 20, 1953, be designated and officially recognized as Lumbee Tribe of North Carolina and shall continue to enjoy all rights, privileges and immunities enjoyed by them as citizens of the State as now provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law."

SECTION 2. Chapter 71A of the General Statutes is amended by adding two new sections to read:

"**§ 71A-7.1. Meherrin Tribe of North Carolina; rights, privileges, immunities, obligations and duties.**

The Indians now residing in small communities in Hertford, Bertie, Gates, and Northampton Counties, who in 1726 were granted reservational lands at the mouth of the Meherrin River in the vicinity of present-day Parker's Ferry near Winton in Hertford County, and who are of the same linguistic stock as the Cherokee, Tuscarora, and other tribes of the Iroquois Confederacy of New York and Canada, shall, from and after July

20, 1971, be designated and officially recognized as the Meherrin Tribe of North Carolina, and shall continue to enjoy all their rights, privileges, and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law.

"**§ 71A-7.2. Occaneechi Band of Saponi Nation in North Carolina; rights, privileges, immunities, obligations and duties.**

The Indians now living primarily in the old settlement of Little Texas in Pleasant Grove Township, Alamance County, who are lineal descendants of the Saponi and related Indians who occupied the Piedmont of North Carolina and Virginia in precontact times, and specifically of those Saponi and related Indians who formally became tributary to Virginia under the Treaties of Middle Plantation in 1677 and 1680, and who under the subsequent treaty of 1713 with the Colony of Virginia agreed to join together as a single community, shall, from and after July 20, 1971, be designated and officially recognized as the Occaneechi Band of the Saponi Nation of North Carolina, and shall continue to enjoy all their rights, privileges, and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law."

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — May 7, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amy Dobson	NC Statewatch
Beth Anne Mumford	NC Pork Council
Jerry Hartzog	"
Ken McHon	Alley Associates, Inc.
Paul Workenton	Fayetteville Observer

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS'AFFAIRS COMMITTEE

Wednesday, May 14, 2003 at 12:00 Noon

Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

BILL NO.	SHORT TITLE	SPONSOR
HB 710	Occaneechi Band of Saponi/Indian Cult. Ctr.	Representative Sutton
HB 745	Indian Cultural Center Changes.	Representative Sutton
HB 746	Amend Indian Recognition.	Representative Sutton
HB 512	Nags Head Historic Preservation Commission.	Representative Culpepper, III
HB 686	Dare County Courthouse Contracts.	Representative Culpepper, III
HB 750	Pinebluff Property Conveyance.	Representative Culpepper, III
HB 765	Chowan Subdivision Definition.	Representative Culpepper, III
HB 355	Redesignate Indians of Person Co. as Sappony.	Representative Allen
HB 480	Wilkes Commissioner Election.	Representative Walker
SB 89	46th Senatorial District Local Act-1.	Senator Dalton
HB 134	Roanoke Rapids Private Sale.	Representative Hall Representative Allen

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, MAY 14, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met May 14 2003 at 12:00 noon in Room 1124 of the Legislative Building. Twelve members were present, including Senator Ellie Kinnaird, who presided.

HB 512 Nags Head Historic Preservation Commission, was explained by Rep. Culpepper. Sen. Clodfelter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 686 Dare County Courthouse Contracts was explained by Rep. Culpepper. Sen. Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 750 Pinebluff Property Conveyance, was explained by Rep. Culpepper. Sen. Clodfelter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 765 Chowan Subdivision Definition was explained by Rep. Culpepper. Sen. Soles moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Stevens moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

HB 355 Redesignate Indians of Person Co. as Sappony was explained by Rep. Gordon Allen. Sen. Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 134 Roanoke Rapids Private Sale was explained by Rep. Lucy Allen. Sen. Horton moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 746 Amend Indian Recognition was explained by Rep. Sutton. Sen. Dorsett moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 710 Occaneechi Band of Saponi/Indians Cult.Ctr. was explained by Rep. Sutton. Sen. Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 745 Indian Cultural Center Changes was explained by Rep. Sutton. Sen. Weinstein moved a favorable report of the bill. Patrick Lambert, Eastern Band of Cherokee, spoke on the bill. Greg Richardson, NC Commission of Indian Affairs answered questions and spoke on the bill. Sen. Dorsett offered and amendment. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

HB 480 Wilkes Commissioner Election was explained by Rep. Walker. Sen. Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 89 46th Senatorial District Local Act-1was explained by Sen. Dalton. Sen. Hartsell moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Hartsell moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

CORRECTED COPY
Wednesday, May 14, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **134**	Roanoke Rapids Private Sale.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **355**	Redesignate Indians of Person Co. as Sappony.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **480**	Wilkes Commissioner Election.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **512**	Nags Head Historic Preservation Commission.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **686**	Dare County Courthouse Contracts.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **710**	Occaneechi Band of Saponi/Indian Cult. Ctr.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **746**	Amend Indian Recognition.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **750**	Pinebluff Property Conveyance.	
	Sequential Referral:	None
	Recommended Referral:	None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **89** 46th Senatorial District Local Act-1.

Draft Number:	PCS 65259
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **765** Chowan Subdivision Definition.

Draft Number:	PCS 50278
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 10

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, May 14, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **745** Indian Cultural Center Changes.

Draft Number:	PCS 45139
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

LOCAL BILL

H.B. 0512

SESSION LAW _____

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.

Introduced by Representative(s): Culpepper.

Principal Clerk's Use Only

PASSED 1st READING
MAR 17 2003
AND REFERRED TO COMMITTEE
ON Local Government I

The Committee on Local Govt I a majority being present, having considered this bill, recommend that it do pass.
Rep. Walker
For the Committee

REPORTED FAVORABLY APR 2 2003

PURSUANT TO RULE 36(b)
APR 2 2003
PLACED ON CALENDAR
OF 4-3-03

PASSED 2nd & 3rd READING
APR 3 2003
ORDERED SENT TO SENATE

Denise Walker

RECEIVED
APR 4 2003

From House of Representatives
By Clerk 9:15 AM/PM

PASSED 1st READING
APR 7 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc Gov
Vet. Affairs

HOUSE BILL 512:
Nags Head Historic Preservation Commission.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representative Culpepper
		Summary by:	Theresa Matula Committee Staff
Date:	May 14, 2003		
Version:	First Edition		

SUMMARY: ***House Bill 512 allows the Town of Nags Head to appoint nonresident property owners to serve on the town's Historic Preservation Commission.***

CURRENT LAW:

G.S. 160A-400.7 specifies the criteria for the establishment of a historic preservation commission for the designation of landmarks or historic districts. 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. All members shall reside within the territorial jurisdiction of the municipality as established pursuant to G.S. 160A-360.

BILL ANALYSIS:

Section 1 of House Bill 512 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.

Sections 2 and 3 specify that provisions contained in House Bill 512 would apply only to the Town of Nags Head and would become effective when it becomes law.

* *R. Erika Churchill substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 512

Short Title:	Nags Head Historic Preservation Commission.	(Local)
Sponsors:	Representative Culpepper.	
Referred to:	Local Government I.	

March 17, 2003

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.

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 or own real property within 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 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 the Town of Nags Head only.

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

LOCAL BILL

H.B. 0636

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

Introduced by Representative(s): Culpepper.

Principal Clerk's Use Only

PASSED 1st READING
MAR 26 2003
AND REFERRED TO COMMITTEE
ON Local Government II

The Committee on Local Government II
a majority being present, having considered
this bill, recommend that it do ✓ pass.

Rep. Adams
For the Committee

REPORTED FAVORABLY APR 2 3 2003

PURSUANT TO RULE 36(b)
APR 23 2003
PLACED ON CALENDAR
OF 4-24-03

PASSED 2nd & 3rd READING
APR 24 2003
ORDERED SENT TO SENATE

Denise Walker

RECEIVED
APR 25 2003
From House of Representatives
By Clerk A.P.G.S. AM/PM

PASSED 1st READING
APR 28 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc. Gov.
Vet. Affairs

HOUSE BILL 686:
Dare County Courthouse Contracts

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans Affairs	**Introduced by:**	Representative Culpepper
		Summary by:	Kory J. Goldsmith and Barbara Riley
Date:	May 14, 2003		
Version:	1st Edition		Committee Counsel

SUMMARY: ***HB 686 allows Dare County to contract for the design and construction of an administration building and renovate the Old Dare Courthouse without complying with the public bidding requirements of Article 8 of Chapter 143 of the General Statutes. The act is effective when it becomes law and expires July 1, 2008.***

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 bidding, separate-prime bidding, dual bidding, construction management at risk contracts 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: HB 868 exempts Dare County from the requirements described above for the purposes of designing and constructing an administration building and renovating the Old Dare Courthouse. The exemption would expire July 1, 2008.

H686-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

HOUSE BILL 686

Short Title:	Dare County Courthouse Contracts.	(Local)
Sponsors:	Representative Culpepper.	
Referred to:	Local Government II.	

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Dare County may contract for the design and construction of an administration building and the renovation of the Old Dare Courthouse without being subject to the requirements of G.S. 143-128, 143-129, 143-131, and 143-132. Notwithstanding any provision of law, Dare County may award each contract in its sole discretion.

SECTION 2. This act is effective when it becomes law and expires July 1, 2008.

LOCAL BILL

~~Proposed~~ Committee Substitute For
H.B. 750

SESSION LAW _____

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.

Introduced by Representative(s): Culpepper

Principal Clerk's Use Only

The Committee on Local Govt. I a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Walker
For the Committee

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL
APR 24 2003
AND PLACED ON CALENDAR FOR
3rd
4-28-03

✓✓ ✓✓
PASSED 2nd & 3rd READING
APR 28 2003
ORDERED SENT TO SENATE
Denise Weeks

RECEIVED
APR 29 2003
From House of Representatives
By Clerk 4-8:57 AM/PM

PASSED 1st READING
APR 29 2003
AND REFERRED TO COMMITTEE
on St. Govt, Loc. Govt. Vet. Affairs

HOUSE BILL 750:
Pinebluff Property Conveyance.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representative Culpepper
		Summary by:	Theresa Matula
Date:	May 14, 2003		Committee Staff
Version:	Second Edition		

SUMMARY: ***House Bill 750 allows the Town of Pinebluff to convey, by quitclaim or otherwise, center courts and unopened alleys to adjacent property owners by private negotiation and sale, and validates any such conveyances made prior to the enactment of this legislation***

BACKGROUND:

The Town of Pinebluff was originally developed by a private corporation and was platted in blocks. Each of the platted blocks has approximately 24 lots, one center court and four (4) unopened alleys. The Town was incorporated as a municipality in 1899, but 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 courts for the purchase price of $1.00.

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:

Section 1 of House Bill 750 permits the Town of Pinebluff to convey center courts, and any adjacent unopened alleys of the platted blocks of the Town for which the Town has assumed responsibility, to adjacent landowners by private negotiation and sale, whether by quitclaim deed [1] or otherwise. The bill also validates any such prior conveyances.

Section 2 establishes that House Bill 750 is effective when it becomes law.

** R. Erika Churchill contributed to this summary.*

H750-SMSH-002

[1] *Quitclaim deed- A deed that conveys a grantor's complete interest or claim in certain real property but that neither warrants or professes that the title is valid.*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 750
Committee Substitute Favorable 4/24/03

Short Title: Pinebluff Property Conveyance. (Local)

Sponsors:

Referred to:

March 27, 2003

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.

The General Assembly of North Carolina enacts:

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 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.

LOCAL BILL

H.B. 0765

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNTY.

Introduced by Representative(s): Culpepper.

Principal Clerk's Use Only

PASSED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE
ON Local Government II

The Committee on Local Gov't. II a majority being present, having considered this bill, recommend that it do ✓ pass.

Lee Adams
For the Committee

REPORTED FAVORABLY APR 16 2003

PURSUANT TO RULE 36(b)
APR 16 2003
PLACED ON CALENDAR
FOR 4-23-03

113-1 ~ VV

PASSED 2nd & 3rd READING
APR 23 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
APR 24 2003
From House of Representatives
By Clerk 10:20 AM/PM

PASSED 1st READING
APR 24 2003
AND REFERRED TO COMMITTEE
St. Gov, Loc. Gov, Vet. Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

HOUSE BILL 765

Short Title:	Chowan Subdivision Definition.	(Local)
Sponsors:	Representative Culpepper.	
Referred to:	Local Government II.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-376 reads as rewritten:

"**§ 160A-376. Definition.**

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

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

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

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

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the ~~municipality,~~ county, as shown in its subdivision regulations.

(5) The gift of a parent of a single lot to his or her child or each of his or her children where no new road is involved, if (i) each lot has dedicated right-of-way access to the State-maintained road serving the

principal parcel or direct access to an approved private road as defined by ordinance and (ii) there are no more than three conveyances.

(6) The division of land by will; however, the resultant lots may not be eligible for a compliance permit or building permit if the lots do not meet the minimum lot size requirements of the zoning ordinance, septic tank regulations, or the building setback ordinance."

SECTION 2. This act applies to Chowan County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 765
PROPOSED SENATE COMMITTEE SUBSTITUTE H765-PCS50278-RW-27

Short Title: Chowan Subdivision Definition. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-335, as amended by Section 8 of S.L. 2002-141, reads as rewritten:

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

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

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

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

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

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision ~~regulations; and~~ regulations;

(5) The gift of a parent of a single lot to the parent's child or each of the parent's children where no new road is involved, provided:

a. That each and every lot has dedicated right-of-way access to the State-maintained road serving the principal parcel or direct access to an approved private road as defined in the ordinance; and

b. There are no more than three conveyances under this ~~subdivision.~~subdivision; and

(6) The division of land by will; however, the resultant lots may not be eligible for a compliance permit or building permit if the lots do not meet the minimum lot size requirements of the zoning ordinance, septic tank regulations or the building setback ordinance."

SECTION 2. This act applies to Chowan County only.

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

PUBLIC BILL

0355

H.B. _____ SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON COUNTY AS SAPPONY.

Introduced by Representative(s): G. Allen and Sutton.

Principal Clerk's Use Only

PASSED 1st READING
MAR 10 2003
AND REFERRED TO COMMITTEE
ON Military, Veterans and Indian Affairs

Military, Veterans and
The Committee on Indian Affairs
a majority being present, having considered
this bill, recommend that it do ✓ pass,
Rep. Lucas
For the Committee
as amended.

FAVORABLE AS AMENDED MAR 19 2003

PURSUANT TO RULE 36(b)
MAR 19 2003
PLACED ON CALENDAR
OF 3/25/03

Sutton
AMENDMENT NO. 1 MAR 25 2003
ADOPTED 118-0 EV

117-1 EV VV
Passed 2nd & 3rd Readings
MAR 25 2003
AND ORDERED ENGROSSED
AND SENT TO SENATE
Denise Weeks

RECEIVED
MAR 27 2003
From House of Representatives
By Clerk Tom 12:45 AM/PM

PASSED 1st READING
MAR 31 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc. Gov - Vet. Affairs

HOUSE BILL 355:
Redesignate Indians of Person Co. as Sappony

BILL ANALYSIS

Committee:	Senate State and Local Govt., and Veterans' Affairs	**Introduced by:**	Rep. G. Allen; Rep. Sutton
Date:	May 14, 2003	**Summary by:**	H. Alan Pell Committee Co-Counsel
Version:	Second Edition		

SUMMARY: ***This bill would re-designate the "Indians of Person County" as the "Sappony" in the State statute that officially recognizes the tribe, and provide an official recognition date of February 13, 1913. A corresponding name change would be made in the law governing the North Carolina State Commission of Indian Affairs. The bill would be effective when it becomes law.***

BILL ANALYSIS:

Section 1: The act changes "Indians of Person County" to "Sappony" in N.C.G.S. § 71A-7. The section also provides that the Indians of Person County were officially recognized by Chapter 22 of the Public-Local Laws of 1913. This bill would amend the prior official recognition date of July 20, 1971, to provide designation as the Sappony and official recognition retroactive to February 3, 1913.

Section 2: In the statute establishing the State Commission of Indian Affairs, the name "Indians of Person County" would be deleted where it appears and the word "Sappony" substituted in its place.

Section 3: The act would be effective when it becomes law.

BACKGROUND: The Indians of Person County were designated by that name by Chapter 22 of the Public-Local Laws of 1913. The 1913 Session Law amended, in order to include the "Indians of Person County," previous laws which provided for space for Indians in the State Hospital, jails, and county homes, as well as a pro rata share of school funds. By the 1997 Session Laws, the General Assembly provided that the Indians of Person County's recognition would be restored, effective July 20, 1971, and that the tribe would have one member on the Commission of Indian Affairs.

H355-smrk-01s

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 355
Second Edition Engrossed 3/25/03

Short Title:	Redesignate Indians of Person Co. as Sappony.	(Public)
Sponsors:	Representatives G. Allen; and Sutton.	
Referred to:	Military, Veterans and Indian Affairs.	

March 10, 2003

A BILL TO BE ENTITLED

AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON COUNTY AS SAPPONY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 71A-7 reads as rewritten:

"**§ 71A-7. ~~Indians of Person County;~~ The Sappony; rights, privileges, immunities, obligations, and duties.**

The Indian Tribe now residing in Person County, officially recognized as the Indians of Person County by Chapter 22 of the Public-Local Laws of 1913, ~~The Indians~~ who are descendants of those Indians living in Person County for whom the High Plains Indian School was established, shall, from and after ~~July 20, 1971,~~ February 3, 1913, be designated and officially recognized as ~~the Indians of Person County, North Carolina,~~ Sappony, and shall continue to enjoy all their rights, privileges, and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law.

SECTION 2. G.S. 143B-407(a) reads as rewritten:

"**§ 143B-407. North Carolina State Commission of Indian Affairs – membership; term of office; chairman; compensation.**

(a) The State Commission of Indian Affairs shall consist of two persons appointed by the General Assembly, the Secretary of Health and Human Services, the Director of the State Employment Security Commission, the Secretary of Administration, the Secretary of Environment and Natural Resources, the Commissioner of Labor or their designees and 21 representatives of the Indian community. These Indian members shall be selected by tribal or community consent from the Indian groups that are recognized by the State of North Carolina and are principally geographically located as follows: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa Saponi of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke and Scotland Counties; the

Meherrin of Hertford County; the Waccamaw-Siouan from Columbus and Bladen Counties; the ~~Indians of Person County;~~ Sappony; the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties, and the Native Americans located in Cumberland, Guilford, Johnston, Mecklenburg, Orange, and Wake Counties. The Coharie shall have two members; the Eastern Band of Cherokees, two; the Haliwa Saponi, two; the Lumbees, three; the Meherrin, one; the Waccamaw-Siouan, two; the ~~Indians of Person County;~~Sappony, one; the Cumberland County Association for Indian People, two; the Guilford Native Americans, two; the Metrolina Native Americans, two; the Occaneechi Band of the Saponi Nation, one, the Triangle Native American Society, one. Of the two appointments made by the General Assembly, one shall be made upon the recommendation of the Speaker, and one shall be made upon recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121 and vacancies shall be filled in accordance with G.S. 120-122."

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

LOCAL BILL

id= S203

H.B. 0134

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

Introduced by Representative(s): L. Allen. and Hall (Primary Sponsors)

Principal Clerk's Use Only

PASSED 1st READING
FEB 27 2003
AND REFERRED TO COMMITTEE
ON Local Govt. II

The Committee on Local Govt. II a majority being present, having considered this bill, recommend that it do ✓ pass.
Rep. Adams, Chair
For the Committee

REPORTED FAVORABLY MAR 12 2003

PURSUANT TO RULE 36(b)
MAR 12 2003
PLACED ON CALENDAR
OF 3-17-03

PASSED 2nd & 3rd READING
MAR 17 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
MAR 18 2003
By ... 9:00 AM PM

PASSED 1st READING
MAR 18 2003
AND REFERRED TO COMMITTEE
ON St. Gov Loc. Gov. Vet. affairs

HOUSE BILL 134:
Roanoke Rapids Private Sale.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans' Affairs	**Introduced by:**	Reps. Allen and Hall
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	May 14, 2003		
Version:	First Edition		

SUMMARY: House Bill 134 would allow the city of Roanoke Rapids to use private negotiation to sell certain real property.

CURRENT LAW: Article 12 of Chapter 160 of the General Statutes governs the sale of real and personal property owned by units of local government. Generally, a city must use advertisement for sealed bids, negotiated offers, public auctions or exchanges in order to convey real property. The private negotiation and sale of real property is generally prohibited unless the recipient of the property is either a volunteer fire department or a private entity to which the City Council is authorized to appropriate funds.

BILL ANALYSIS: House Bill 134 would allow the City of Roanoke Rapids to sell several tracts of land and the Fire Department Sleeping Quarters and Offices by private negotiation and sale, with or without monetary consideration.

The act is effective when it becomes law.

Summary Contribution by Kory Goldsmith, Staff Attorney

H134-smrk-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

HOUSE BILL 134*

Short Title:	Roanoke Rapids Private Sale.	(Local)
Sponsors:	Representatives L. Allen and Hall (Primary Sponsors).	
Referred to:	Local Government II.	

February 27, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Roanoke Rapids may convey by private negotiation and sale, with or without monetary consideration, any or all of its right, title, and interest in the following described property under the terms and conditions that the City Council deems appropriate:

Old Police Station: Lots Nos. 630, 632, 634, 636, 638 and the northern ten (10) feet of Lot No. 640, each of said lots having a frontage of twenty-five (25) feet on the east side of Roanoke Avenue and extending back between parallel lines 140 feet to an alley; all of which are shown on map of the property of the Roanoke Rapids Power Company, Roanoke Rapids, North Carolina, made by C. F. Gore and Company, Engineers, of Weldon, North Carolina, December 18, 1915, and of record in the Office of the Register of Deeds for Halifax County, North Carolina, in Plat Book 1, at pages Nos. 11, 12, 13 and 14, a reference to which is hereby expressly made for a more accurate description.

Vacant Lot on Becker Drive: All that certain tract or parcel of land lying and being situate in the City of Roanoke Rapids, Halifax County, North Carolina, more particularly described as follows: Beginning at an iron pipe in the eastern right of way of Becker Drive, said iron pipe being the southwest corner of lands owned by the Roanoke Rapids Housing Authority; thence along the southern line of said Housing Authority property, N. 67° 55' E. 250 feet to an iron pipe; thence S. 1° 03' E. 154.5 feet to an iron pipe in the northern margin of a cul-de-sac to be named Wicker Court; thence along said cul-de-sac a curve to the left, a distance of 86.2 feet to an iron pipe; thence S. 80° 10' W. 146.5 feet to an iron pipe in the Eastern margin of Becker Drive, thence along the Eastern margin of Becker Drive, N. 16° 10' W. 150 feet to the point of beginning, containing 36,528 sq. feet or .839 acre, more or less, and being the identical real property as shown and designated on that "Plat Showing Property Conveyed to The

City of Roanoke Rapids, by Becker Farms, Inc., Roanoke Rapids T.P., Halifax Co., N. C.," dated July 12, 1981, prepared by Cyril C. Waters, Registered Surveyor; reference to said map and deed being hereby made for greater certainty of description.

Fire Department Sleeping Quarters & Offices: Those three (3) certain lots, together with all improvements thereon, in the City of Roanoke Rapids, Halifax County, North Carolina, each fronting 25 feet on the Eastern side of Roanoke Avenue and running back between parallel lines 140 feet to an alley, and being shown and designated as Lots Nos. six hundred twenty-four (624), six hundred twenty-six (626), and six hundred twenty-eight (628) on that certain map of record in the office of the Register of Deeds for said Halifax County, in Plat Book 1 at pages 11, 12, 13 and 14; the same being the identical real property conveyed unto the said M. S. Benton, as Trustee for The Planters National Bank & Trust Company, by deed of M. R. Bradley, et ux, dated September 27, 1963, recorded in Book 680 at page 570, Halifax Public Registry; reference to said map and deed being hereby made for greater certainty of description.

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

PUBLIC BILL

H.B. 0746

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION.

Introduced by Representative(s): Sutton.

Principal Clerk's Use Only

PASSED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE
ON Military, Veterans, and Indian Affairs

Military, Veterans and Indian Affairs

The Committee on ..... a majority being present, having considered this bill, recommend that it do ..... pass.

Rep. Lucas
For the Committee

REPORTED FAVORABLY APR 9 2003

PURSUANT TO RULE 36(b)
APR 9 2003
PLACED ON CALENDAR
OF 4-16-03

111-1 EV VV
PASSED 2nd & 3rd READING
APR 22 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
APR 23 2003

From House of Representatives
By Clerk 4/23 10:00 AM/PM

PASSED 1st READING
APR 23 2003
AND REFERRED TO COMMITTEE
St. Gov, Loc. Gov.
Vet. Affairs

HOUSE BILL 746:
Amend Indian Recognition.

BILL ANALYSIS

Committee:	Sen. State/Local Govt.	**Introduced by:**	Rep. Sutton
Date:	May 7, 2003	**Summary by:**	H. Alan Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***The bill would amend the statute that officially recognized the Lumbee Tribe; and provide official State recognition to two Indian groups.***

BILL ANALYSIS:

Section 1: The act would amend the provision that recognized the Lumbee Tribe by setting forth the names by which the Tribe was previously known.

Section 2: This section would

- provide official State recognition to the Meherrin Tribe. The Tribe is described as those Indians now residing in Hertford, Bertie, Gates, and Northampton Counties. The recognition is retroactive to July 20, 1971.
- provide official State recognition to the Occaneechi Band of the Saponi Nation. The Indians are stated as living "primarily in the old settlement of Little Texas in Pleasant Grove Township, Alamance County." The recognition is retroactive to July 20, 1971.

Section 3: The act is effective when it becomes law.

H746-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 746

Short Title:	Amend Indian Recognition.	(Public)
Sponsors:	Representative Sutton.	
Referred to:	Military, Veterans and Indian Affairs.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 71A-3 reads as rewritten:

"**§ 71A-3. Lumbee Tribe of North Carolina; rights, privileges, immunities, obligations and duties.**

The Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American Colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, who have previously been known as "Croatan Indians," "Indians of Robeson County," and "Cherokee Indians of Robeson County," shall, from and after April 20, 1953, be designated and officially recognized as Lumbee Tribe of North Carolina and shall continue to enjoy all rights, privileges and immunities enjoyed by them as citizens of the State as now provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law."

SECTION 2. Chapter 71A of the General Statutes is amended by adding two new sections to read:

"**§ 71A-7.1. Meherrin Tribe of North Carolina; rights, privileges, immunities, obligations and duties.**

The Indians now residing in small communities in Hertford, Bertie, Gates, and Northampton Counties, who in 1726 were granted reservational lands at the mouth of the Meherrin River in the vicinity of present-day Parker's Ferry near Winton in Hertford County, and who are of the same linguistic stock as the Cherokee, Tuscarora, and other tribes of the Iroquois Confederacy of New York and Canada, shall, from and after July

20, 1971, be designated and officially recognized as the Meherrin Tribe of North Carolina, and shall continue to enjoy all their rights, privileges, and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law.

"**§ 71A-7.2. Occaneechi Band of Saponi Nation in North Carolina; rights, privileges, immunities, obligations and duties.**

The Indians now living primarily in the old settlement of Little Texas in Pleasant Grove Township, Alamance County, who are lineal descendants of the Saponi and related Indians who occupied the Piedmont of North Carolina and Virginia in precontact times, and specifically of those Saponi and related Indians who formally became tributary to Virginia under the Treaties of Middle Plantation in 1677 and 1680, and who under the subsequent treaty of 1713 with the Colony of Virginia agreed to join together as a single community, shall, from and after July 20, 1971, be designated and officially recognized as the Occaneechi Band of the Saponi Nation of North Carolina, and shall continue to enjoy all their rights, privileges, and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law."

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

PUBLIC BILL

title change

~~Proposed~~ Committee Substitute For
H.B. 710

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER.

Introduced by Representative(s): Sutton

Principal Clerk's Use Only

The Committee on Military, Veterans and Indian Affairs a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Lucas
For the Committee

FAVORABLE TO COMM. SUB.
UNFAVORABLE TO BILL

APR 10 2003

AND PLACED ON CALENDAR FOR
36b

4/17/03

111-0 EV VV

PASSED 2nd & 3rd READING

APR 22 2003

ORDERED SENT TO SENATE

Denise Weeks

RECEIVED

APR 23 2003

From House of Representatives
By Clerk 4/23 10:00 AM/PM

TITLE CHANGE

PASSED 1st READING

APR 23 2003

AND REFERRED TO COMMITTEE
St. Gov, Loc Gov.
Vet. Affairs

HOUSE BILL 710:
Occaneechi Band of Saponi/Indian Cult. Ctr.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Representative Sutton
		Summary by:	Theresa Matula Committee Staff
Date:	May 6, 2003		
Version:	Second Edition		

SUMMARY: House Bill 710 adds a member to the Board of the North Carolina Indian Cultural Center to represent the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties.

BILL ANALYSIS:

Section 1 of House Bill 710 amends Subsection (b) of Section 2 of Chapter 41 of the 1997 Session Laws, as amended by S.L. 1998-19 and S.L. 2001-318 to increase the membership of the Board of the North Carolina Indian Cultural Center, Inc. from 17 to 18 members. The additional member would represent the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties. Members of the Board serve two-year terms, however, the initial term of the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties shall be for one year.

Section 2 provides for the appropriate staggering of terms.

Section 3 establishes that this act will become effective July 1, 2003.

BACKGROUND INFORMATION:

The Board of the North Carolina Indian Cultural Center, Inc. initially consisted of 15 members. The 16th member was added by S.L. 1998-19 to represent the Indians of Person County, and the 17th member was added by S.L. 2001-318 to represent the Triangle Native American Society.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H . 2

HOUSE BILL 710

Committee Substitute Favorable 4/10/03

Short Title: Occaneechi Band of Saponi/Indian Cult. Ctr. (Public)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of Chapter 41 of the 1997 Session Laws, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of ~~17~~ 18 members, appointed as follows:

(1) One member representing each of the following Indian groups recognized by the State of North Carolina: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke, and Scotland Counties; the Meherrin of Hertford County; the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties; the Indians of Person County; and the Waccamaw-Siouan from Columbus and Bladen Counties;

(2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, the Metrolina Native Americans, and the Triangle Native American Society;

(3) One member representing the education community of the State;

(4) Two members representing the business community of the State;

(5) Two members representing the government of the State of North Carolina; and

(6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member

designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

(1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the business community shall be for one year; and

(2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; one member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

SECTION 2. In order to provide for appropriate staggering of terms, the term of the member added pursuant to Section 1 of this act to represent the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties shall run concurrently with the terms of the members whose initial terms were for one year.

SECTION 3. This act becomes effective July 1, 2003.

PUBLIC BILL

H.B. 0745

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

Introduced by Representative(s): Sutton.

Principal Clerk's Use Only

PASSED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE
ON Military, Veterans and Indian Affairs

The Committee on Military, ~~Indians~~ Veterans, and Indian Affairs, a majority being present, having considered this bill, recommend that it do pass.

Rep. Lucas
For the Committee

REPORTED FAVORABLY APR 9 2003

PURSUANT TO RULE 36(b)
APR 9 2003
PLACED ON CALENDAR
OF 4-16-03

111-0 EV VV
PASSED 2nd & 3rd READING
APR 22 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
APR 23 2003
From House of Representatives
By Clerk 4.23.03 AM/PM

PASSED 1st READING
APR 23 2003
AND REFERRED TO COMMITTEE
St. Gov, Loc. Gov. Vet. Affairs

HOUSE BILL 745:
Indian Cultural Center Changes.

BILL ANALYSIS

Committee:	Sen. State/Local Govt. & Veterans' Affairs	**Introduced by:**	Rep. Sutton
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	May 14, 2003		
Version:	First Edition		

SUMMARY: ***The bill would increase the number of representatives from one to two on the Board of the Indian Cultural Center for the following: the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties. The bill would also require the members from the education and business communities, and from State government, to reside in specified counties. The act is effective July 1, 2003.***

BILL ANALYSIS:

Section 1: The act

- increases the membership of the Board of the North Carolina Indian Cultural Center from 17 to 19 members.
- Two Indian groups would have their membership increased from one to two: the Lumbees of Robeson, Hoke, and Scotland Counties; and the Waccamaw-Siouan from Columbus and Bladen Counties.
- The members that are from the business and education communities, as well as the members representing State government, would be required to reside in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties.

Section 2: This section provides for the initial terms for the new members, and for replacement of members from State government that do not meet residency requirements.

Section 3: The act would become effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 745

Short Title:	Indian Cultural Center Changes.	(Public)
Sponsors:	Representative Sutton.	
Referred to:	Military, Veterans and Indian Affairs.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of Chapter 41 of the 1997 Session Laws, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of ~~17~~ 19 members, appointed as follows:

(1) One member representing each of the following Indian groups recognized by the State of North Carolina: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; ~~the Lumbees of Robeson, Hoke, and Scotland Counties;~~ the Meherrin of Hertford County; and the Indians of Person ~~County; and the Waccamaw-Siouan from Columbus and Bladen Counties;~~ County;

(1a) Two members representing each of the following Indian groups recognized by the State of North Carolina: the Lumbees of Robeson, Hoke, and Scotland Counties; and the Waccamaw-Siouan from Columbus and Bladen Counties;

(2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, the Metrolina Native Americans, and the Triangle Native American Society;

(3) One member representing the education community of the ~~State;~~ State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland County;

(4) Two members representing the business community of the ~~State;~~ State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties;

(5) Two members representing the government of the State of North ~~Carolina; and~~ Carolina and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties; and

(6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

(1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the business community shall be for one year; and

(2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; one member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

SECTION 2. The initial term of the additional Lumbee representative provided for in Section 1 of this act shall be for one year. The initial term of the additional Waccamaw-Siouan representative shall be for two years. If the members representing the education community, the business community, and the government of the State of North Carolina do not meet the residency requirement provided for in Section 1 of this act on the effective date of this act, new members shall be appointed to those seats to serve the remainder of those members' terms.

SECTION 3. This act becomes effective July 1, 2003.

LOCAL BILL

id=5489

H.B. 0480

SESSION LAW _____

A BILL TO BE ENTITLED

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.

Introduced by Representative(s): Walker. Tracy Walker

Principal Clerk's Use Only

PASSED 1st READING
MAR 13 2003
AND REFERRED TO COMMITTEE
ON Local Government

The Committee on Local Govt I
a majority being present, having considered
this bill, recommend that it do ✓ pass.
Rep. Walker
For the Committee

REPORTED FAVORABLY MAR 27 2003

PURSUANT TO RULE 36(b)
MAR 27 2003
PLACED ON CALENDAR
OF 4/1/03

PASSED 2nd & 3rd READING
APR 1 2003
ORDERED SENT TO SENATE
Denise Weeks

RECEIVED
APR 2 2003
From House of Representatives
By Clerk DK 9:10 AM/PM

PASSED 1st READING
APR 2 2003
AND REFERRED TO COMMITTEE
St. Gov, Loc Gv.
Vet. Affairs

HB 480:
Wilkes Commissioner Elections.

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans Affairs	**Introduced by:**	Representative Walker
		Summary by:	R. Erika Churchill Committee Counsel
Date:	May 14, 2002		
Version:	Edition 1		

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

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

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

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

H480-SMST-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 480

Short Title:	Wilkes Commissioner Election.	(Local)
Sponsors:	Representative Walker.	
Referred to:	Local Government I.	

March 13, 2003

A BILL TO BE ENTITLED

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.

The General Assembly of North Carolina enacts:

SECTION 1. In 2004 and quadrennially thereafter, three members of the Board of Commissioners of Wilkes County shall be elected for four-year terms. In 2006 and quadrennially thereafter, two members of the Board of Commissioners of Wilkes County shall be elected for four-year terms.

SECTION 2. Chapter 101 of the 1961 Session Laws and Chapter 217 of the 1963 Session Laws are repealed.

SECTION 3. This act is effective when it becomes law and does not affect the term of any current member.

SENATE BILL 89:
Lake Lure Marine Commission.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans Affairs	**Introduced by:**	Sen. Dalton
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	April 14, 2003		
Version:	PCS [89-PCS65259-LL-5]		

SUMMARY: ***This bill would create a new Article 7 to Chapter 77 of the General Statutes. The act would allow the Board of Commissioners of the Town of Lake Lure to create, by ordinance, the Lake Lure Marine Commission. The bill specifies the organization, powers, and enforcement authority of the Commission.***

BILL ANALYSIS: The bill creates a statutory scheme for the creation of a Lake Lure Marine Commission:

G.S. 77-80: Definitions. The "Lake Lure Reservoir" is defined, as well as the "shoreline area".

G.S. 77-81: Allows for the creation of the Commission after public hearing.

G.S. 77-82: Unless otherwise provided by an adopted ordinance, the Board of Commissioners of the Town of Lake Lure would constitute the Lake Lure Marine Commission.

G.S. 77-83: Provides that any compensation to the members, staff, or consultants is governed by ordinance, and applicable State laws.

G.S. 77-84: Provides that meetings are to be set by ordinance, and are subject to the Open Meetings Law, Article 33C of Chapter 143. Unless otherwise provided by ordinance, the Town Mayor is the presiding officer of the Commission.

G.S. 77-85: Provides for the powers of the Commission, including:

- Hire and fix the compensation of permanent and temporary employees
- Contract with consultants as required
- Contract with State or federal agencies, for property or services as may be provided to or by the agencies
- Contract with persons, firms or corporations
- Lease, rent, purchase, or obtain office space and other items necessary to carry out duties
- Lease, rent, purchase, operate, maintain and repair any docks, navigation aids, markers, public information signs, or other items to enhance public safety and recreation on the Lake or its shoreline. The Commission is specifically subject to any rules by the Dept. of Environment and Natural Resources, promulgated under Chapter 113 of the General Statutes.
- The Board of Commissioners of the Town of Lake Lure may appropriate funds out of surplus funds or funds derived from nontax sources. It may also appropriate funds out of tax revenues and may also levy annually taxes for the payment of the appropriation as a special purpose.

[OVER]

- The Commission is authorized to use Town personnel, and may constitute financial contribution.

G.S. 77-86: Requires filing and publication of ordinances, and provides for certifications of the text of the ordinances. Certifications to the Secretary of State are admissible as evidence in any court.

G.S. 77-87: Provides the regulatory authority of the Commission, to include:

- Provide regulations as to all matters affecting Lake Lure and its shoreline.
- Requires a public hearing prior to the adoption of a regulation.
- Regulations may not conflict with any general or special acts, or State regulations.
- Violation of any regulation commanding or prohibiting an act is a Class 3 misdemeanor.
- Provides notice requirements for regulations

G.S. 77-88: Provides that

- All law enforcement officers that have been provided with territorial jurisdiction by municipal ordinance over any part of the Lake or shoreline shall have enforcement authority over all of the waters and shoreline. A certificate of training issued by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission satisfies the certification requirement.
- Law enforcement officers with jurisdiction are granted extraterritorial jurisdiction as necessary to perform duties. The duties include investigation of crimes an officer reasonably believes have been, or are about to be, committed within the area in question. The provisions allow activities that relate to the officers' territorial jurisdiction.

BACKGROUND:

Article 4, Chapter 77, provides for a Lake Wylie Marine Commission, composed of Commissioners from the Boards of Commission of Gaston, Mecklenburg, and York (S.C.) Counties.

Article 5, Chapter 77, provides for a High Rock Lake Marine Commission, composed of Commissioners from the Boards of Commission of Davidson and Rowan Counties.

Article 6, Chapter 77, provides for a Mountain Island Lake Marine Commission, composed of Commissioners from the Boards of Commission of Gaston, Lincoln, and Mecklenburg Counties.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 89

Short Title:	46th Senatorial District Local Act-1.	(Local)
Sponsors:	Senator Dalton.	
Referred to:	Rules and Operations of the Senate.	

February 19, 2003

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 46th Senatorial District.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 89
PROPOSED COMMITTEE SUBSTITUTE S89-PCS65259-LL-5

Short Title: Lake Lure Marine Commission. (Local)

Sponsors:

Referred to:

February 19, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE LAKE LURE MARINE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 77 of the General Statutes is amended by adding a new Article to read:

"Article 7.

"Lake Lure Marine Commission.

"**§ 77-80. Definitions.**

For purposes of this Article:

(1) "Board" means the Board of Commissioners of the Town of Lake Lure.

(2) "Commission" means the Lake Lure Marine Commission or its governing board, as the case may be.

(3) "Commissioner" means a member of the governing board of the Lake Lure Marine Commission.

(4) Lake Lure Reservoir, known for purposes of this Article as "Lake Lure" or "the waters of Lake Lure", means the body of water along the Broad River in Rutherford County, impounded by the dam at Tumbling Shoals, and lying below the 995-foot contour line above sea level.

(5) "Shoreline area" means the area submerged by the dam at Tumbling Shoals, lying below 955 feet above mean sea level of the normal full pond elevation of 992 feet above mean sea level, on Lake Lure.

(6) "Wildlife Commission" means the North Carolina Wildlife Resources Commission.

"**§ 77-81. Creation of Commission authorized.**

The Board of Commissioners of the Town of Lake Lure may by ordinance create the Lake Lure Marine Commission. The Board shall hold a public hearing on the ordinance

to create the Commission. The location of the public hearing shall be determined by the Boards and established by resolution. The Board shall cause notice of the hearing to be published once a week for two successive calendar weeks in a newspaper of general circulation in Rutherford County. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. Upon its creation the Commission shall enjoy the powers and have the duties and responsibilities conferred upon it by the Lake Lure municipal ordinance, subject to the provisions of this Article and the laws of the State of North Carolina. The provisions of any ordinance may be modified, amended, or rescinded by a subsequent ordinance.

"**§ 77-82. Governing board.**

Upon its creation, the Commission shall have a governing board. The governing board shall, unless otherwise stated by ordinance, be the Board of Commissioners of the Town of Lake Lure.

"**§ 77-83. Compensation; budgetary and accounting procedures.**

The municipal ordinance shall state the terms relating to compensation to commissioners, if any, compensation of consultants and staff members employed by the Commission, and reimbursement of expenses incurred by commissioners, consultants, and employees. The Commission shall be governed by these budgetary and accounting procedures as may be specified by the municipal ordinance and the applicable laws of North Carolina.

"**§ 77-84. Organization and meetings.**

Upon creation of the Commission, its governing board shall meet at a time and place set by the Town of Lake Lure ordinance. Unless otherwise stated in the ordinance, the mayor of the Town of Lake Lure shall act as the presiding officer. The governing board shall adopt such rules and regulations as it may consider necessary, not inconsistent with the provisions of this Article or of any ordinance of the Town of Lake Lure or the laws of the State of North Carolina, for the proper discharge of its duties and for the governance of the Commission. In order to conduct business, a quorum must be present. The presiding officer may appoint those committees as may be authorized by such rules and regulations. The Commission shall meet regularly at those times and places as may be specified in its rules and regulations or in the Town of Lake Lure municipal ordinance. Special meetings may be called as specified in the rules and regulations. The provisions of the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes, apply.

"**§ 77-85. Powers of Commission; administrative provision.**

(a) Within the limits of funds available to it, and subject to the provisions of this Article and of the Town of Lake Lure municipal ordinance, the Commission may:

(1) Hire and fix the compensation of permanent and temporary employees and staff as it may consider necessary in carrying out its duties;

(2) Contract with consultants for such services as it may require;

(3) Contract with the State of North Carolina or the federal government, or any agency or department or subdivision of them, for property or services as may be provided to or by these agencies, and carry out the provisions of such contracts;

(4) Contract with persons, firms, and corporations generally as to all matters over which it has a proper concern, and carry out the provisions of such contracts;

(5) Lease, rent, purchase, or otherwise obtain suitable quarters and office space for its employees and staff, and lease, rent, purchase, or otherwise obtain furniture, fixtures, vehicles, uniforms, and other supplies and equipment necessary or desirable for carrying out the duties imposed in or under the authority of this Article; and

(6) Lease, rent, purchase, construct, otherwise obtain, maintain, operate, repair, and replace, either on its own or in cooperation with other public or private agencies or individuals, any of the following: boat docks, navigation aids, waterway markers, public information signs and notices, and other items of real and personal property designed to enhance public recreation, public safety on the waters of Lake Lure and its shoreline area, or protection of property in the shoreline area, subject, however, to the provisions of Chapter 113 of the General Statutes and rules promulgated under that Chapter as to property within North Carolina.

(b) The Commission may accept, receive, and disburse in furtherance of its functions any funds, grants, services, or property made available by the federal government or its agencies or subdivisions, or by private and civic sources.

(c) The Board of Commissioners of the Town of Lake Lure may appropriate funds to the Commission out of surplus funds or funds derived from nontax sources. It may appropriate funds out of tax revenues and may also levy annually taxes for the payment of such appropriation as a special purpose, in addition to any allowed by the North Carolina Constitution or as provided by G.S. 160A-209.

(d) The Commission shall be subject to such audit requirements as may be specified in the municipal ordinance.

(e) In carrying out its duties, and either in addition to or in lieu of exercising various provisions of the above authorizations, the Commission may, with the agreement of the Board of Commissioners of the Town of Lake Lure, utilize personnel and property of or assign responsibilities to any officer or employee of the Town of Lake Lure. Such contribution in kind, if substantial, may with agreement between the Board and the Commission be considered to substitute in whole or in part for the financial contribution required of the Town in support of the Commission.

"**§ 77-86. Filing and publication of applicable municipal ordinances.**

(a) A copy of the initial municipal ordinance creating the Commission and of any ordinance amending or repealing the resolution creating the Commission shall be filed with:

(1) The Executive Director of the Wildlife Commission.

(2) The Secretary of State.

(3) The clerk to the Town of Lake Lure.

(4) The clerk of superior court of Rutherford County. Upon request, the Executive Director shall also send a certified single copy of any and all applicable ordinances to the chairman of the Commission.

(5) A newspaper of general circulation in Rutherford County.

(b) Unless the municipal ordinance specifies a later date, it shall take effect when the text has been submitted to the Secretary of State for filing. Certifications of the Board under the seal of the Commission as to the text or amended text of any municipal ordinance and of the date or dates of submission to the Secretary of State shall be admissible in evidence in any court. Certifications by the clerk of superior court of Rutherford County of the text of any certified ordinance filed with the clerk by the Board is admissible in evidence and the Board's submission of the resolution for filing to the clerk shall constitute prima facie evidence that such resolution was on the date of submission also submitted for filing with the Secretary of State. Except for the certificate of a clerk as to receipt and date of submission, no evidence may be admitted in court concerning the submission of the certified text of any ordinance by the Board to any person other than the Secretary of State.

"**§ 77-87. Regulatory authority.**

(a) Except as limited in subsection (b) of this section, by restrictions in any municipal ordinance, and by other supervening provisions of law, the Commission may make regulations applicable to Lake Lure and its shoreline area concerning all matters relating to or affecting the use of Lake Lure. These regulations may not conflict with provisions of general or special acts or of regulations of State agencies promulgated under the authority of general law. No regulations adopted under the provisions of this section may be adopted by the Commission except after public hearing, with publication of notice of the hearing in a newspaper of general circulation in Rutherford County at least 10 days before the hearing. In lieu of or in addition to passing regulations supplementary to State law and regulations concerning the operation of vessels on Lake Lure, the Commission may, after public notice, request that the Wildlife Resources Commission pass local regulations on this subject in accordance with the procedure established by appropriate State law.

(b) Violation of any regulation of the Commission commanding or prohibiting an act shall be a Class 3 misdemeanor.

(c) The regulations promulgated under this section take effect upon passage or upon such dates as may be stipulated in the regulations except that no regulation may be enforced unless adequate notice of the regulation has been posted in or on Lake Lure or its shoreline area. Ordinances providing regulations for specific areas shall clearly establish the boundaries of the affected area by including a map of the regulated area, with the boundaries clearly drawn, by setting out the boundaries in a written description, or by a combination of these techniques. Adequate notice as to a regulation affecting only a particular location shall be given in the following manner. When an ordinance providing regulations for a specific area is proposed, owners of the parcel of land involved as shown on the county tax listing, and the owners of land within 500 feet of the proposed area to be regulated, as shown on the county tax listing, shall be mailed a notice of the proposed classification by first-class mail at the last addresses listed for

such owners on the county tax abstracts. This mailing requirement does not apply in regulations affecting the entire lake. Notice shall also be given by a sign, uniform waterway marker, posted notice, or other effective method of communicating the essential provisions of the regulation in the immediate vicinity of the location in question. Where a regulation applies generally as to the waters of Lake Lure or its shoreline area, or both, there must be a posting of notices, signs, or markers communicating the essential provisions in at least three different places throughout the area, and it shall be printed in a newspaper of general circulation in Rutherford County.

(d) A copy of each regulation promulgated under this section must be filed by the Commission with the following persons:

(1) The Secretary of State;

(2) The clerk of superior court of Rutherford County;

(3) The Executive Director of the Wildlife Resources Commission; and

(4) The federal Energy Regulatory Commission licensee for Lake Lure, if other than the Town of Lake Lure.

(e) Any official designated in subsection (d) of this section may issue certified copies of regulations filed with the official under the seal of the official's office. Such certified copies may be received in evidence in any proceeding.

(f) Publication and filing of regulations promulgated under this section as required above are for informational purposes and are a prerequisite to their validity if they in fact have been duly promulgated, the public has been notified as to the substance of the regulations, a copy of the text of all regulations is in fact available to any person who may be affected, and no party to any proceeding has been prejudiced by any defect that may exist with respect to publication and filing. Rules and regulations promulgated by the Commission under the provisions of other sections of this Article relating to internal governance of the Commission need not be filed or published. Where posting of any sign, notice, or marker, or the making of other communication is essential to the validity of a regulation duly promulgated, it is presumed in any proceeding that prior notice was given and maintained, and the burden lies upon the party asserting to the contrary to prove lack of adequate notice of any regulation.

"**§ 77-88. Enforcement.**

(a) Where a municipal ordinance so provides, all law enforcement officers, or those officers as may be designated in the municipal ordinance, with territorial jurisdiction as to any part of the waters of Lake Lure or its shoreline area within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of the waters of Lake Lure and its shoreline area. A certificate of training issued by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission will suffice for certification for the purposes of this Article.

(b) Where a law enforcement officer with jurisdiction over any part of the waters of Lake Lure or its shoreline area is performing duties relating to the enforcement of the laws on the waters of Lake Lure or in its shoreline area, the officer shall have such extraterritorial jurisdiction as may be necessary to perform the officer's duties. These duties include investigations of crimes an officer reasonably believes have been, or are

about to be, committed within the area in question. This includes traversing by reasonable routes from one portion of this area to another although across territory not within the boundaries of the waters of Lake Lure and its shoreline area; conducting prisoners in custody to a court or to detention facilities as may be authorized by law, although this may involve going outside the area in question; execution of process connected with any criminal offense alleged to have been committed within the boundaries in question, except that this process may not be executed by virtue of this provision beyond the boundaries of Rutherford County. This also includes continuing pursuit of and arresting any violator or suspected violator as to which grounds for arrest arose within the area in question.

(d) Where law enforcement officers are given additional territorial jurisdiction under the provisions of this section, this shall be considered an extension of the duties of the office held, and no officer shall take any additional oath or title of office."

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — May 14, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Linwood Edds	Sappony Tribe
L. Joyce Martin	Sappony Tribe
Meagan W Martin	Sappony Tribe
Julia Phipps	Sappony Tribe
Dallas Baker	Intern - Sen. Stevens
Greg Richardson	N.C. Commission of Indian Affairs
Otis K Martin	Sappony - Chief
Dorothy Stewart Crowe	Indians of Person County - Sappony, Chair
D. Fay Martin	Indians of Person County - Sappony
Charlene Y Martin	Indians of Person Cony - Sappony
Allen Martin	Sappony - Person County

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — May 14, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Roby T. Epps	Sappony - Person Co.
Stuart Brent Epps	Sappony - Durham Co.
Terry W. Epps	Sappony - Durham Co.
Johnny Martin	Sappony Person Co.
Patrick Lambert	Eastern Band of Cherokee
Zeb alley	Eastern Band of Cherokee
Lynn Killian	Moore + Van Allen
Ken Melton	Alley Associates
Jules Allen	Press Corp.
R. Paul Wilms	NCHBA
	NCFPC

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS' AFFAIRS COMMITTEE

Wednesday, May 21, 2003 at 12:00 Noon

Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

HB 55	Honor Retiring Firefighters.	Representative Ray
HB 63	Richmond Sheriff Vacancies.	Representative Goodwin
HB 68	Spring Lake AND NEWTON Red Light Cameras.	Representative Lucas
HB 483	Change Offensive Place-Names.	Representative Adams Representative Jones
HB 627	Greensboro Construct Roads Outside City.	Representative Adams Representative Jones Representative Bowie Representative Jeffus
HB 776	Greensboro Charter Amendment.	Representative Adams Representative Jeffus
HB 124	Durham County Zoning Protest Petitions.	Representative Crawford, Jr.
HB 651	Durham Traffic Control Measures.	Representative Michaux, Jr. Representative Crawford, Jr. Representative Luebke Representative Miller
HB 735	City of Durham/Notice to Chronic Violators.	Representative Michaux, Jr. Representative Luebke Representative Miller
HB 679	Raleigh/Wake Clear-Cutting.	Representative Miner Representative Ross Representative Weiss
HB 706	Charlotte Transit Procurement.	Representative Saunders

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, MAY 21, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met May 14 2003 at 12:00 noon in Room 1124 of the Legislative Building. Fourteen members were present, including Senator Ellie Kinnaird, who presided.

Sen. Kinnaird added House bill 520 to the calendar.

HB 55 Honor Retiring Firefighters, was explained by Rep. Ray. Sen. Berger moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 63 Richmond Sheriff Vacancies was explained by Rep. Goodwin. Sen. Berger moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Malone moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

HB 68 Spring Lake and Newton Red Light Cameras, was explained by Rep. Lucas. Sen. Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 124 Durham County Zoning Protest was explained by Rep. Crawford. Sen. Berger moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 651 Durham Traffic Control Measures was explained by Rep. Michaux. Sen. Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 735 City of Durham/Notice to Chronic Violators was explained by Rep. Michaux. Sen. Reeves moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Malone moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

HB 679 Raleigh/Wake Clear-Cutting was explained by Rep. Weiss. Sen. Reeves moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Reeves moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

HB 706 Charlotte Transit Procurement, was explained by Rep. Saunders. Sen. Berger moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Reeves moved to amend the Proposed Committee Substitute. Sen. Reeves moved to give the Proposed Committee Substitute a favorable report. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

HB 520 Oak Island Charter Amendments, was explained by Senator Soles. Sen. Hartsell moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 627 Greensboro Construct Roads Outside City was explained by Rep. Adams. Sen. Berger moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Senator Horton moved to amend the Proposed Committee Substitute. Sen. Dorsett moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

HB 776 Greensboro Charter Amendment was explained by Rep. Adams. Sen. Dorsett moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Dorsett moved to give the Proposed Committee Substitute a favorable report. . The motion carried unanimously. **Unfavorable as to bill, but favorable as to Senate Committee Substitute**

HB 483 Change Offensive Place-Names, was explained by Rep. Adams. Sen. Dorsett moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Weinstein moved to give the Proposed Committee Substitute a favorable report. No vote was taken. The bill will be held over to the May 28, 2003 meeting.

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, May 21, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **679** Raleigh/Wake Clear-Cutting.

Draft Number:	PCS 70326
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Tuesday, May 27, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **706** Charlotte Transit Procurement.

Draft Number:	PCS 30343
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

H.B. **776** Greensboro Charter Amendment.

Draft Number:	PCS60355
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **627** Greensboro Construct Roads Outside City.

Draft Number:	PCS 60354
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **735** City of Durham/Notice to Chronic Violators.

Draft Number:	PCS 80314
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, May 21, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) **55** Honor Retiring Firefighters.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **68** Spring Lake AND NEWTON Red Light Cameras.
Sequential Referral: None
Recommended Referral: None

H.B. **124** Durham County Zoning Protest Petitions.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **520** Oak Island Charter Amendments.
Sequential Referral: None
Recommended Referral: None

H.B. **651** Durham Traffic Control Measures.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **63** Richmond Sheriff Vacancies.
Draft Number: PCS45140
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 6

Committee Clerk Comments:

PUBLIC BILL

ROLL CALL fee

id=5242

Title Change

~~Proposed~~ Committee Substitute For

H.B. 55

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDING THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE.

Introduced by Representative(s): Ray

Principal Clerk's Use Only

The Committee on Hays + Mears a majority being present, having considered this bill, recommend that it do ✓ pass.

Reps. Decker + Pate

For the Committee

REPORTED COMM. SUB UNFAVORABLE TO BILL

MAR 20 2003

AND PLACED ON CALENDAR FOR 36b

3-25-03

TITLE CHANGE

RECEIVED

MAR 23 2003

From House of Representatives

By Clerk LR 10:00 AM/PM

PASSED 1st READING

MAR 26 2003

AND REFERRED TO COMMITTEE ON Ag. Gov, Loc Gov, Vet. Affairs

PASSED 2nd READING

Ayes 117 Noes 0

MAR 25 2003

AND PLACED ON THE CALENDAR

PASSED 3rd READING

Ayes 116 Noes 0

MAR 25 2003

AND ORDERED SENT TO SENATE.

Denise Weeks

HOUSE BILL 55:
Honor Retiring Firefighters

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representative Ray
		Summary by:	Theresa Matula Committee Staff
Date:	May 20, 2003		
Version:	Second Edition		

SUMMARY: House Bill 55 authorizes the honoring of deceased or retiring firefighters by awarding the firefighter's fire helmet to the retiring firefighter or a surviving relative, upon request, and at a price that may be less than the fair market value of the helmet.

BILL ANALYSIS:

Section 1 of House Bill 55 amends Chapter 153A of the General Statutes by adding a new section to Article 11 regarding Fire Protection in Counties. Section 2 amends Chapter 160A of the General Statutes by adding a new section under Article 14 Fire Protection for Cities and Towns. G.S. 153A-236 applies to counties and G.S. 160A-294.1 applies to cities and towns. Both provisions provide the appropriate governing body the discretion to award, upon request, the fire helmet of a deceased or retiring firefighter to a retiring firefighter or a surviving relative of a deceased firefighter. The price of the helmet is determined by the governing body and may be less than the fair market value of the helmet.

House Bill 55 is effective when it becomes law.

ADDITIONAL INFORMATION:

- House Bill 55 is similar to the provision for deceased or retiring law enforcement officers. G.S. 20-187.2. allows badges and service side arms of deceased or retiring members of State, city and county law-enforcement agencies to be provided to surviving spouses or children, or retiring members. Badges worn or carried by a deceased or retiring member are provided upon request at no cost. The service side arm of deceased or retiring members may be provided at the discretion of the governing body of a law-enforcement agency at a price determined by such governing body upon securing a permit, or upon being rendered incapable of being fired.

- The procedures for the sale and disposition of property for counties (G.S. 153A-176) and cities and towns is provided in Chapter 160A, Article 12.

- The Senate State/Local Government and Veteran Affairs Committee gave a favorable report to Senate Bill 242, as amended. Senate Bill 242, as amended, is equivalent to House Bill 55, Second Edition.

H55-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 55*
Committee Substitute Favorable 3/20/03

Short Title: Honor Retiring Firefighters. (Public)

Sponsors:

Referred to:

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDING THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE.

The General Assembly of North Carolina enacts:

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

"**§ 153A-236. Honoring deceased or retiring firefighters.**

A fire department established by a county pursuant to this Article may, in the discretion of the board of commissioners, award to a retiring firefighter or a surviving relative of a deceased firefighter, upon request, the fire helmet of the deceased or retiring firefighter, at a price determined in a manner authorized by the board. The price may be less than the fair market value of the helmet."

SECTION 2. Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-294.1. Honoring deceased or retiring firefighters.**

A fire department established by a municipality pursuant to this Article may, in the discretion of the governing body of the municipality, award to a retiring firefighter or a surviving relative of a deceased firefighter, upon request, the fire helmet of the deceased or retiring firefighter, at a price determined in a manner authorized by the governing body. The price may be less than the fair market value of the helmet."

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

LOCAL BILL

H.B. 0063

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REPEAL A LOCAL ACT SO THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.

Introduced by Representative(s): Goodwin.

Principal Clerk's Use Only

PASSED 1st READING
FEB 24 2003
AND REFERRED TO COMMITTEE
ON Local Government II

The Committee on Local Government II a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Adams
For the Committee

REPORTED FAVORABLY MAR 19 2003

PURSUANT TO RULE 36(b)
MAR 19 2003
PLACED ON CALENDAR
OF 3/24/03

VV VV

PASSED 2nd & 3rd READING
MAR 24 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
MAR 25 2003
From House of Representatives
By Clerk AP 9:01 AM

PASSED 1st READING
MAR 25 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc. Gov, Vet. Affairs

HOUSE BILL 63:
Richmond Sheriff Vacancies.

BILL ANALYSIS

Committee:	Senate State/Local Govt. and Veterans' Affairs	**Introduced by:**	Rep. Goodwin
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	May 21, 2003		
Version:	PCS H63-PCS45140-LB-55		

SUMMARY: ***This act provides for the county coroner to assume the duties of the sheriff when there is a vacancy. If there is no coroner, the chief deputy sheriff would assume the sheriff's duties until a successor sheriff is elected by the board of commissioners. The board would appoint the person recommended by the county executive committee of the party to which the elected sheriff had been a member. The act is effective when it becomes law.***

BILL ANALYSIS: This bill adds Richmond County to the statute which sets forth the method by which the unexpired term of an elected Sheriff is filled when there is a vacancy. IThe board of commissioners would appoint the person designated by the county executive committee of the previously elected Sheriff's party, if the party makes the recommendation within 90 days of the vacancy.

The bill also repeals the session law which provided that the clerk of the superior court would appoint a person to fill a Sheriff's unexpired term.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 63

Short Title:	Richmond Sheriff Vacancies.	(Local)
Sponsors:	Representative Goodwin.	
Referred to:	Local Government II.	

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO REPEAL A LOCAL ACT SO THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 649 of the 1983 Session Laws is repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **D**

HOUSE BILL 63
PROPOSED SENATE COMMITTEE SUBSTITUTE H63-PCS45140-LB-55

Short Title: Richmond Sheriff Vacancies. (Local)

Sponsors:

Referred to:

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO REPEAL A LOCAL ACT AND TO PROVIDE THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.1.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-5.1, as amended by Ratified Senate Bill 102 of the 2003 Regular Session, reads as rewritten:

"**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lincoln, Madison, McDowell,

Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Wake, and Yancey."

SECTION 2. Chapter 649 of the 1983 Session Laws is repealed.

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

LOCAL BILL

Title change

~~Proposed~~ Committee Substitute For
H.B. 68

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND THE CITY OF NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

Introduced by Representative(s): Lucas

Principal Clerk's Use Only

The Committee on Local Government II a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Adams
For the Committee

[illegible] TO COMM. WAS UNFAVORABLE TO BILL

MAR 19 2003

AND PLACED ON CALENDAR FOR 36 b

3/24/03

PASSED 2nd & 3rd READING

MAR 24 2003

ORDERED SENT TO SENATE

Denise Weeks

RECEIVED

MAR 25 2003

From House of Representatives
By Clerk TM 9:01 AM/PM

TITLE CHANGE

PASSED 1st READING

MAR 25 2003

AND REFERRED TO COMMITTEE on St. Gov, Loc. Gov, Vet. Affairs

HOUSE BILL 68:
Spring Lake Red Light Cameras.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans' Affairs	**Introduced by:**	Rep. Lucas
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	May 21, 2003		
Version:	First Edition		

SUMMARY: This act adds the municipalities of Spring Lake and Newton to list of municipalities authorized to use traffic control photographic systems (red light cameras) in the enforcement of traffic control laws. The act is effective when it becomes law.

CURRENT LAW: Under current law, the municipalities listed in the chart below are authorized to use traffic control photographic systems (red light cameras) in the enforcement of traffic control laws.

BILL ANALYSIS: House Bill 68 adds the municipalities of Spring Lake and Newton to list of municipalities authorized to use traffic control photographic systems (red light cameras) in the enforcement of traffic control laws under G.S. 160A- 300.1. House Bill 68 would become effective when it becomes law.

BACKGROUND: The following chart summaries the current red light camera laws.

	G.S. 160A-300.1	G.S. 160A-300.2	G.S. 160A-300.3
Municipalities to which the Statute Applies	**Albemarle, Charlotte, Durham, Fayetteville, Greensboro, High Point, Rocky Mount, Wilmington, Greenville, Lumberton, Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, Pineville, and the municipalities in Union County.**	The municipalities located primarily in Wake County.	The City of Concord.
Compliance with DOT Requirements	**Red light cameras and traffic signals must comply with DOT requirements.**	Same as G.S. 160A-300.1.	Same as G.S. 160A-300.1.
Advance Warning Signs	**Warning signs posted no more than 300 feet from the system must identify red light cameras.**	Same as G.S. 160A-300.1.	Same as G.S. 160A-300.1.
Penalty for Violation	**A violation of a traffic control law at an intersection where a red light camera is located is a noncriminal violation for which a $50 civil penalty may be assessed, but for which no driver's license or insurance points may be assessed.**	Same as G.S. 160A-300.1 if a violation is detected by a red light camera only. If a law enforcement officer and a red light camera detect a violation, the officer may charge the offender with an infraction, but if the officer does so, a civil penalty issued by the municipality is void and	Same as G.S. 160A-300.1.

	G.S. 160A-300.1	G.S. 160A-300.2	G.S. 160A-300.3
		unenforceable.	
Form of Citation	**The citation must state the manner in which the violation may be challenged.**	Same as G.S. 160A-300.1, except that the citation must also be attached to photographic evidence of the violation that identifies the vehicle involved.	Same as G.S. 160A-300.1.
Responsibility for Violation	**The owner of the vehicle is responsible unless, within 21 days after receiving notice of the violation, the owner furnishes officials or agents of the municipality with (1) the name and address of the person or company who leased, rented, or otherwise had control of the vehicle or (2) an affidavit stating that the vehicle was stolen or in the custody of a person who did not have permission to use it.**	Same as G.S. 160A-300.1, except that the owner of the vehicle must furnish information to the office of the mayor and may also avoid responsibility by furnishing a statement that the person who received the citation is not the owner or driver of the vehicle or was not driving a vehicle at the time and location designated by the citation.	Same as G.S. 160A-300.1.
Appeal	**The municipality must institute a nonjudicial administrative hearing to review objections to citations and penalties.**	The municipality must establish a nonjudicial administrative hearing process to review objections to citations and penalties. The municipality may establish an appeals panel of municipal employees to review objections, but if it does not, the mayor must review and make a final decision on objections.	Same as G.S. 160A-300.1.
Contract for Red Light Cameras	**No Similar Provision.**	A municipality may enter into only one contract for the lease, lease-purchase, or purchase of a red light camera system and the contract may be for no more than 60 months. After the period of the contract expires, the municipality must either own the system or return it.	No Similar Provision.
Proceeds from Citations	**Municipalities retain proceeds from citations and use for a variety of purposes.**	The clear proceeds from citations are paid to the county school fund. Clear proceeds are funds remaining after paying for the system, its operation, and administrative costs.	Same as G.S. 160A-300.2.

Chart originally prepared by Jeffrey Hudson, Research Division

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 68

Committee Substitute Favorable 3/19/03

Short Title: Spring Lake and Newton Red Light Cameras. (Local)

Sponsors:

Referred to:

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND THE CITY OF NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.1(d) reads as rewritten:

"(d) This section applies only to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greensboro, Greenville, High Point, Lumberton, Newton, Rocky Mount, and Wilmington, to the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, ~~and~~ Pineville, and Spring Lake, and to the municipalities in Union County."

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

LOCAL BILL

Title Change

~~Proposed~~ Committee Substitute For
H.B. 124

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR DURHAM COUNTY.

Introduced by Representative(s): Crawford

Principal Clerk's Use Only

The Committee on Local Govt. I
a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Walker
For the Committee

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL

APR 30 2003

AND PLACED ON CALENDAR FOR
36b

TITLE CHANGE

5-1-03

PASSED 2nd & 3rd READING

MAY 1 2003

ORDERED SENT TO SENATE

Special Message

Denise Weeks

RECEIVED

MAY 1 2003

From House of Representatives
By Clerk 2012 AM/PM

PASSED 1st READING

MAY 1 2003

~~AND REFERRED TO COMMITTEE~~
on Hill

WITH UNANIMOUS CONSENT
WITHDRAWN FROM
CLERK'S OFFICE

MAY 5 2003

~~REFERRED TO~~
St. Gov, Loc. Gov-
Vet. Affairs

HOUSE BILL 124:
Durham County Zoning Protest Petitions

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representative Crawford
		Summary by:	Theresa Matula Committee Staff
Date:	May 21, 2003		
Version:	First Edition		

SUMMARY: House Bill 124 provides that when specific protest requirements are met, amendments to zoning regulations, restrictions and zone boundaries shall require a favorable vote of three-fourths of all members of the board of commissioners.

BILL ANALYSIS:

Section 1(a) of House Bill 124 is essentially identical to G.S. 160A-385(a), contained in Chapter 160A. Cities and Towns., Article 19. Planning and Regulation of Development, Part 3. Zoning. As such, House Bill 124 establishes a provision for Durham County that is the same as that which is now in place for cities and towns. The subsection provides that a protest against an amendment that is signed by the owners of twenty percent (20%) or more of the area either:

- of the lots included in a proposed change, or
- of those immediately adjacent-either in the rear or on either side thereof, extending 100 feet therefrom, or
- of those directly opposite extending 100 feet from the street frontage of the opposite lots,

shall require a favorable vote of three-fourths of all members of the board of commissioners.

These protest provisions shall not be applicable to:

- any amendment that initially zones property added to the territorial coverage of the ordinance; or to
- an amendment to an adopted special use district or conditional use district if the amendment does not:
  (i)change the types of uses that are permitted within the district or increase the approved density for residential development,
  (ii) increase the total approved size of nonresidential development, or
  (iii) reduce the size of any buffers or screening approved for the special use or conditional use district.

Section 1(b) is essentially the same as G.S. 160A-386 that contains information on the protest petition, form, requirements, and time for filing in cities and towns. House Bill 124 requires that the Clerk to the Board of Commissioners receive protest petitions at least four normal work days prior to the public hearing on the proposed charge or amendment to determine the sufficiency and accuracy of the petition. (G.S. 160A-386 for cities and towns requires two normal work days. S.L. 1997-452, Section 8, amended Section 94.4 of the Charter of the City of Durham to require at least four normal work days. Thus, the City of Durham and Durham County would have identical requirements.)

Sections 2 and 3 provide that House Bill 124 applies to the County of Durham only and is effective when it becomes law.

CURRENT LAW:

G.S. 153A-323 provides that before adopting or amending any ordinance authorized by Article 18 of Chapter 153A (County-planning and regulation) or Chapter 160A, Article 19 (Cities and Towns-development), the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

Erika Churchill assisted with this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 124
Committee Substitute Favorable 4/30/03

Short Title: Durham County Zoning Protest Petitions. (Local)

Sponsors:

Referred to:

February 27, 2003

A BILL TO BE ENTITLED

AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR DURHAM COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Zoning regulations and restrictions and zone boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of twenty percent (20%) or more of the area either of the lots included in a proposed change or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, an amendment shall not become effective except by favorable vote of three-fourths of all members of the board of commissioners. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance. They also shall not apply to an amendment to an adopted special use district or conditional use district if the amendment does not: (i) change the types of uses that are permitted within the district or increase the approved density for residential development, (ii) increase the total approved size of nonresidential development, or (iii) reduce the size of any buffers or screening approved for the special use or conditional use district.

SECTION 1.(b) Protest petitions must be received by the Clerk to the Board of Commissioners in sufficient time to allow the county at least four normal work days, excluding Saturdays, Sundays, and legal holidays, before the date established for a public hearing on the proposed charge or amendment to determine the sufficiency and accuracy of the petition.

SECTION 2. This act applies to the County of Durham only.

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

LOCAL BILL

H.B. 0651

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

Introduced by Representative(s): Crawford, Luebke, Michaux, and Miller (Primary Sponsors).

Principal Clerk's Use Only

PASSED 1st READING
MAR 25 2003
AND REFERRED TO COMMITTEE
ON Transportation

The Committee on Transportation a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Allred & Coates
For the Committee

REPORTED FAVORABLY APR 3 2003

PURSUANT TO RULE 36(b)
APR 3 2003
PLACED ON CALENDAR
OF 4-7-03

PASSED 2nd & 3rd READING
APR 7 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
APR 8 2003
From House of Representatives
By Clerk 4:8:49 AM/PM

PASSED 1st READING
APR 8 2003
AND REFERRED TO COMMITTEE
St. Gov, Loc. Gov, Vet. Affairs

HOUSE BILL 651:
Durham Traffic Control Measures

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representatives Crawford, Luebke, Michaux, and Miller
Date:	May 21, 2003	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: ***House Bill 651 amends the Charter of the City of Durham to allow the City Council to adopt an ordinance delegating to the City Manager, or designee, the authority to make decisions regarding routine traffic control measures.***

CURRENT LAW:

Under Chapter III, Section 8 of the Charter of the City of Durham, the City Council has the authority to make ordinances, rules and regulations to promote and safeguard the health, morals, safety and general welfare and convenience of the public. Under Chapter IV, Section 16 of the Charter of the City of Durham, the City Manager is responsible to the City Council for the efficient administration of all the affairs of the City under his direction and control and shall have the power to see that the laws and ordinances of the City are enforced.

BILL ANALYSIS:

Section 1 of House Bill 651 amends the Charter of the City of Durham to allow the City Council to pass an ordinance delegating to the City Manager, or the Manager's designee, the authority to make routine decisions regarding speed limits, parking, loading, standing, and traffic control measures. This provision has been placed in Chapter VI. Additional Powers., Article 2, Streets, Traffic and Parking., of the Charter.

Section 2 establishes that House Bill 651 is effective when it becomes law.

ADDITIONAL INFORMATION:

- G.S. 136-30 pertains to the uniform signs and other traffic control devices on highways, streets and public vehicular areas. G.S. 136-30(b) provides that all traffic signs and other traffic control devices placed on a municipal street system must conform to the appearance criteria of the Uniform Manual. All Traffic control devices placed on a highway that is within the corporate limits of a municipality but is part of the State highway system must be approved by the Department of Transportation.

  "Uniform Manual" means the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the United States Department of Transportation, and any supplement to that Manual adopted by the North Carolina Department of Transportation.

- The Senate State/Local Government and Veterans Affairs gave a favorable report to Senate Bill 478 Durham Traffic Control Measures. SB 478 is identical to HB 651 except that it places the identical provision in a different section of the Charter.

Wendy Graf Ray contributed to this summary.

H651-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 651

Short Title:	Durham Traffic Control Measures.	(Local)
Sponsors:	Representatives Crawford, Luebke, Michaux, and Miller (Primary Sponsors).	
Referred to:	Transportation.	

March 25, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding the following new section:

"Sec. 54.1. Traffic Control Measures. – The City Council may, by ordinance, delegate to the City Manager or the Manager's designee the authority to make routine determinations regarding speed limits, parking, loading, standing, and traffic control measures, including the location of stop signs, yield signs, turn restrictions, loading zones, bus stops, and parking restrictions in rights-of-way."

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

LOCAL BILL

~~Proposed~~ Committee Substitute For
H.B. 735

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

Introduced by Representative(s): Richardson, Luebke, and Wilkins (Primary Sponsors)

Principal Clerk's Use Only

The Committee on LOCAL GOVERNMENT II a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Adams
For the Committee

FAVORABLE TO COMM. SUB.
~ UNFAVORABLE TO BILL

APR 16 2003

AND PLACED ON CALENDAR FOR 366

4-23-03

113-1 ev VV

PASSED 2nd & 3rd READING

APR 23 2003

ORDERED SENT TO SENATE

Denise Weeks

RECEIVED

APR 24 2003

From House of Representatives
By Clerk AP 10:20 AM/PM

PASSED 1st READING

APR 24 2003

AND REFERRED TO COMMITTEE
on St. Gov, Loc. Gov. Vet. Affairs

HOUSE BILL 735:
City of Durham/Notice to Chronic Violators.

BILL ANALYSIS

Committee:	Senate State/Local Govt. and Veterans' Affairs	**Introduced by:**	
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	May 21, 2003		
Version:	PCS H735-csrk-50		

SUMMARY: ***This bill adds Durham and several other cities to the law providing for notice to chronic violators of a municipalities' refuse and debris ordinances. The act is effective when it becomes law.***

BILL ANALYSIS:

This act adds Durham, Gastonia, High Point, and Monroe, to those cities that may, after an initial annual notice, take action to remedy violations of refuse and debris ordinances by chronic violators. The initial notice informs the chronic violator that the city may take action if the violator's property is found, in the future, to be in violation of the ordinance. The expense of the action becomes a lien on the property and is collected as unpaid taxes.

A chronic violator is a person who owns property where remedial action was taken by the municipality at least three times in the calendar year prior to the current violation.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 735

Committee Substitute Favorable 4/16/03

Short Title: City of Durham/Notice to Chronic Violators. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

SECTION 2. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S.L. 2000-38, and S.L. 2001-107, reads as rewritten:

"**Section 2.** This act applies to the Cities of ~~High Point, Gastonia,~~Durham, Gastonia, High Point, Lexington, Roanoke Rapids, and Winston-Salem only."

SECTION 3. Section 1 of this act applies to the City of Durham only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 735

Committee Substitute Favorable 4/16/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H735-CSRK-50 [v.1]

5/12/2003 1:12:20 PM

Short Title: City of Durham/Notice to Chronic Violators. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

SECTION 2. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S.L. 2000-38, and S.L. 2001-107, reads as rewritten:

"**Section 2.** This act applies to the Cities of ~~High Point, Gastonia,~~Durham, Gastonia, High Point, Lexington, Monroe, Roanoke Rapids, and Winston-Salem only."

SECTION 3. Section 1 of this act applies to the City of Durham only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **D**

HOUSE BILL 735
Committee Substitute Favorable 4/16/03
PROPOSED SENATE COMMITTEE SUBSTITUTE H735-CSRK-50 [v.2]

5/13/2003 11:36:03 AM

Short Title: City of Durham/Notice to Chronic Violators. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

SECTION 2. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S.L. 2000-38, and S.L. 2001-107, reads as rewritten:

"**Section 2.** This act applies to the Cities of ~~High Point, Gastonia,~~Durham, Gastonia, High Point, Lexington, Monroe, Roanoke Rapids, and Winston-Salem only."

SECTION 3. Section 1 of this act applies to the City of Durham only.

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

LOCAL BILL

Title Amend

Proposed Committee Substitute For
H.B. 679

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF RALEIGH 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, AND TO ALLOW WAKE COUNTY TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

Introduced by Representative(s): Weiss, Ross, and Miner (Primary Sponsors)

Principal Clerk's Use Only

The Committee on Local Govt. I, a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Warren
For the Committee

FAVORABLE TO COMM. SUB.
UNFAVORABLE TO BILL

APR 9 2003

TITLE CHANGE

AND PLACED ON CALENDAR FOR
366

4-10-03

vv vv

PASSED 2nd & 3rd READING

APR 10 2003

ORDERED SENT TO SENATE

Denise Weeks

RECEIVED

APR 11 2003

From House of Representatives
By Clerk 4.9:15 AM/PM

PASSED 1st READING

APR 14 2003

AND REFERRED TO COMMITTEE
H. Gov Loc Gov

Vet. Affairs

HB 679:
Raleigh/Wake County clearcutting

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans Affairs	**Introduced by:**	Rep. Weiss
		Summary by:	Barbara Riley Committee Counsel
Date:	May 21, 2003		
Version:	H679-CSRF-24		

SUMMARY:

The proposed committee substitute for H679 authorizes the Cities of Raleigh and Salisbury, the Town of Rutherfordton and Wake County to limit the clear cutting of trees in buffer zones prior to development.

BILL ANALYSIS:

Section 1of the bill extends to the Cities of Raleigh and Salisbury the same authority for regulating the clear cutting of trees currently held by Durham, Cary, Garner, Knightdale, Fuquay Varina, Morrisville and Spencer. S.L. 2001-191.

S.L. 2001-191 gave the named municipalities authority to enact ordinances requiring buffer zones up to 65 feet along roadways and property boundaries adjacent to developed property and up to 32 feet along property boundaries adjacent to undeveloped property. Buffer zones are to be measured from the outside property boundary. The law also authorized the adoption of ordinances to preserve significant specimen trees on sites being planned for development.

Section 2 of the bill provides Wake County and the Town of Rutherfordton 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 ordinances 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 way; (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; and (7) normal forestry activities on property that is taxed at use value or is managed under a forestry management plan will be excluded. Municipalities 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.

Section 1 of the act is effective when it becomes law. Section 2 becomes effective January 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 679
Committee Substitute Favorable 4/9/03

Short Title: Raleigh/Wake Clear-Cutting. (Local)

Sponsors:

Referred to:

March 26, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF RALEIGH 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, AND TO ALLOW WAKE COUNTY TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2001-191 reads as rewritten:

"**SECTION 4.** This act shall apply only to the ~~City of Durham~~ Cities of Durham and Raleigh and the Towns of Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, and Spencer and to property located within the municipality's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes."

SECTION 2.(a) A county may adopt ordinances to regulate the removal and preservation of existing trees and shrubs prior to development within a perimeter buffer zone of up to 50 feet along public roadways and property boundaries adjacent to developed properties and up to 25 feet along property boundaries adjacent to undeveloped properties.

SECTION 2.(b) Ordinances adopted pursuant to this section shall:

(1) Provide that the required buffer area shall not exceed twenty percent (20%) of the area of the tract, net of public road rights-of-way and any required conservation easements.

(2) Provide that buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.

(3) Provide that tracts of two acres or less, net of public road rights-of-way, that are zoned for single-family residential use are exempt from the requirements of the ordinances.

(4) Provide that the ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted planning and zoning regulations.

(5) Provide that a survey of individual trees is not required.

(6) Include reasonable provisions for access onto and within the subject property.

(7) Exclude normal forestry activities on property taxed under the present-use value standard or conducted pursuant to a forestry management plan prepared or approved by a forester registered pursuant to Chapter 89B of the General Statutes. However, for such properties, a county may deny a building permit or refuse to approve a site or subdivision plan for a period of three years following completion of the harvest if all or substantially all of the perimeter buffer trees that should have been protected were removed from the tract of land for which the permit or plan approval is sought. A county may deny a permit or refuse to approve a site or subdivision plan for a period of two years if the owner replants the buffer area within 120 days of harvest with plant material that is consistent with buffer areas required under the county's ordinances.

SECTION 2.(c) Before adopting an ordinance under this section, the board of commissioners shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. 153A-323.

SECTION 2.(d) This section does not apply to areas located within the corporate limits or extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes of any municipality.

SECTION 2.(e) This section applies to Wake County only.

SECTION 3. This act is effective when it becomes law, except that Section 2 becomes effective January 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **D**

HOUSE BILL 679
Committee Substitute Favorable 4/9/03
PROPOSED SENATE COMMITTEE SUBSTITUTE H679-PCS70326-RF-24

Short Title: Raleigh/Wake Clear-Cutting. (Local)

Sponsors:

Referred to:

March 26, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF RALEIGH AND SALISBURY 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, AND TO ALLOW WAKE COUNTY AND THE TOWN OF RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2001-191 reads as rewritten:

"**SECTION 4.** This act shall apply only to the ~~City of Durham~~ Cities of Durham, Raleigh, and Salisbury and the Towns of Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, and Spencer and to property located within the municipality's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes."

SECTION 2.(a) A county may adopt ordinances to regulate the removal and preservation of existing trees and shrubs prior to development within a perimeter buffer zone of up to 50 feet along public roadways and property boundaries adjacent to developed properties and up to 25 feet along property boundaries adjacent to undeveloped properties.

SECTION 2.(b) Ordinances adopted pursuant to this section shall:

(1) Provide that the required buffer area shall not exceed twenty percent (20%) of the area of the tract, net of public road rights-of-way and any required conservation easements.

(2) Provide that buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.

(3) Provide that tracts of two acres or less, net of public road rights-of-way, that are zoned for single-family residential use are exempt from the requirements of the ordinances.

(4) Provide that the ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted planning and zoning regulations.

(5) Provide that a survey of individual trees is not required.

(6) Include reasonable provisions for access onto and within the subject property.

(7) Exclude normal forestry activities on property taxed under the present-use value standard or conducted pursuant to a forestry management plan prepared or approved by a forester registered pursuant to Chapter 89B of the General Statutes. However, for such properties, a county may deny a building permit or refuse to approve a site or subdivision plan for a period of three years following completion of the harvest if all or substantially all of the perimeter buffer trees that should have been protected were removed from the tract of land for which the permit or plan approval is sought. A county may deny a permit or refuse to approve a site or subdivision plan for a period of two years if the owner replants the buffer area within 120 days of harvest with plant material that is consistent with buffer areas required under the county's ordinances.

SECTION 2.(c) Before adopting an ordinance under this section, the board of commissioners shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. 153A-323.

SECTION 2.(d) This section does not apply to areas located within the corporate limits or extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes of any municipality.

SECTION 2.(e) This section applies to the Town of Rutherfordton and to Wake County only.

SECTION 3. This act is effective when it becomes law, except that Section 2 becomes effective January 1, 2004.

LOCAL BILL

H.B. 706 SESSION LAW _____

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 FOR 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.

Introduced by Representative(s): Saunders.

Principal Clerk's Use Only

PASSED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE
ON Local Government I

The Committee on Local Govt I
a majority being present,
this bill, recommend that it do ✓ pass.

Rep. Walker
For the Committee

FAVORABLY APR 9 2003

PURSUANT TO RULE 36(b)
APR 9 2003
PLACED ON CALENDAR
OF 4-10-03

✓✓ ✓✓

PASSED 2nd & 3rd READING
APR 10 20[illegible]
[illegible] TO SENATE

Denise Walker

RECEIVED
APR 11 2003

From House of Representatives
By Clerk 4/9/15 AM/PM

PASSED 1st READING
APR 14 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc. Gov, Vet. Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 706

Short Title:	Charlotte Transit Procurement.	(Local)
Sponsors:	Representative Saunders.	
Referred to:	Local Government I.	

March 27, 2003

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 FOR 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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 8.87 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended by S.L. 2000-61, reads as rewritten:

"Section 8.87. Transit Procurements. (a) In addition to other authorized methods of procurement, the City of Charlotte may contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes using the competitive proposal method provided in G.S. 143-129(h).

(b) The City of Charlotte may contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes with any person or entity that has within the previous 36 months after having completed a public formal bid process substantially similar to that required by Article 8 of Chapter 143 of the General Statutes contracted to furnish the apparatus, supplies, or materials, or equipment to any unit or agency approved in G.S. 143-129(g) if 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 or agency. Any purchase made under this section shall be approved by the City Council as provided in G.S. 143-129(g)."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 706

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

H706-ARF-16 [v.3]

Date _____,2003

Comm. Sub. [NO]
Amends Title [YES]
H706-CSRF-23

Senator Reeves

moves to amend the bill on page 1, lines 2 and 3 by rewriting those lines to read:
"AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE AND THE GENERAL STATUTES ESTABLISHING A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO ALLOW THE CITY AND A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS,";

And further amends the bill on page 1, line 27 by rewriting that line to read:
"**SECTION 2.** G.S. 160A-610 is amended by adding a new subsection to read:
"(26) To contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes with any person or entity that, within the previous 36 months, after having completed a public formal bid process substantially similar to that required by Article 8 of Chapter 143 of the General Statutes, has contracted to furnish the apparatus, supplies, materials or equipment to any unit or agency approved in G.S. 143-129(g) if 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 or agency. Any purchase made under this section shall be approved by the Board of Trustees as provided in G.S. 143-129(g)."
SECTION 3. This act is effective when it becomes law."

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 706

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

H706-ARF-16 [v.3]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 706

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

H706-ARF-16 [v.3]

Date _____,2003

Comm. Sub. [NO]
Amends Title [YES]
H706-CSRF-23

Senator Reeves

moves to amend the bill on page 1, lines 2 and 3 by rewriting those lines to read:
"AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE AND THE GENERAL STATUTES ESTABLISHING A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO ALLOW THE CITY AND A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS,";

And further amends the bill on page 1, line 27 by rewriting that line to read:
"**SECTION 2.** G.S. 160A-610 is amended by adding a new subsection to read:
"(26) To contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes with any person or entity that, within the previous 36 months, after having completed a public formal bid process substantially similar to that required by Article 8 of Chapter 143 of the General Statutes, has contracted to furnish the apparatus, supplies, materials or equipment to any unit or agency approved in G.S. 143-129(g) if 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 or agency. Any purchase made under this section shall be approved by the Board of Trustees as provided in G.S. 143-129(g)."
SECTION 3. This act is effective when it becomes law."

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 706

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

H706-ARF-16 [v.3]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 706
PROPOSED SENATE COMMITTEE SUBSTITUTE H706-PCS30343-RF-23

Short Title: Charlotte Transit Procurement. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE AND THE GENERAL STATUTES ESTABLISHING A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO ALLOW THE CITY AND A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT FOR 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, THE STATE OF NORTH CAROLINA, OR ANOTHER STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 8.87 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended by S.L. 2000-61, reads as rewritten:

"Section 8.87. Transit Procurements. (a) In addition to other authorized methods of procurement, the City of Charlotte may contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes using the competitive proposal method provided in G.S. 143-129(h).

(b) The City of Charlotte may contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes with any person or entity that, within the previous 60 months, after having completed a public formal bid process substantially similar to that required by Article 8 of Chapter 143 of the General Statutes or through the competitive proposal method provided in G.S. 143-129(h), has contracted to furnish the apparatus, supplies, materials, or equipment to any unit or agency approved in G.S. 143-129(g) if 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 or agency. Any purchase made under this section shall be approved by the City Council as provided in G.S. 143-129(g)."

SECTION 2. G.S. 160A-610 is amended by adding a new subdivision to read:

"(26) To contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes with any person or entity that, within the previous 36 months, after having completed a public formal bid process substantially similar to that required by Article 8 of Chapter 143 of the General Statutes, has contracted to furnish the apparatus, supplies, materials, or equipment to any unit or agency approved in G.S. 143-129(g) if 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 or agency. Any purchase made under this section shall be approved by the Board of Trustees as provided in G.S. 143-129(g)."

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

LOCAL BILL

~~Proposed~~ Committee Substitute For
H.B. 520

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND.

Introduced by Representative(s): Stiller

Principal Clerk's Use Only

The Committee on Local Govt. I
a majority being present, having considered
his bill, recommend that it do pass.
Rep. Warren
For the Committee

FAVORABLE TO COMM. SUB.
UNFAVORABLE TO BILL
APR 3 2003
AND PLACED ON
CALENDAR FOR
3rd b
4-7-03

PASSED 2nd & 3rd
READING
APR 7 2003
ORDERED SENT TO SENATE
Denise Weeks

RECEIVED
APR 8 2003
From House of Representatives
By Clerk AP. 8:49 AM/PM

PASSED 1st READING
APR 8 2003
AND REFERRED TO COMMITTEE
ON St. Gov. Loc. Gov.
Vet. Affairs

HB 520:
Oak Island Charter Amendments.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans' Affairs	**Introduced by:**	Representative Stiller
Date:	May 21, 2003	**Summary by:**	H. Alan Pell Committee Co-Counsel
Version:	Second Edition		

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

- ***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: The act would amend the charter of Oak Island as follows:

- 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.

Summary by Erika Churchill, Staff Attorney, for House Local Government Committee I.
H520-SMrk-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 520
Committee Substitute Favorable 4/3/03

Short Title: Oak Island Charter Amendments. (Local)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.1 of the Charter of the Town of Oak Island, being S.L. 1999-66, reads as rewritten:

"Sec. 4.1. **Interim Mayor and Council and Succession of Interim Council Members and Mayors.** (a) Upon enactment of this act and on the effective date of consolidation, an interim Town Council shall serve until elections are held in accordance with provisions of this Charter. The following individuals are hereby named to serve as the Interim Council: Linda W. Franklin, Roy R. Johnson, Richard D. Marshall, William S. Smith, Martin John Wozniak, Kevin M. Bell (or the person appointed to succeed him on the Long Beach Town Council), Horace Collier, James H. Locke, H. Michael Oxford, Mary B. Snead, J.K. Somers; Joan P. Altman, Co-Mayor, and Dorothy Kelly, Co-Mayor. The succession of Mayor and Council Member positions shall occur in a rotation prescribed as follows:

Elected Officials July 1999 - November 1999

Town Area	Seat	Name	Term Expires
Long Beach	Co-Mayor	Altman(or successor)	2001
Yaupon Beach	Co-Mayor	Kelly(or successor)	2001
Yaupon Beach	Council Member	Smith(or successor)	2001
Yaupon Beach	Council Member	Wozniak(or successor)	2001
Long Beach	Council Member	Bell(or successor)	2001
Long Beach	Council Member	Somers(or successor)	2001
Long Beach	Council Member	Locke(or successor)	2001
Yaupon Beach	Council Member	Franklin(or successor)	1999
Yaupon Beach	Council Member	Marshall(or successor)	1999
Yaupon Beach	Council Member	Johnson(or successor)	1999

Long Beach	Council Member	Oxford(or successor)	1999
Long Beach	Council Member	Collier(or successor)	1999
Long Beach	Council Member	Snead(or successor)	1999

(b) November 1999 Election: Two Council Member seats will be elected, one from Yaupon Beach and one from Long Beach. This preserves equal representation. From November ~~1999~~ 2005 on, there will be ~~eight~~ six Council Members. Mayor Altman will serve until November 2001.

Elected Officials November 1999 - November 2001

Town Area	Seat	Name	Term Expires
At Large	Mayor	Altman	2001
Yaupon Beach	Mayor Pro Tempore	Kelly	2001
Yaupon Beach	Council Member	Smith	2001
Yaupon Beach	Council Member	Wozniak	2001
Yaupon Beach	Council Member	Elected 1999	2003
Long Beach	Council Member	Bell(or successor)	2001
Long Beach	Council Member	Somers	2001
Long Beach	Council Member	Locke	2001
Long Beach	Council Member	Elected 1999	2003

(c) November 2001 Election: Two Council Members from Long Beach will be elected to four-year terms. Two Council Members from Yaupon Beach will be elected to four-year terms. One Council Member from Long Beach will be elected to a two-year term. One Council Member from Yaupon Beach will be elected to a two-year term. The Mayor will be elected at large for a two-year term. The Mayor Pro Tempore will be elected by Council Members at December 2001 Town Council meeting.

Elected Officials November 2001 - November 2003

Town Area	Seat	Name	Term Expires
At Large	Mayor	Elected 2001	2003
Yaupon Beach	Council Member	Elected 1999	2003
Yaupon Beach	Council Member	Elected 2001	2003
Yaupon Beach	Council Member	Elected 2001	2005
Yaupon Beach	Council Member	Elected 2001	2005
Long Beach	Council Member	Elected 1999	2003
Long Beach	Council Member	Elected 2001	2003
Long Beach	Council Member	Elected 2001	2005
Long Beach	Council Member	Elected 2001	2005

(d) November 2003 Election: ~~Four~~ Three Council Members elected at large to four-year terms. Mayor elected at large to two-year term.

Elected Officials November 2003 - November 2005

Town Area	Seat	Name	Term Expires
At Large	Mayor	Elected 2003	2005
Yaupon Beach	Council Member	Elected 2001	2005
Yaupon Beach	Council Member	Elected 2001	2005
Long Beach	Council Member	Elected 2001	2005
Long Beach	Council Member	Elected 2001	2005
~~At Large~~	~~Council Member~~	~~Elected 2003~~	~~2007~~
At Large	Council Member	Elected 2003	2007
At Large	Council Member	Elected 2003	2007
At Large	Council Member	Elected 2003	2007

(e) November 2005 Election: ~~Four~~ Three Council Members elected at large to four-year terms. Mayor elected at large to two-year term. Beginning in November 2005, all seats will be elected at large."

SECTION 2. Section 4.2 of the Charter of the Town of Oak Island, being S.L. 1999-66, reads as rewritten:

"Sec. 4.2. **Composition of Town Council.** The Town Council shall consist of ~~eight~~ six members to be elected by the qualified voters of the Town at large in the manner provided by Article IV."

SECTION 3. Section 4.3(b) of the Charter of the Town of Oak Island, being S.L. 1999-66, reads as rewritten:

"(b) No person shall be eligible to be a candidate or be elected as Mayor or a member of the Town Council, or to serve in such capacity, unless he is a resident and a qualified voter of the Town."

SECTION 4. Section 4.4 of the Charter of the Town of Oak Island, being S.L. 1999-66, reads as rewritten:

"Sec. 4.4. **Mayor and Mayor Pro Tempore.** Beginning with the regular municipal election following succession of the Interim Council as provided by this act, and every two years thereafter, there shall be elected a Mayor by the qualified voters of the Town voting at large. The Mayor shall serve for a term of two years. A permanent vacancy in the office of Mayor shall be filled for the unexpired term by a person appointed by the Town Council. The Mayor shall take the oath of office before entry upon the duties of his office. Candidates for Mayor shall file a notice of candidacy as is required by candidates for Town Council.

The Mayor shall be the official head of the Town government, shall preside at all meetings of the Town Council, but shall have the right to vote when there are equal numbers of votes in the affirmative and in the negative. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro

Tempore ~~as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Town Council.~~shall serve for a term of one year."

SECTION 5. Section 4.6(b) of the Charter of the Town of Oak Island, being S.L. 1999-66, reads as rewritten:

"(b) All meetings of the Town Council shall be open to the ~~public.~~public, and shall be governed by the open meeting laws as provided by general law and as amended from time to time. The Town Council shall not by closed session or otherwise formally consider or vote upon any question in private session."

SECTION 6. Section 5.1 of the Charter of the Town of Oak Island, being S.L. 1999-66, reads as rewritten:

"Sec. 5.1. **Regular Municipal Elections.** At the regular municipal election to be held following the succession of the Interim Council, and every two years thereafter, ~~four~~ three members of the Town Council shall be elected to serve for four-year terms."

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

LOCAL BILL

id = H466

~~Proposed~~ Committee Substitute For
H.B. 627

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

Introduced by Representative(s): Adams, Bowie, Jeffus, AND Jones (Primary Sponsors)

Principal Clerk's Use Only

The Committee on Local Government II a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Adams
For the Committee

And be re-referred to Transportation

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL

APR 2 2003

~~AND PLACED ON CALENDAR FOR~~
re-referred to
Transportation

The Committee on Transportation a majority being present, having considered this bill, recommend that it do ✓ pass.

Reps. Allred & Coates
For the Committee

~~REPORTED FAVORABLY~~ APR 9 2003

PURSUANT TO RULE 36(b)

APR 9 2003

PLACED ON CALENDAR
OF 4-10-03

PASSED 2nd & 3rd READING

APR 10 2003

ORDERED SENT TO SENATE

Denise Weeks

RECEIVED

APR 11 2003

From House of Representatives
By Clerk 4/9/03 AM/PM

PASSED 1st READING

APR 14 2003

AND REFERRED TO COMMITTEE
on H. Gov't Loc. Aff.
Vet. Affairs

HOUSE BILL 627:
Greensboro Construct Roads Outside City

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans' Affairs	**Introduced by:**	Rep. Adams; Bowie, Jeffus, and Jones
Date:	April 9, 2003	**Summary by:**	Giles S. Perry Committee Counsel
Version:	2nd Edition		

SUMMARY: House Bill 627 authorizes the City of Greensboro to expend funds on roads outside the corporate limits of the city.

CURRENT LAW: Under current general law, municipalities have general authority and control over streets within their corporate limits. (G.S. 160A-296).

BILL ANALYSIS: House Bill 627 authorizes the City of Greensboro to expend funds not otherwise limited as to use on roads its corporate limits and outside its extraterritorial planning and zoning jurisdiction, if those roads are owned by the State, and maintained by the Department of Transportation.

House Bill 627 would become effective when it becomes law.

BACKGROUND: Similar authority was previously granted to the towns of Cary and Weddington, and the cities of Charlotte, Concord, and Monroe. (S.L. 2001-245).

H627-SMRW-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 627
Committee Substitute Favorable 4/2/03

Short Title: Greensboro Construct Roads Outside City. (Local)

Sponsors:

Referred to:

March 24, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

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

"**§ 160A-296.1. Expenditure of funds for roads outside the corporate limits.**

A city may appropriate funds not otherwise limited as to use by law to construct roadways in areas outside its corporate limits and outside its extraterritorial planning and zoning jurisdiction only if those roadways are owned by the State and maintained by the Department of Transportation."

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 627

Committee Substitute Favorable 4/2/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H627-PCS60354-RK-57

Short Title: Greensboro Construct Roads Outside City. (Local)

Sponsors:

Referred to:

March 24, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

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

"**§ 160A-296.1. Expenditure of funds for roads outside the corporate limits.**

A city may appropriate funds not otherwise limited as to use by law to construct roadways in areas outside its corporate limits and outside its extraterritorial planning and zoning jurisdiction only if those roadways are owned by the State and maintained by the Department of Transportation. Notwithstanding the provisions of this section, a city may not construct roadways within the corporate limits of another municipality without that municipality's consent."

SECTION 2. This act applies to the City of Greensboro and the Town of Kernersville only.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 627 DATE 21

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) Horton
Sen.)

moves to amend the bill on page 1, line 14

( ) WHICH CHANGES THE TITLE

by ~~deleting the~~ adding the following after the word "Greensboro" the following:

"and the Town of Kernersville"

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

LOCAL BILL

H.B. 0726 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

Introduced by Representative(s): Adams. Jeffus (Primary Sponsors)

Principal Clerk's Use Only

PASSED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE
ON Local Government II

The Committee on Local Govt. II a majority being present, having considered this bill, recommend that it do ✓ pass.

Lee Adams
For the Committee

REPORTED FAVORABLY APR 9 2003

PURSUANT TO RULE 36(b)
APR 9 2003
PLACED ON CALENDAR
OF 4-10-03

PASSED 2nd & 3rd READING
APR 10 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
APR 11 2003
From House of Representatives
by ... at 8:45 AM

PASSED 1st READING
APR 14 2003
AND REFERRED TO COMMITTEE
ON St. Gov, Loc. Gov't. Util. Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **1**

HOUSE BILL 776

Short Title:	Greensboro Charter Amendment.	(Local)
Sponsors:	Representatives Adams and Jeffus (Primary Sponsors).	
Referred to:	Local Government II.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.111 of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended, reads as rewritten:

"Sec. 4.111. Contract Procedures.

All contracts, except as otherwise provided for in this charter, shall be authorized and approved by the council and reduced to writing in order to be binding upon the city. All contracts and all ordinances or resolutions authorizing the same shall be drawn by the city attorney or shall be approved by him before authorization by the council. A contract for the purchase of apparatus, supplies, materials or equipment or a contract for the performance of services may be approved, awarded and executed by the city manager on behalf o the city provided that the city council shall have approved a sufficient appropriation in the annual budget for the current fiscal year. A contract for construction or demolition may be approved, awarded and executed by the city manager on behalf of the city when the amount of such contract does not exceed ~~one hundred thousand dollars ($100,000.00)~~ three hundred thousand dollars ($300,000); provided that the city council shall have approved a sufficient appropriation in the annual budget for the current fiscal year for the general purposes specified under the contract. Before any such contract is awarded, the city manager shall comply with all other requirements set forth in G.S. 143-129, and G.S. 143-131, and said contract shall be subject to the approval of the city attorney. Any person aggrieved by an award made pursuant to this section may appeal to the city council by filing notice thereof with the city clerk immediately following a decision granting such award."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 776
PROPOSED SENATE COMMITTEE SUBSTITUTE H776-CSSH-13 [v.3]

5/20/2003 1:30:50 PM

Short Title: Greensboro Charter Amendment. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.111 of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Section 6, Chapter 74 of the 1967 Session Laws; Section 7, Chapter 142 of the 1969 Session Laws; Section 17, Chapter 213 of the 1973 Session Laws; Section 4, Chapter 159 of the 1981 Session Laws; and Section 1, Chapter 6 of the 1993 Session Laws, reads as rewritten:

"Section 4.111. Contract procedures.

All contracts, except as otherwise provided for in this Charter, shall be authorized and approved by the Council and reduced to writing in order to be binding upon the City. All contracts and all ordinances or resolutions authorizing the same shall be drawn by the City Attorney or shall be approved by him before authorization by the Council. A contract for the purchase of apparatus, supplies, materials or equipment or a contract for the performance of services may be approved, awarded and executed by the city manager on behalf of the city provided that the City Council shall have approved a sufficient appropriation in the annual budget for the current fiscal year. A contract for construction or demolition may be approved, awarded and executed by the City Manager on behalf of the City when the amount of such contract does not exceed ~~one hundred thousand dollars ($100,000.00)~~ three hundred thousand dollars ($300,000); provided that the City Council shall have approved a sufficient appropriation in the Annual Budget for the current fiscal year for the general purposes specified under the contract. Before any such contract is awarded, the City Manager shall comply with all other requirements set forth in G.S. 143-129, and G.S. 143-131, and said contract shall be subject to the approval of the City Attorney. Any person aggrieved by an award

made pursuant to this Section may appeal to the City Council by filing notice thereof with the City Clerk immediately following a decision granting such award."

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

PCS FOR HOUSE BILL 776: Greensboro Charter Amendment

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representatives Adams and Jeffus
Date:	May 21, 2003	**Summary by:**	Theresa Matula Committee Staff
Version:	v.1, PCS (H776-CSSH-13)		

SUMMARY: House Bill 776 amends the Charter of the City of Greensboro to authorize the City Manager of Greensboro, on behalf of the City, to approve, award, and execute any contract for construction or demolition for any amount up to $300,000.

The Proposed Committee Substitute (H776-CSSH-13) for House Bill 776 makes technical changes only. (It lists all the Session Laws that have amended Section 4.111 of Chapter 1137 of the 1959 Session Laws, and makes the bill draft conform to existing language.)

CURRENT LAW:

Under the current Charter of the City of Greensboro, the City Manager, on behalf of the City, may approve, award, and execute a contract for construction or demolition for any amount not to exceed $100,000. Before any such contract is awarded, the City Manager shall comply with all other requirements set forth in G.S. 143-129 and G.S. 143-131, [1] and the contract shall be subject to approval of the City Manager.

BILL ANALYSIS:

House Bill 776 amends the Charter of the City of Greensboro to increase to $300,000 the amount of a contract for construction or demolition that the City Manager of Greensboro, on behalf of the City, may approve, award, and execute.

House Bill 776 becomes effective when it becomes law.

BACKGROUND:

- Section 17 of Chapter 213 of the 1973 Session Laws amended the Charter of the City of Greensboro to specify that, "A contract for construction or demolition may be approved, awarded and executed by the City Manager on behalf of the City when the amount of such contract does not exceed twenty-five thousand dollars ($25,000); provided that the City Council shall have approved a sufficient appropriation in the Annual Budget for the current fiscal year for the general purposes specified under the contract."
- Section 4 of Chapter 159 of the 1981 Session Laws amended the Charter to increase the amount from $25,000 to $50,000.
- Section 1 of Chapter 6 of the 1993 Session Laws amended the Charter to increase the amount from $50,000 to $100,000.
- House Bill 776 would amend the Charter to increase the amount from $100,000 to $300,000.

[1] G.S. 143-129 Procedure for letting of public contracts.
G.S. 143-131 When counties, cities, towns and other subdivisions may let contracts on informal bids.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **D**

HOUSE BILL 776
PROPOSED SENATE COMMITTEE SUBSTITUTE H776-PCS60355-SH-13

Short Title: Greensboro Charter Amendment. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.111 of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Section 6, Chapter 74 of the 1967 Session Laws; Section 7, Chapter 142 of the 1969 Session Laws; Section 17, Chapter 213 of the 1973 Session Laws; Section 4, Chapter 159 of the 1981 Session Laws; and Section 1, Chapter 6 of the 1993 Session Laws, reads as rewritten:

"Section 4.111. Contract procedures.

All contracts, except as otherwise provided for in this Charter, shall be authorized and approved by the Council and reduced to writing in order to be binding upon the City. All contracts and all ordinances or resolutions authorizing the same shall be drawn by the City Attorney or shall be approved by him before authorization by the Council. A contract for the purchase of apparatus, supplies, materials or equipment or a contract for the performance of services may be approved, awarded and executed by the city manager on behalf of the city provided that the City Council shall have approved a sufficient appropriation in the annual budget for the current fiscal year. A contract for construction or demolition may be approved, awarded and executed by the City Manager on behalf of the City when the amount of such contract does not exceed ~~one hundred thousand dollars ($100,000.00)~~ three hundred thousand dollars ($300,000); provided that the City Council shall have approved a sufficient appropriation in the Annual Budget for the current fiscal year for the general purposes specified under the contract. Before any such contract is awarded, the City Manager shall comply with all other requirements set forth in G.S. 143-129, and G.S. 143-131, and said contract shall be subject to the approval of the City Attorney. Any person aggrieved by an award

made pursuant to this Section may appeal to the City Council by filing notice thereof with the City Clerk immediately following a decision granting such award."

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

HOUSE BILL 483:
Change Offensive Place Names.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans' Affairs	**Introduced by:**	Rep. Adams and Jones
Date:	May 21, 2003	**Summary by:**	H. Alan Pell Committee Co-Counsel
Version:	PCS		

SUMMARY: ***This bill would require the Secretary of State to adopt rules for identifying offensive place names. The N.C. Geographic Information Coordinating Council would make application to the U.S. Board of Geographic Names to make the changes. The act is effective when it becomes law.***

BILL ANALYSIS: This bill provides for a procedure for changing the names of offensive places located in the State. The Secretary of State would consult with the N.C. Geographic Information Coordinating Council in adopting rules for changing offensive place names. The Council would make the appropriate application to the U.S. Board for Geographic Names, which has the authority to make the change. The bill specifies that any place name with the term "Nigger" is an offensive name, but it is not to be deemed the only offensive name covered by the statute.

The act is effective when it becomes law.

BACKGROUND:

The bill passed by the House required the State to change the names of seven locations, as they were deemed to be offensive place names. However, the US Board of Geographic Names, Department of Interior, has the authority to change the names

The North Carolina Geographic Information Coordinating Council is established by the N.C. General Statutes to coordinate Geographic Information related issues, systems, and data. Council membership includes state department cabinet secretaries or their representatives (including State, Budget, DENR, DOT, HHS, DPI, UNC System, the Utilities Commission, Revenue, and Agriculture). It also has local government representatives, including the League of Municipalities, and the Association of County Commissioners. The Senate and House each appoint 3 members.

The US Board of Geographic Names recognizes a subcommittee of the North Carolina Geographic Information Coordinating Council as its statewide names advisory body for recommending or responding to name changes from citizens, and all government agencies.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 483
Second Edition Engrossed 4/30/03

Short Title:	Change Offensive Place-Names.	(Public)
Sponsors:	Representatives Adams, Jones (Primary Sponsors); Jeffus and Luebke.	
Referred to:	State Government.	

March 13, 2003

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE ABROGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 147 of the General Statutes is amended by adding a new section to read:

"**§ 147-54.7. Abrogation of offensive geographical place-names.**

(a) The General Assembly finds that certain geographical place-names are offensive and insulting to all of the State's people, history, and heritage. These place-names should be replaced by names that reflect the State's people, history, and heritage without resorting to harmful or offensive stereotypes, names, words, or phrases.

(b) The Secretary of State, in consultation with the Secretary of the Department of Transportation, the Secretary of the Department of Cultural Resources, and the Secretary of the Department of Natural and Economic Resources, shall adopt rules and policies for changing geographical place-names that are offensive and insulting.

(c) The Secretary of State shall coordinate with registers of deeds, local tax officials, and local planning officials to provide for the abrogation of offensive or insulting geographical place-names throughout the State.

(d) All State and local governmental agencies shall make changes to maps and any other reference materials to reflect the changes authorized by this section or by rules adopted pursuant to this section."

SECTION 2.(a) The geographic place names set forth in this section are deemed to be offensive and insulting:

(1) Nigger Bay – Currituck County.
(2) Nigger Head – Clay and Madison Counties.
(3) Niggerhead Creek – Union County.
(4) Niggerskull Creek – Jackson County.
(5) Nigger Skull Mountain – Haywood County.
(6) Niggerskull Mountain – Jackson County.

(7) Nigger Spring – Haywood County.

SECTION 2.(b) By July 1, 2003, the county commissioners of each county listed in subsection (a) of this section shall submit to the Secretary of State a replacement name for each place listed. The Secretary of State may adopt the suggested replacement name or may adopt another suitable replacement name in accordance with rules adopted by the Secretary of State. The Secretary of State shall forward to the United States Board of Geographic Names the recommended replacement names for changes on any federal maps and reference materials that refer to the names and places listed in this section.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 483

Second Edition Engrossed 4/30/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H483-CSRK-54 [v.4]

5/20/2003 11:16:00 AM

Short Title: Change Offensive Place-Names. (Public)

Sponsors:

Referred to:

March 13, 2003

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE ABROGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 147 of the General Statutes is amended by adding a new section to read:

"**§ 147-54.7. Abrogation of offensive geographical place names.**

(a) The General Assembly finds that certain geographical place-names are offensive and insulting to the State's people, history, and heritage. These place names should be replaced by names that reflect the State's people, history, and heritage without resorting to harmful or offensive stereotypes, names, words, or phrases.

(b) The Secretary of State, in consultation with the North Carolina Geographic Information Coordinating Council, shall adopt rules and policies for changing geographical place-names that are offensive and insulting.

(c) The Secretary of State may adopt suggested replacement names or may adopt other suitable names in accordance with rules adopted by the Secretary of State and in consultation with the North Carolina Geographic Information Coordinating Council. The North Carolina Geographic Information Coordinating Council shall forward to the United States Board of Geographic Names the recommended replacement names for changes on any federal maps and reference materials that refer to offensive names and places.

(d) The geographical place or location names in the State that contain the word "Nigger" are deemed to be an offensive place or location name, although the foregoing term shall not be deemed to be the sole offensive place or location name for purposes of this section."

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — May 21, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Jackson	Town Attorney STEDMAN SPRING Lake
Bill [illegible]	City TS
Ron Cobble	City of [illegible]
Amy Dobson	NC StateWatch
Linda Miller	City of Greensboro
Ed Kitchen	City of Greensboro
Pat Brunell	Town of Oak Island
Horace Collier	Town of Oak Island
Robyn Watts	Town of Sandy Creek
Robert B. Cruse	Town of Sandy Creek 139 Sandy Crk Dr. Leland, NC 28451
Kevin Tull	Intern

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — May 21, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kim Hibbard	NCLM
Karen Elwood	CWMTF
[illegible]	CWMTF / GFCC
MIKE JENNINGS	WAKE COUNTY
Michael Fenelly	Wake County
Joe Durham	Wake County
Stephanie Simpson	NC Assoc. of Realtors
Rick Zechini	"
DAVID BONE	TOWN OF CHAPBOURN
LEO MERLER	"

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS'AFFAIRS COMMITTEE

Wednesday, May 28, 2003 at 12:00 Noon

Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

HB 396	Change Name of Edgecombe Co. Schools.	Representative Tolson
HB 483	Change Offensive Place-Names.	Representative Adams Representative Jones
HB 13	Transylvania Hunting.	Representative Walend
HB 89	FORSYTH FIRE DISTRICTS	Representative McGee
HB 153	Winston-Salem Ordinances/Chronic Violators.	Representative Womble
HB 187	Norwood\Albemarle ABC Distribution.	Representative Barbee, Sr. Representative Goodwin
HB 197	Bladen Co. Local Act-1.	Representative Nye
HB 214	Madison County Tax Collector Appointed	Representative Rapp
HB 248	Wilmington Personnel Records.	Representative Wright
HB 249	Wilmington Conditional Zoning.	Representative Wright
HB 295	Beech Mtn Golf Cart\Utility Veh Regulation.	Representative Frye
HB 582	Clay County Development Authority.	Representative West
HB 818	Filed DD Forms 214 - Effective Date.	Representative Sutton
HB 499	Landis Aldermen/Mayoral Terms.	Representative Coates
HB 351	Salisbury Parking Enforcement.	Representative Coates
HB 344	Formula Cost-Effective Veh. Replacement.-AB	Representative Jeffus Representative Walend

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, MAY 28, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met May 28, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Fourteen members were present, including Senator Cecil Hargett, who presided until Sen. Kinnaird arrived.

HB 248 and HB 249 were removed from the calendar.

HB 396 Change Name of Edgecomb Co. Schools was explained by Representative Tolson. Senator Berger moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 344 Formula Cost-Effective Veh. Replacement -AB, was explained by Representative Jeffus. Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 197 Bladen School Board Private Sale, was explained by Representative Nye. Senator Soles moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 483 Change Offensive Place Names, was explained by Representative Adams. Senator Horton offered an amendment and moved to adopt it. The motion carried unanimously. Sen. Horton moved to adopt Committee Substitute. The motion carried unanimously. Senator Weinstein moved a favorable report as amended. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

HB 89 Forsyth Fire Districts, was explained by Representative McGee. Senator Horton moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 13 Transylvania Hunting, was explained by Representative Walend. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 153 Winston-Salem Ordinances/Chronic Violators, was explained by Representative Womble. Senator Horton moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 187 Norwood/Albemarle ABC Distribution, was explained by Representative Goodwin. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 214 Madison County Tax Collector, was explained by Representative Rapp. Senator Smith moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 295 Clay County Development Authority, was explained by Representative Frye. Senator Garwood moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 582 Clay County Development Authority, was explained by Representative West. Senator Garwood moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 818 Filed DD Forms 214 – Effective Date. Was explained by Representative Sutton. Senator Horton moved to adopt Committee Substitute. The motion carried unanimously. Senator Soles offered an amendment and moved to adopt it. The motion carried unanimously. Senator Dorsett moved a favorable report as amended. Ann Shaw, Register of Deeds for Randolph County spoke in support of the bill. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

HB 499 Landis Aldermen/Mayoral Terms, was explained by Senator Hartsell. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 351 Salisbury Parking Enforcement, was explained by Senator Hartsell. Senator Hartsell moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, May 28, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **13**	Transylvania Hunting.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **89**	FORSYTH FIRE DISTRICTS	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **153**	Winston-Salem Ordinances/Chronic Violators.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **187**	Norwood\Albemarle ABC Distribution.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **197**	Bladen Co. Local Act-1.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **214**	Madison County Tax Collector Appointed	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **295**	Beech Mtn Golf Cart\Utility Veh Regulation.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **344**	Formula Cost-Effective Veh. Replacement.-AB	
	Sequential Referral:	None
	Recommended Referral:	None

H.B. **351**	Salisbury Parking Enforcement.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **396**	Change Name of Edgecombe Co. Schools.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **499**	Landis Aldermen/Mayoral Terms.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **582**	Clay County Development Authority.	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 12

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Thursday, May 29, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **483** Change Offensive Place-Names.

Draft Number:	PCS60360
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **818** Filed DD Forms 214 - Effective Date.

Draft Number:	PCS60361
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

HOUSE BILL 396:
Change Name of Edgecombe Co. Schools.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Representatives Tolson; and Farmer Butterfield
Date:	May 27, 2003	**Summary by:**	Theresa Matula Committee Staff
Version:	Second Edition		

SUMMARY: House Bill 396 changes the name of the Edgecombe County School System to include the word Public.

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:

Section 1 of Senate Bill 387 renames the Edgecombe County School System to the Edgecombe County Public School System.

Section 2 establishes that the act is effective July 1, 2003.

NOTE: House Bill 396 is identical to version of SB 387 that received a favorable report on 3/26/03 in the Senate State/Local Government and Veterans Affairs Committee.

H396-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 396*
Committee Substitute Favorable 3/27/03

Short Title: Change Name of Edgecombe Co. Schools. (Local)

Sponsors:

Referred to:

March 11, 2003

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 404 of the 1991 Session Laws, as supplemented by Chapter 468 of the 1993 Session Laws, reads as rewritten:

"**Section 1. Effective Date.** The existing Edgecombe County School Administrative Unit (hereinafter referred to as the "county unit") and the existing Tarboro City School Administrative Unit (hereinafter referred to as the "city unit") shall be merged effective July 1, 1993. The resulting merged administrative unit shall be known as the ~~Edgecombe County School Administrative Unit~~ Edgecombe County Public School System (hereinafter referred to as the "merged unit")."

SECTION 2. This act becomes effective July 1, 2003.

HOUSE BILL 344:
Formula Cost-Effective Veh. Replacement.-AB

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Representatives Jeffus, Walend
Date:	May 27, 2003	**Summary by:**	Theresa Matula Committee Staff
Version:	Second Edition		

SUMMARY: House Bill 344 requires the Department of Administration to use best management practices, to ensure that state-owned vehicles are replaced when most cost effective, and to report semi-annually to the co-chairs of the Appropriations Subcommittee on General Government on the effect of any new or revised replacement formula.

CURRENT LAW:

G.S. 143-341 sets out the powers and duties of the Department of Administration. G.S. 143-341(8)i. directs the Department to establish and operate a central motor pool. One of the Department's duties is to replace state-owned motor vehicles when necessary. The current law requires that the Department ensure that motor vehicles are not normally replaced until they have been driven for at least 110, 000 miles.

BILL ANALYSIS:

Section 1 of House Bill 344 amends G.S. 143-341(8)i.4. regarding the powers and duties of the Department of Administration as related to the establishment and operation of a central motor pool and related facilities. The bill amends the provision to require the Department of Administration to:

- use best management practices when maintaining, storing, repairing, disposing of, and replacing state-owned motor vehicles under the control of the Department;
- ensure that state-owned vehicles are replaced when most cost effective using a replacement formula developed by the Department and reviewed periodically for appropriateness of use (*currently vehicles are not normally replaced until they have been driven for 110,000 miles or more*);
- report semiannually to the cochairs of the Joint Appropriations Subcommittee on General Government, on or before October 15 and March 15, on the effect of any new or revised replacement formula on the cost of operating the central motor pool, including the amount of any savings from use of any new or revised replacement formula.

Section 2 establishes that the act is effective when it becomes law.

**Giles Perry and Wendy Graf Ray contributed to this summary.*
H344-SMSH-003

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 344

Committee Substitute Favorable 4/16/03

Short Title: Formula Cost-Effective Veh. Replacement.-AB (Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE BEST MANAGEMENT PRACTICES IN OPERATING THE CENTRAL MOTOR POOL, TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES, AND TO REPORT SEMIANNUALLY TO THE GENERAL ASSEMBLY ON THE COST SAVINGS RESULTING FROM USE OF THE FORMULA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-341(8)i.4. reads as rewritten:

"**§ 143-341. Powers and duties of Department.**

The Department of Administration has the following powers and duties:

...

(8) General Services:

...

i. To establish and operate a central motor pool and such subsidiary related facilities as the Secretary may deem necessary, and to that end:

...

4. To maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the ~~Department.~~ Department, using best management practices. The Department shall ensure that state-owned vehicles are ~~not normally~~ replaced ~~until they have been driven for 110,000 miles or more.~~ when most cost effective using a replacement formula developed by the Department and reviewed periodically for appropriateness of use. The Department shall report semiannually to the cochairs of the Joint Appropriations Subcommittee on General Government, on or before

October 15 and March 15, on the effect of any new or revised replacement formula on the cost of operating the central motor pool, including the amount of any savings from use of any new or revised replacement formula."

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

HOUSE BILL 197:
Bladen School Board Private Sale.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans' Affairs	**Introduced by:**	Rep. Nye
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	May 28, 2003		
Version:	Second Edition		

SUMMARY: ***House Bill 197 would allow the Bladen County Board of Education to use private negotiation to transfer certain real property.***

CURRENT LAW: Article 12 of Chapter 160 of the General Statutes governs the sale of real and personal property owned by public entities. Generally, a public entity must use advertisement for sealed bids, negotiated offers, public auctions or exchanges in order to convey real property. The private negotiation and sale of real property is generally prohibited unless the recipient of the property is either a volunteer fire department or a private entity to which the public entity is authorized to appropriate funds.

BILL ANALYSIS: House Bill 197 would allow the Bladen County Board of Education to transfer tracts of land to the Bladen County Youth Focus Project, Inc., and to the Spaulding-Monroe Association, by private negotiation and sale, with or without monetary consideration.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 197
Committee Substitute Favorable 4/30/03

Short Title: Bladen School Board Private Sale. (Local)

Sponsors:

Referred to:

March 4, 2003

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE BLADEN COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115C-518(a) or Article 12 of Chapter 160A of the General Statutes, the Bladen County Board of Education may convey to Bladen County Youth Focus Project, Inc., at private negotiation and sale, with or without monetary consideration, any or all of its right, title, and interest to the following described property:

BEGINNING at a point marked by a nail set where a Southeastwardly projection of the Northeastern margin of Newkirk Street intersects the center line of paved Martin Luther King Drive, said Point of Beginning being located along the center line of Martin Luther King Drive, North 38 degrees 56 minutes 44 seconds East, a distance of 31.10 feet from an old point marked by an old PK nail at the intersection of the paved center lines of Newkirk Street and Martin Luther King Drive; THENCE FROM SAID POINT OF BEGINNING and to and with the Northeastern margin of Newkirk Street, also the Southwestern line of Lot No. 1, as set out on map recorded in Map Book 2, Page 66, North 54 degrees 00 minutes 00 seconds West, a distance of 30.04 feet to an iron rod set; thence continuing along said margin of Newkirk Street, North 54 degrees 00 minutes 00 seconds West, a distance of 333.17 feet to a point marked by an iron rod set; thence with the Northwestern line of Lot No. 7, North 38 degrees 09 minutes 56 seconds East, a distance of 84.06 feet to an old point marked by an iron rod set; thence North 54 degrees 00 minutes 00 seconds West, with an old line, a distance of 198.76 feet to a new point in said line marked by an iron rod set; thence a new line North 36 degrees 49 minutes 44 seconds East, a distance of 186.01 feet to a point marked by an iron rod set; thence South 53 degrees 10 minutes 16 seconds East, a distance of 205.23 feet to a point marked by an iron rod set; thence North 36 degrees 49 minutes 44 seconds East, a distance of 200.00 feet to a point marked by an iron rod set; thence South 53 degrees 10 minutes 16 seconds East, a distance of 354.05 feet to a point

marked by a nail set; thence continuing along said line, South 53 degrees 10 minutes 16 seconds East, a distance of 30.07 feet to a point marked by a nail set in the center of Martin Luther King Drive; thence with the center line of Martin Luther King Drive, South 40 degrees 46 minutes 44 seconds West, a distance of 378.76 feet to a point marked by a nail set; thence continue with the center line of Martin Luther King Drive, South 39 degrees 04 minutes 56 seconds West, a distance of 84.12 feet to the Point of Beginning, containing 4.81 Acres, more or less, according to a Survey Map of same entitled "Map For BLADEN COUNTY BOARD OF EDUCATION - MARTIN LUTHER KING DRIVE SITE", dated April 1, 2003, by Lloyd R. Walker, Professional Land Surveyor.

SECTION 2. Notwithstanding G.S. 115C-518(a) or Article 12 of Chapter 160A of the General Statutes, the Bladen County Board of Education may convey to Spaulding-Monroe Association, Inc., at private negotiation and sale, with or without monetary consideration, any or all of its right, title, and interest to the following described property:

TRACT ONE:

Containing 0.182 acre, more or less as shown and described on a map or plat of the Addition to the Spaulding-Monroe School property, in the town of Bladenboro, dated July 12, 1974, by Stuart Gooden, Registered Surveyor, copy of which is recorded in Book 206, Page 113, Bladen County Registry and incorporated herein by reference, and being described by metes and bounds as follows:

BEGINNING at a steel pipe, the beginning corner of a 2.60 acre tract that was conveyed to the Board of Education by Acie Monroe and wife by deed dated 26 April, 1951, and recorded in Book 117, Page 224, of the Bladen County Registry, and runs thence with the line of said 2.60 acre tract, South 85 degrees 35 minutes East 87 feet to a concrete monument in the corner of a ditch; thence South 10 degrees 2 minutes East 74 feet to a concrete monument; thence South 84 degrees 26 minutes East 104.1 feet to a stake; thence South 23 degrees 38 minutes West 45 feet to a nail in the center line of N. C. Highway 211; thence with the center line of N. C. Highway 211 North 65 degrees 22 minutes West 11.6 feet to a nail; thence with the Eastern line of the Board of Education's 7.64 acre tract, North 17 degrees 10 minutes East 110.35 feet to the beginning.

This being the identical property described in a deed dated August 13, 1974, from Cassie Monroe, widow, and Tessie Horne, widow, to the Bladen County Board of Education recorded in Book 206, Page 112, Bladen County Registry.

TRACT TWO:

In the Town of Bladenboro, on the North side of and a short distance from State Highway #211, between it and run of Bryan Swamp; lying immediately East of that certain 7.64 acre tract or parcel of land particularly described in deed executed by Acie Monroe et al., surviving children and heirs at law of Calvin Monroe, deceased, to the Bladen County Board of Education under date of March 27, 1939, and recorded in Book 102, at Page 386, Bladen County Registry; and being a part of that certain tract or parcel of land allotted to Curley Monroe in a division by mutual partition of the estate lands of

Calvin Monroe, deceased, made on or about May 12, 1923, known as Lot #7 in said division and containing 6 3/4 acres, more or less, concerning which see deeds recorded in Book 121, at Page 682, in Book 90 at Page 15, and in Book 121, at Page 645, Bladen County Registry. A particular description of the tract or parcel of land hereby conveyed, as surveyed by A.A. Robbins, Sr., Registered Surveyor, in November of the year 1950, is as follows, viz.:

BEGINNING at a stake in the second line of the 7.64 acre tract above referred to, North 17 1/4 degrees East 110.5 feet from the center line of State Highway #211 and at the point where said second line of said 7.64 acre tract is intersected by a ditch, and runs thence from said beginning corner, along said ditch South 85 1/2 degrees East 87 feet to a stake on the East edge of another ditch; thence along the East edge of the latter ditch North 19 degrees East 203 feet to a bend in said ditch and its intersection with still another ditch; thence along the East edge of the same ditch North 22 degrees East 169 feet to another ditch; thence along said other ditch South 82 degrees East 92 feet to a stake on same; thence North 12 degrees East 550 feet to a stake in the run of Bryan Swamp; thence down the run of said swamp in a Westerly direction 100 feet to a stake in said run, the Northeast corner of the 7.64 acre tract above referred to; thence as a line of that tract South 22 1/2 degrees West 611 feet to a stake, a corner of said tract; thence as another line of that tract 17 1/4 degrees West 332 feet to the beginning corner, and containing 2.60 acres, more or less.

This being the identical property described in a deed dated April 26, 1951, from Acie Monroe and his wife, Cassie Monroe, to the Board of Education of Bladen County, recorded in Book 117, Page 224, Bladen County Registry.

TRACT THREE:

In the Town of Bladenboro in Bladenboro Township and being more specifically described as follows: That certain tract or parcel of land containing .7 acres more or less and being described as follows:

BEGINNING at a concrete corner, the Southeast corner of a .182 acre tract described in a deed to Bladen County Board of Education from Cassie Monroe et al., dated August 13, 1974, recorded in Book 206, Page 112, Bladen County Registry and runs thence with the Eastern line of said .182 acre tract North 10 degrees 2 minutes West 74 feet to a concrete monument in the corner of a ditch; thence North 16 degrees 30 minutes East as the ditch and with the Eastern line of a 2.60 acre tract described in Book 117 Page 224, Bladen County Registry, a distance of 203.0 feet to a bend in the ditch and its intersection with another ditch: thence along the East edge of the same ditch North 22 degrees East 169 feet to another ditch, thence South 85 degrees 12 minutes West 92 feet to a stake; thence in a Southwesterly direction a distance of approximately 460 feet to the point of beginning containing .7 acres more or less.

See deeds recorded in Book 117, Page 224, and in Book 206, Page 112, Bladen County Registry for further reference as to the location of the above described lands.

This being the identical property described in a deed dated August 26, 1977, from Cassie Monroe, widow, and Tessie Horne, widow, to the Bladen County Board of Education, recorded in Book 222, Page 728, Bladen County Registry.

TRACT FOUR:

BEGINNING at a point in the Charles Ivey line in or near the center of State Highway #211, the Southeast corner of Jessie B. Hall Estate, and runs thence with the old Ivey-Monroe line South 71 1/4 East 5.71 chains to a stake in said line and in the center of a ditch, at or near an oak tree and on the North side of said State Highway #211, same being the Southwest corner of Curley Monroe, also the Southeast corner of the Public School 8/10 acre lot; thence as a new line North 17 1/4 East 6.25 chains to a stake, a new corner, in Curley Monroe's line; thence with Curley Monroe's line North 22 1/2 East 9.17 chains to a stake in the run of Bryan Swamp, his corner; thence down the run of Bryan Swamp to a stake therein, the Northeast corner of Jessie B. Hall Estate, which on a straight line is South 85 1/4 West 5.70 chains distant from the last preceding corner; thence with the West line of Jessie B. Hall Estate South 22 1/2 West 13.17 chains to the beginning corner, and containing 7.64 acres, more or less.

Above boundaries include the two lots containing 8/10 and 1 2/10 acres, more or less, conveyed by Calvin Monroe to A. M. Kelly et al., County Board of Education, by deed dated June 26, 1909, filed for record on July 6, 1909, and recorded in Bladen County Registry in Book 51, at Page 246; the lands described in deeds recorded in Bladen County Registry, in Book 90, Page 247, and in Book 97, Page 281; also 29/100 acre, more or less, on the Southeast thereof, being a part of the lands allotted to Curley Monroe in a division by mutual partition of the lands of Calvin Monroe, deceased, made on or about May 12, 1923, and known as Lot # 7 in said division.

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

HOUSE BILL 483:
Change Offensive Place Names.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans' Affairs	**Introduced by:**	Rep. Adams and Jones
Date:	May 28, 2003	**Summary by:**	H. Alan Pell Committee Co-Counsel
Version:	PCS H483-csrk-54		

SUMMARY: ***This bill would require the Secretary of State to adopt procedures to effect the change of offensive place names. The governing body of the county where an offense place name was located would have an opportunity to respond to notice of a pending application. The act is effective when it becomes law.***

BILL ANALYSIS: This bill provides for a procedure to effect the changing the names of offensive places located in the State. The Secretary of State would consult with the N.C. Geographic Information Coordinating Council in adopting procedures for changing offensive or insulting place names. The Council would make the appropriate application to the U.S. Board for Geographic Names, which has the authority to make the change.

The Council would be required to notify the governing body of the county were an alleged offensive or insulting place name existed. The county governing body would have 90 days in which to respond to the Council. The Council would take action after reviewing the response, or upon the expiration of 90 days, whichever came first.

The act would require an application to change specific place names. The county governing body would have an opportunity to provide a replacement name.

The act is effective when it becomes law.

BACKGROUND:

The bill passed by the House required the State to change the names of seven locations, as they were deemed to be offensive place names. However, the US Board of Geographic Names, Department of Interior, has the authority to change the names

The North Carolina Geographic Information Coordinating Council is established by the N.C. General Statutes to coordinate Geographic Information related issues, systems, and data. Council membership includes state department cabinet secretaries or their representatives (including State, Budget, DENR, DOT, HHS, DPI, UNC System, the Utilities Commission, Revenue, and Agriculture). It also has local government representatives, including the League of Municipalities, and the Association of County Commissioners. The Senate and House each appoint 3 members.

The US Board of Geographic Names recognizes a subcommittee of the North Carolina Geographic Information Coordinating Council as its statewide names advisory body for recommending or responding to name changes from citizens, and all government agencies.

H483-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 483

Second Edition Engrossed 4/30/03

Short Title:	Change Offensive Place-Names.	(Public)
Sponsors:	Representatives Adams, Jones (Primary Sponsors); Jeffus and Luebke.	
Referred to:	State Government.	

March 13, 2003

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE ABROGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 147 of the General Statutes is amended by adding a new section to read:

"**§ 147-54.7. Abrogation of offensive geographical place-names.**

(a) The General Assembly finds that certain geographical place-names are offensive and insulting to all of the State's people, history, and heritage. These place-names should be replaced by names that reflect the State's people, history, and heritage without resorting to harmful or offensive stereotypes, names, words, or phrases.

(b) The Secretary of State, in consultation with the Secretary of the Department of Transportation, the Secretary of the Department of Cultural Resources, and the Secretary of the Department of Natural and Economic Resources, shall adopt rules and policies for changing geographical place-names that are offensive and insulting.

(c) The Secretary of State shall coordinate with registers of deeds, local tax officials, and local planning officials to provide for the abrogation of offensive or insulting geographical place-names throughout the State.

(d) All State and local governmental agencies shall make changes to maps and any other reference materials to reflect the changes authorized by this section or by rules adopted pursuant to this section."

SECTION 2.(a) The geographic place names set forth in this section are deemed to be offensive and insulting:

(1) Nigger Bay – Currituck County.
(2) Nigger Head – Clay and Madison Counties.
(3) Niggerhead Creek – Union County.
(4) Niggerskull Creek – Jackson County.
(5) Nigger Skull Mountain – Haywood County.
(6) Niggerskull Mountain – Jackson County.

(7) Nigger Spring – Haywood County.

SECTION 2.(b) By July 1, 2003, the county commissioners of each county listed in subsection (a) of this section shall submit to the Secretary of State a replacement name for each place listed. The Secretary of State may adopt the suggested replacement name or may adopt another suitable replacement name in accordance with rules adopted by the Secretary of State. The Secretary of State shall forward to the United States Board of Geographic Names the recommended replacement names for changes on any federal maps and reference materials that refer to the names and places listed in this section.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 483

Second Edition Engrossed 4/30/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H483-CSRK-54 [v.5]

5/23/2003 3:25:37 PM

Short Title: Change Offensive Place-Names. (Public)

Sponsors:

Referred to:

March 13, 2003

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE ABROGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 147 of the General Statutes is amended by adding a new section to read:

"**§ 147-54.7. Abrogation of offensive geographical place names.**

(a) The General Assembly finds that certain geographical place-names are offensive or insulting to the State's people, history, and heritage. These place names should be replaced by names that reflect the State's people, history, and heritage without resorting to offensive stereotypes, names, words, or phrases.

(b) The Secretary of State, in consultation with the North Carolina Geographic Information Coordinating Council, and pursuant to federal guidelines, shall adopt procedures to effect the change of geographical place-names that are offensive or insulting. The procedures shall include a notification to the governing body of the county where the offensive or insulting place name is deemed to exist, that the Council intends to make application to change the name. The county governing body shall have 90 days in which to respond to the Council, and no action to affect a change in the place name shall be undertaken by the Council until it has reviewed the county's response, or the expiration of the 90 day period, whichever comes first.

(c) The procedures adopted by the Secretary pursuant to this section shall include the consideration of resolutions, if any, passed by the governing body of any county regarding the changing of a geographical place name within the county."

SECTION 2. The geographical place or location names in the State that contain the word "Nigger" are deemed to be an offensive and insulting place or location name. The North Carolina Geographic Coordinating Council shall notify the governing body of the county where there are geographic places or locations which contain the

foregoing term that (i) application will be made to the U.S. Board of Geographic Names to change the offensive name, and (ii) that the county governing body has 90 days in which to forward a suggested replacement name to the Council. If the county's recommended replacement name is not deemed to be offensive or insulting by vote of the Council, then the Council shall make application to the U.S. Board of Geographic Names to change the offensive place name to the name provided by the county governing body. If the county governing body fails to provide a replacement name within the specified time, or the provided name is deemed to be offensive or insulting by vote of the Council, then the Council shall make the application to change the offensive place name to a name chosen within its discretion.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 423 DATE May 28 2003

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
Sen.) Hoston

moves to amend the bill on page V between , lines 10 & 11

( ) WHICH CHANGES THE TITLE

by inserting a new section 3 as follows:

"This legislation shall not be construed to apply to a geographic place name which is that of a historic person or event or to a non-pejorative place name"

and by renumbering the succeeding sections.

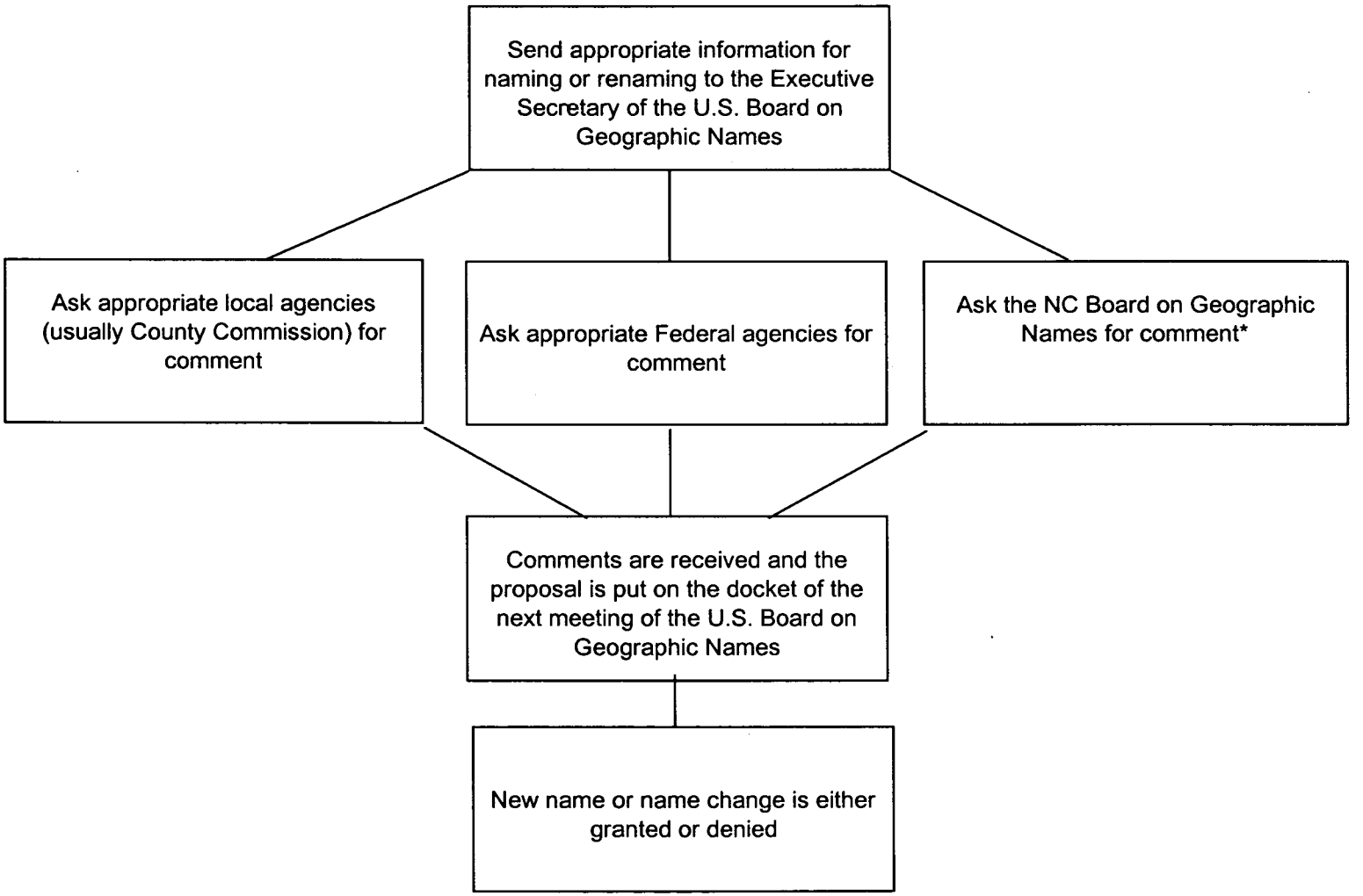
SIGNED Hoston

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

Procedures for Naming or Renaming Geographic Features



* The NC Board on Geographic Names is a subcommittee of the NC Geographic Information Coordinating Council-Statewide Mapping Advisory Committee

HOUSE BILL 89:
Forsyth Fire Districts.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Representative McGee
		Summary by:	Theresa Matula Committee Staff
Date:	May 27, 2003		
Version:	Second Edition		

SUMMARY: House Bill 89 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.

CURRENT GENERAL LAW:

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...."

CURRENT LOCAL LAW:

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:

House Bill 89 repeals Chapter 147 of the 1981 Session Laws that authorized the creation of joint fire and rescue protection districts within Forsyth County. Thus the general law regarding the formation of rural fire and rescue districts is applicable in Forsyth County.

This act would become effective April 17, 1981.[1]

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[1] Local acts take precedence over subsequent general acts, unless the subsequent general act repeals the local act. Chapter 147 of the 1981 Session Laws was effective on March 31, 1981. The Act to allow rural fire protection districts to provide emergency medical, rescue, and ambulance service that amended G.S. 69-25.4 was effective on April 17, 1981. However, Forsyth County has been applying the general law since it was enacted in 1981.

**Erika Churchill contributed to this summary.*

H89-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 89

Short Title:	Forsyth Fire Districts.	(Local)
Sponsors:	Representatives McGee; Holmes, Parmon, Sexton, and Womble.	
Referred to:	Local Government I.	

February 26, 2003

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.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 147 of the 1981 Session Laws is repealed.

SECTION 2. This act applies to Forsyth County only.

SECTION 3. This act becomes effective April 17, 1981.

HB 13:
Transylvania Hunting

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans' Affairs	**Introduced by:**	Representative Walend
		Summary by:	Barbara Riley Committee Counsel
Date:	May 27, 2003		
Version:	!st Edition		

SUMMARY:

House bill 13 prohibits hunting from the right-of-way of public roads in Transylvania County. "Right-of-way" is defined as the road surface from shoulder to shoulder. The public vehicular areas located in the Pisgah, Nantahala, and Toxaway game lands outside of designated safety zones are excluded from the prohibition.

House Bill 13 also makes it unlawful to hunt on the land of another without the written permission of the landowner or lessee or their designee. The written permission must be dated within the last 12 months to be valid.

Violation of the act is a Class 3 misdemeanor.

The act becomes effective October 1, 2003 and applies to offences committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 13

Short Title:	Transylvania Hunting.	(Local)
Sponsors:	Representative Walend.	
Referred to:	Wildlife Resources.	

February 13, 2003

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to hunt, take, or kill any wild animal or wild bird from, on, or across the right-of-way of a public road, street, highway, or other public vehicular area in Transylvania County. For purposes of this section, "right-of-way" refers to the road surface from shoulder to shoulder. This section does not apply to public vehicular areas located in the Pisgah, Nantahala, or Toxaway game lands outside of designated safety zones.

SECTION 2. It is unlawful to hunt on the land of another without having on one's person the written permission, dated within the last 12 months, of the landowner or lessee, or the landowner's or lessee's designee.

SECTION 3. Violation of this act is a Class 3 misdemeanor.

SECTION 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 5. This act applies only to Transylvania County.

SECTION 6. This act becomes effective October 1, 2003, and applies to offenses committed on or after that date.

HOUSE BILL 153:
Winston-Salem Ordinances/Chronic Violators

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans' Affairs	**Introduced by:**	Rep. Womble
		Summary by:	Kory J. Goldsmith Committee Counsel
Date:	May 27, 2003		
Version:	1st Edition		

SUMMARY: ***House Bill 153 allows the City of Winston-Salem to remove garbage and trash from a landowner's property where the city has notified the landowner at least three times in the prior year that the owner is in violation of the garbage and trash ordinance. The cost of the action becomes a lien against the property and is collected as unpaid ad valorem taxes. The bill also clarifies the definition of "chronic violator" as it applies to the enforcement of the city's overgrown vegetation ordinance.***

CURRENT LAW: G.S. 160A-193 grants to cities the authority to remove or otherwise remedy situations that are dangerous or prejudicial to the public health or public safety. The expense of removal is paid by the property owner or becomes a lien against the property that is collected as unpaid ad valorem taxes. Many municipalities, including Winston-Salem, have local acts specifically addressing the enforcement of overgrown vegetation ordinances against chronic violators.

BILL ANALYSIS:

Section 1 of the bill allows Winston-Salem to enforce its garbage and trash ordinance against chronic violators. A "chronic violator" is defined as a person who owns property and who has received at least 3 notifications of violation of the garbage and trash ordinance in the last calendar year. In the following calendar year, if the person is still in violation, the city may send a notice of violation via registered or certified mail and then remove the violation and charge the expense to the owner. If the expense is not paid, it becomes a lien against the property and is collected as unpaid ad valorem taxes.

Section 2 of House Bill 153 amends the Winston-Salem local law regarding the enforcement of its overgrown vegetation ordinance. It clarifies the definition of a "chronic violator" so it is consistent with the definition in Section 1 of the bill.

The act is effective when it becomes law.

S153-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 153

Short Title:	Winston-Salem Ordinances/Chronic Violators.	(Local)
Sponsors:	Representatives Womble; Holmes, McGee, Parmon, and Sexton.	
Referred to:	Local Government II.	

March 3, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A CHRONIC VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's garbage and trash ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property in accordance with G.S. 160A-193. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality gave a notice of violation at least three times under any provision of the garbage and trash ordinance.

SECTION 2. Section 1 of S.L. 1999-58 reads as rewritten:

"**Section 1.** A municipality may notify a chronic violator of the municipality's overgrown vegetation ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality ~~took remedial action~~ gave a notice of violation at least three times under any provision of the overgrown vegetation ordinance."

SECTION 3. This act applies to the City of Winston-Salem only.

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

HOUSE BILL 187:
Norwood\Albemarle ABC Distribution

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, & Veterans' Affairs	**Introduced by:**	Reps. Goodwin & Barbee
		Summary by:	Brenda J. Carter Committee Counsel
Date:	May 27, 2003		
Version:	1st Edition		

SUMMARY: ***House Bill 187 repeals local acts providing for the distribution of proceeds from the sale of alcoholic beverages in the Town of Norwood and the City of Albemarle.***

CURRENT LAW: G.S. 18B-805 provides for the distribution of local ABC board revenue. Before making any other distribution, a local board must first pay expenses, including salaries, of operating the local ABC system. The statute provides for the payment of taxes due the Department of Revenue and provides for distributions to the Department of Health and Human Services and the local board of county commissioners to fund activities related to the research, education, and treatment of alcoholism or substance abuse. Additional provisions provide for the funding of law enforcement and working capital to operate the ABC system. After making the specified distributions the local board pays, on a quarterly basis, 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.

BILL ANALYSIS: House Bill 187 repeals local acts providing for the distribution of proceeds from the sale of alcoholic beverages in the Town of Norwood and the City of Albemarle. With the repeal of these provisions, the distributions of ABC revenue will be in accordance with the provisions of G.S. 18B-805.

The act would be effective when it becomes law.

H187-SMRV-001

H187-SMRV-001

Legislation to be Repealed by House Bill 187

Section 1 of the bill repeals Chapter 710 of the 1993 Session Laws - AN ACT TO MODIFY THE DISTRIBUTION OF THE PROFITS FROM THE ALCOHOLIC BEVERAGE CONTROL SYSTEM IN THE TOWN OF NORWOOD.

Section 1. Section 5 of Chapter 722 of the 1965 Session Laws as amended by Chapter 120 of the 1975 Session Laws reads as rewritten:

"Sec. 5. The Board of Alcoholic Control shall pay, quarterly, to the Town of Norwood not less than five percent (5%) and not more than fifteen percent (15%) of the gross profits from the sale of alcoholic beverages, and the Town of Norwood shall expend such funds for law enforcement purposes. Out of net revenue, up to five ~~per cent~~ percent (5%) may be expended for Alcoholic Education as to the effects of the use of Alcoholic Beverages. Out of the net revenue remaining after the payment of all costs and operating expenses and after retaining a sufficient working capital, the Town of Norwood Board of Alcohol Control shall on a quarterly basis pay ~~fifty per cent (50%)~~ eighty-five percent (85%) of the net revenue to the general fund of the Town of ~~Norwood,~~ Norwood, of which thirty-five percent (35%) shall be used for Economic Development, and ~~fifty per cent (50%)~~ fifteen percent (15%) of the net revenue to the general fund of Stanly ~~County; provided, if Alcohol Control Stores are established in the City of Albemarle then net proceeds shall be divided as follows: The Town of Norwood Board of Alcohol shall on a quarterly basis pay over eighty-five per cent (85%) of said net revenue to the general fund of the Town of Norwood and fifteen per cent (15%) of the net revenue to the general fund of Stanly~~ County."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 7th day of July, 1994.

Section 2 of the bill repeals Chapter 379 of the 1993 Session Laws - AN ACT TO AMEND THE CHARTER OF THE CITY OF ALBEMARLE WITH RESPECT TO THE DISTRIBUTION OF THE NET PROCEEDS FROM THE OPERATION OF ALCOHOLIC BEVERAGE CONTROL STORES.

Section 1. Paragraph E. of Section 6.1 of the Charter of the City of Albemarle as amended by Section 1 of Chapter 259 of the 1979 Session Laws is further amended to read:

"E. Out of the net revenue remaining after the payment of all costs and operating expenses, and after retaining a sufficient working capital, the City of Albemarle Board of Alcoholic Control shall:

(1) expend ten percent (10%) for law enforcement purposes;
(2) expend ten percent (10%) for rehabilitation;
(3) expend twenty-five percent (25%) for the public schools;
(4) pay over, on a quarterly basis, fifteen percent (15%) to the general fund of Stanly County;
(5) pay over, on a quarterly basis, twenty-five percent (25%) to the general fund of the City of Albemarle for capital improvements; and
(6) pay over, on a quarterly basis, fifteen percent (15%) to the general fund of the City of Albemarle to promote tourism and economic development."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 18th day of July, 1993.

Relevant provision of current law:

§ 18B-805. Distribution of revenue.

(a) Gross Receipts. – As used in this section, "gross receipts" means all revenue of a local board, including proceeds from the sale of alcoholic beverages, investments, interest on deposits, and any other source.

(b) Primary Distribution. – Before making any other distribution, a local board shall first pay the following from its gross receipts:

(1) The board shall pay the expenses, including salaries, of operating the local ABC system.

(2) Each month the local board shall pay to the Department of Revenue the taxes due the Department. In addition to the taxes levied under Chapter 105 of the General Statutes, the local board shall pay to the Department one-half of both the mixed beverages surcharge required by G.S. 18B-804(b)(8) and the guest room cabinet surcharge required by G.S. 18B-804(b)(9).

(3) Each month the local board shall pay to the Department of Health and Human Services five percent (5%) of both the mixed beverages surcharge required by G.S. 18B-804(b)(8) and the guest room cabinet surcharge required by G.S. 18B-804(b)(9). The Department of Health and Human Services shall spend those funds for the treatment of alcoholism or substance abuse, or for research or education on alcohol or substance abuse.

(4) Each month the local board shall pay to the county commissioners of the county where the charge is collected the proceeds from the bottle charge required by G.S. 18B-804(b)(6), to be spent by the county commissioners for the purposes stated in subsection (h) of this section.

(c) 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:

(1) 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.

(2) The local board shall spend for law enforcement an amount set by the 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.

(3) The local board shall spend, or pay to the county commissioners to 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.

(d) Working Capital. – After making the distributions provided for in subsections (b) and (c), the local board may set aside a portion of the remaining gross receipts, within the limits set by the rules of the Commission, as cash to operate the ABC system. With the approval of the appointing authority for the board, the local board may also set aside a portion of the remaining gross receipts as a fund for specific capital improvements.

(e) Other Distributions. – After making the distributions provided in subsections (b), (c), and (d), the local board shall pay each quarter 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 187

Short Title:	Norwood\Albemarle ABC Distribution.	(Local)
Sponsors:	Representatives Goodwin and Barbee (Primary Sponsors).	
Referred to:	Alcoholic Beverage Control.	

March 4, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DISTRIBUTION OF THE PROCEEDS FROM THE TOWN OF NORWOOD AND CITY OF ALBEMARLE ABC SYSTEMS SHALL BE IN ACCORDANCE WITH GENERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of Chapter 722 of the 1965 Session Laws, as amended by Chapter 120 of the 1975 Session Laws and Chapter 710 of the 1993 Session Laws, is repealed.

SECTION 2. Paragraph E. of Section 6.1 of the Charter of the City of Albemarle, as amended by Chapter 259 of the 1979 Session Laws and Chapter 379 of the 1993 Session Laws, is repealed.

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

HOUSE BILL 214:
Madison County Tax Collector Appointed.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Representative Rapp
		Summary by:	Theresa Matula Committee Staff
Date:	May 27, 2003		
Version:	Second Edition		

SUMMARY: House Bill 214 repeals current Session Law and allows the Madison County Board of Commissioners to appoint the Madison County tax collector.

CURRENT LAW:

G.S. 105-349 provides that the governing body of each county and municipality shall appoint a tax collector. Three counties have local acts specifying that the office of tax collector is an elected office: Haywood, Henderson, and Madison.

BILL ANALYSIS:

Section 1 of House Bill 214 repeals Chapter 100 of the 1951 Session Laws, as amended by Chapter 751 of the 1953 Session Laws and Chapter 251 of the 1991 Session Laws. These Session Laws provided for the election of a tax collector in Madison County and prescribed the salary and duties for that position. The repeal would not affect the term of office of the current Madison County Tax Collector.

Once the existing term of office has expired, or the office is vacated for any reason, House Bill 214 provides that the Madison County Board of Commissioners shall appoint a county tax collector pursuant to G.S. 105-349.

Section 2 establishes that House Bill 214 would become effective when it becomes law.

**Erika Churchill contributed to this summary.*

H214-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 214

Committee Substitute Favorable 4/24/03

Short Title: Madison County Tax Collector Appointed. (Local)

Sponsors:

Referred to:

March 5, 2003

A BILL TO BE ENTITLED

AN ACT MAKING THE TAX COLLECTOR OF MADISON COUNTY AN APPOINTED OFFICE RATHER THAN AN ELECTED OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 100 of the 1951 Session Laws, as amended by Chapter 751 of the 1953 Session Laws and Chapter 251 of the 1991 Session Laws, is repealed. This repeal does not affect the existing term of office of the county tax collector in Madison County. Once the existing term of office of the county tax collector in Madison County has expired or once the office has become vacant for any reason, the Madison County Board of Commissioners shall appoint a county tax collector pursuant to G.S. 105-349.

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

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

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Representative Frye
		Summary by:	Theresa Matula Committee Staff
Date:	May 27, 2003		
Version:	Second Edition		

SUMMARY: House Bill 295 authorizes the Town of Beech Mountain to regulate the operation of golf carts and utility vehicles on any public street or road within the Town.

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 and utility vehicles may not be registered (G.S. 20-54), and therefore may not operate on the streets and highways.

Definitions:

Golf Cart - G.S. 20-4.01.(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Utility Vehicle - G.S. 20-4.01(48c) defines a utility vehicle as a vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes, but does not include vehicles designed and used primarily for the transportation of persons or property on a street or highway.

BILL ANALYSIS:

Section 1 of House Bill 295 allows the Town of Beech Mountain to enact an ordinance to regulate the operation of golf carts and utility vehicles on any public street or road within the Town. With regard to golf carts and utility vehicles, by ordinance, the Town may:

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

Section 2 establishes that House Bill 295 would become effective when it becomes law.

BACKGROUND:

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

**Erika Churchill contributed to this summary.*
H295-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 295
Committee Substitute Favorable 3/27/03

Short Title: Beech Mtn Golf Cart\Utility Veh Regulation. (Local)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CARTS AND UTILITY VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Town of Beech Mountain may, by ordinance, regulate the operation of golf carts and utility vehicles on any public street or road within the Town. By ordinance, the Town may require the registration of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles.

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

HB 582:
Clay County Development Authority

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans Affairs	**Introduced by:**	Representative West
		Summary by:	Barbara Riley Committee Counsel
Date:	May 26, 2003		
Version:	2nd Edition		

SUMMARY: ***HB 582 would authorize Clay County to create a joint development ageny with a contiguous county in an adjoining state. The agency would have to be created by a resolution of the Clay County board of county commissioners. The agency created also would have the authority to hold legal title to real property necessary to the activities of the agency.***

CURRENT LAW: Article 20 of Chapter 160A of the General Statutes authorizes a city or county, (as well as a number of other units of local government) to enter into contracts or agreements with another unit of local government of this State, or another state to the extent the laws of the other state permit, to execute any undertaking. G.S. 160A-461. An "undertaking" is defined as the joint exercise by 2 or more units of local government of any power, function, public enterprise, right, privilege, or immunity of local government. G.S. 160A-460. The parties to such an agreement may create a joint agency to carry out the undertaking and may give it any power, duty, right or function needed to accomplish the undertaking, except that legal title to real property necessary to the undertaking must be held by the participating units individually or jointly as tenants in common. G.S. 160A-462.

BACKGROUND:

Clay County, North Carolina wishes to enter into an agreement with Towns County, Georgia to create an Industrial Authority to act on behalf of both counties in developing property owned separately by Clay and Towns Counties. The properties are located contiguously on the NC/GA line. Contemporaneously with the introduction of SB 445, Towns County is seeking authorization from the Georgia legislature to establish a joint development authority with a contiguous county in an adjoining state. The Georgia legislation has not yet passed.

BILL ANALYSIS:

House Bill 582 would allow Clay County to create a joint agency with a contiguous county in another state, The bill would also allow a joint authority created by Clay County the additional power of holding legal title to real property in its own name.

The act is effective when it becomes law.

H582-CSRF-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 582*
Committee Substitute Favorable 4/16/03

Short Title: Clay County Development Authority. (Local)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, Clay County may, by proper resolution of its governing body, create a joint development agency, pursuant to Article 20 of Chapter 160A of the General Statutes, with a contiguous county in an adjoining state.

SECTION 2. G.S. 160A-462(a) reads as rewritten:

"(a) Units agreeing to an undertaking may establish a joint agency charged with any or all of the responsibility for the undertaking. The units may confer on the joint agency any power, duty, right, or function needed for the execution of the ~~undertaking, except that legal title to all real property necessary to the undertaking shall be held by the participating units individually, or jointly as tenants in common, in such manner and proportion as they may determine.~~ undertaking, including the authority to hold legal title to any real property necessary to the undertaking."

SECTION 3. This act applies to Clay County only.

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

HOUSE BILL 818:
Filed DD Forms 214 - Effective Date

BILL ANALYSIS

Committee:	Sen. State/Local Govt. & Veterans Affairs	**Introduced by:**	Representative Sutton
Date:	May 28, 2003	**Summary by:**	H. Alan Pell Committee Co-Counsel
Version:	Proposed Committee Substitute H818-CSLK-8[v.3]		

SUMMARY: ***The Proposed Committee Substitute for House Bill 818 would amend the effective date of S.L. 2002-96. The bill would become effective on January 1, 2004.***

CURRENT LAW: S.L. 2002-96 was passed last year to allow veterans, surviving spouses of veterans, and certain legal representatives of veterans or their estates to request the register of deeds to remove specified military forms from their official records. The act also requires the register of deeds to redact certain personal identifying information, including social security numbers, when supplying certified copies of those documents to persons other than those who are authorized to request removal of the forms. The act was effective when it became law and applied only in Craven, Nash, and Pamlico Counties.

The act was subsequently amended by S.L. 2002-162, which made the act applicable statewide, and again by S.L. 2002-159, which amended the effective date of the act making it effective when it became law in Craven, Nash, and Pamilico Counties but not until July 1, 2003 in all other counties unless the Register of Deeds in a county chose to implement the act at an earlier date.

BILL ANALYSIS:

Section 1: Repeals current law (S.L. 2002-96). Section 2. Rewrites current law into a new section, G.S. 47-113.2. The section provides that military discharge documents filed after the effective date of the act will have limited public access. The bill provides that four entities will have inspection and access to the documents:

(1) The subject (person) of the document;

(2) Agents and representatives of the subject;

(3) Authorized agents of State and federal governmental agencies, or court officials, with an interest in assisting the subject person or the subject person's beneficiaries; and

(4) Agents or representatives of the N.C. State Archives.

The act provides procedures for the filing of the documents with the Register of Deeds, and the provision of copies to authorized parties. Documents filed prior to the effective date that have not been commingled with other documents are covered under the act. The act provides that certified copies are available at no cost. Documents filed over 50 years ago are not subject to the act's restricted access provisions, and uncertified copies may be provided with payment of a fee.

EFFECTIVE DATE: The bill would become effective on January 1, 2004.

Summary Contribution by Wendy Graf Ray, Staff Attorney

H818-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 818

Committee Substitute Favorable 4/23/03

Short Title: Filed DD Forms 214 - Effective Date. (Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE EFFECTIVE DATE OF THE ACT PROVIDING FOR THE REMOVAL OF DD FORMS 214 AND OTHER MILITARY RECORDS FROM CERTAIN PUBLIC RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2002-96, as amended by Section 61.5 of S.L. 2002-159, reads as rewritten:

"**SECTION 4.** This act is effective when it becomes law in Craven, Nash, and Pamlico Counties. This act becomes effective July 1, ~~2003,~~2004, in all other counties of the State, except that it may be implemented at an earlier date in any county by the Register of Deeds of that county."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 818

Committee Substitute Favorable 4/23/03

PROPOSED COMMITTEE SUBSTITUTE H818-CSLK-8 [v.3]

5/14/2003 2:33:31 PM

Short Title: Filed DD Forms 214 - Effective Date. (Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE EFFECTIVE DATE OF THE ACT PROVIDING FOR THE REMOVAL OF DD FORMS 214 AND OTHER MILITARY RECORDS FROM CERTAIN PUBLIC RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47-113.1 (S.L. 2002-96) is repealed.

SECTION 2. Chapter 47 of the General Statutes is amended by adding a new section to read:

"**§ 47-113.2. Restricting access to military discharge documents.**

This act provides that the images and index of all military discharge documents filed after the effective date shall be considered a public record but for confidential safekeeping and restricted access to such documents, these documents will be filed with the registers of deeds in this State. These documents will be exempt from public inspection and access except as allowed in subsection (a) of this section.

(a) Definitions:

(1) Authorized party. – Four categories of authorized parties are recognized with respect to access to military discharge documents under subsection (c) of this section:

a. Subject of the document.

b. Agents and representatives of the subject authorized in writing:

1. By the subject or subject's widow or widower in a notarized authorization,

2. By a court to represent subject, or

3. By the subject's executor acting on behalf of a deceased subject.

c. Authorized agent of the North Carolina Division of Veteran Affairs, the United States Department of Veteran Affairs, the

Department of Defense, or a court official with an interest in assisting the subject or the deceased subject's beneficiaries to obtain a benefit.

d. Agents or representatives of the North Carolina State Archives.

(2) Filing office. – The office where military discharge documents are recorded, registered, or filed in this State is the register of deeds.

(3) Military discharge document. – Any document that purports to represent a notice of separation from or service in any armed forces of the United States or of any state, including, but not limited to, Department of Defense Form 214 or 215, WD AGO 53, WD AGO 55, WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553, or any other letter relating to the separation from the armed forces.

(b) A military discharge document shall be accepted for filing upon presentation in person.

(1) The filing officer may refuse to accept any document that is:

a. Not submitted in person by an authorized party in accordance with subsection (a) of this section.

b. Not an original, a carbon copy, or a photographic copy issued or certified by an agency of federal or State government.

(c) No copy of a military discharge document or any other information from such document filed after the effective date of this act shall be made available other than in accordance with subsection (a) or (g) of this section.

(1) Certified copy of a military discharge document will be made available only in accordance with subsection (d) of this section and only by individual request.

(2) Uncertified copy of a military discharge document will be made available to an authorized party in accordance with section (a) of this section and only by individual request.

(d) The North Carolina Association of Registers of Deeds and the North Carolina Division of Veterans Affairs shall adopt before the effective date of this act such request forms and associated rules as are required to implement the provisions of this act. All filing offices shall use the forms and comply with the rules, as adopted.

(1) Completed request forms shall be maintained in the register of deeds for a period of one year.

(2) The request forms shall not be considered public records and subject to the same restricted access as the military discharge document.

(e) In the event images of and the index to military discharge documents filed prior to the effective date of this act have not been commingled with other publicly available document images and their index in a filing office, the images and the index will be maintained and are subject to all the provisions of this act that apply to newly filed documents.

(f) The register of deeds shall, to the greatest extent possible, take appropriate protective actions in accordance with any limitations determined necessary by the

register of deeds with regard to records that were filed before the effective date of this act.

(g) Subsection (c) of this section shall not apply to images of military discharge documents that have been on file for over 50 years.

(h) There shall be no fee charged for filing military discharge documents or for providing certified copies of military discharge documents provided to those who have a right to access under subsection (c) of this section. Uncertified copy of a military discharge document that becomes public record under subsection (g) of this section is subject to fee as determined in G.S. 161-10(a)(11).

(i) Filing offices shall be responsible for the cost of compliance with this act.

(j) Recording officials shall not be liable for any damages that may result from good faith compliance with the provisions of this act.

(k) The words 'register of deeds' appearing in this section shall be interpreted to mean 'register of deeds, assistant register of deeds, or deputy register of deeds'."

SECTION 3. This act becomes effective January 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 499
Committee Substitute Favorable 4/30/03

Short Title: Landis Aldermen/Mayorial Terms. (Local)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF LANDIS TO EXTEND THE MAYOR'S AND ALDERMEN'S TERMS OF OFFICE FROM TWO TO FOUR YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.3(a) of the Charter of the Town of Landis, being Chapter 213 of the 1975 Session Laws, reads as rewritten:

"(a) ~~The~~ Beginning in 2003, the Mayor and members of the Board of Aldermen shall serve for terms of ~~two years; provided, they shall serve until their successors are elected and qualified pursuant to the General Statutes of North Carolina.~~four years, except as provided in this section. In 2003, the two candidates receiving the highest number of votes for Aldermen shall be elected to four-year terms, and the two candidates receiving the next highest number of votes for Aldermen shall be elected to two-year terms. In 2005, and quadrennially thereafter, two members shall be elected to four-year terms. In 2007, and quadrennially thereafter, two members shall be elected to four-year terms. The Mayor and members of the Board of Aldermen shall serve until their successors are elected and qualified pursuant to general law."

SECTION 2. Section 3.4 of the Charter of the Town of Landis, being Chapter 213 of the 1975 Session Laws, reads as rewritten:

"Sec. 3.4. Organization of Board of Aldermen; Oaths of Office. – The Board of Aldermen shall meet and organize for the transaction of business at the first regularly scheduled meeting of the Board in December following each ~~biennial~~ regular municipal election, after the results of such election have been certified pursuant to the General Statutes of North Carolina. Before entering upon their offices, the Mayor and each Alderman shall take, subscribe to and have entered upon the minutes of the Board the following oath of office:

'I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North

Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me, God.'"

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

HOUSE BILL 351:
Salisbury Parking Enforcement.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans' Affairs	**Introduced by:**	Rep. Coates
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	May 28, 2003		
Version:			

SUMMARY: HB 351 amends the Charter for the City of Salisbury to authorize the city to adopt and enforce ordinances related to parking.

CURRENT LAW: The Salisbury Charter allows the City Council to control traffic through the use of traffic-control devices that include parking meters. It does not otherwise address parking ordinances. However, G.S. 160A-301 provides that a city may, by ordinance, regulate parking of vehicles on the public streets. Violation of local ordinances is an infraction and subject to a penalty of not more than fifty dollars ($50).

BILL ANALYSIS: HB 351 allows the Salisbury City Council to adopt an ordinance that provides for the following:

- Each hour a vehicle remains illegally parked is a separate offense and may be ticketed separately.
- Vehicles towed for parking violations may be held until the towing fee and penalties are paid in full.
- Authorizes the use of wheel locks on illegally parked vehicles for which there are three or more outstanding and unpaid parking tickets for a period of 90 days.
- Authorizes ordinances prohibiting parking in certain designated spaces.
- Allows for enforcement by law enforcement officers and other persons authorized by the ordinance.

The act is effective when it becomes law.

Original summary by Kory Goldsmith, Staff Attorney
H351-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 351

Short Title:	Salisbury Parking Enforcement.	(Local)
Sponsors:	Representative Coates.	
Referred to:	Local Government II.	

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter VII of the Charter of the City of Salisbury, as revised and consolidated by S.L. 1987-205, is amended by adding the following new section:

"Sec. 7.4. Parking Regulations and Violations.

(a) The City Council may provide by ordinance that each hour a vehicle remains illegally parked in an on-street parking space is a separate offense, and the violator may be given a ticket for each offense.

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

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

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

(1) Prohibiting parking or standing of a vehicle in a space designated with a sign for handicapped persons when the vehicle does not display the distinguishing registration plate, windshield placard, or disabled veteran registration plate and that prohibit parking or standing of a vehicle so as to obstruct a curb ramp or curb cut, as provided in G.S. 20-37.6(e).

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

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

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

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

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

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — May 28, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tim Wyatt	Individual 1601 Barley Place, Raleigh NC
Amanda Garrett	Person Co. Register of Deeds
David Mitchell	NC Archives
Zsolt Nagy	Center for Geographic Info & Analysis
Wayne Walcott	N.C. Board on Geographic Names
Paul Zimmerman	Intern: NC House of Representatives
Scott Templeton	State Dept
Amanda Ruder	Rep. Goodwin Intern
Wayne Peedin	N.C. Division of Veterans Affairs
Ann Shaw	Randolph Co. Register of Deeds
Belinda S. White	Bertie Cnty Register of Deeds

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — May 28, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lora Mooney Byrd	Hyde County Register of Deeds
Charlie Smith	Veterans Affairs
Ray Rapp	House District 118
Dr. Holman	CCMTF / GTCC
Timothy W. Clark	N. C. Geological Survey
E. Dyer	Greensboro News Record
Libba Evans	DCR
Donna Rosefield	DCR
Julie Allen	NC Statewatch
Rick Zechini	NC Assoc. of REALTORS

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — May 28, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Frank Mabry	Sen. Hunter

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS'AFFAIRS COMMITTEE

Wednesday, June 4, 2003 at 12:00 Noon

Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

HB 182	Halifax-Northampton Airport Authority.	Representative Hunter, Jr. Representative Allen
HB 501	Enfield Election District Lines.	Representative Hall
HB 516	Certain Municipalities Clear-Cutting	Representative Goodwin
HB 550	Craven County Road Hunting.	Representative Johnson Representative Gorman Representative Wainwright
HB 625	Asheville Pretowing Notices.	Representative Nesbitt, Jr.
HB 655	Pembroke Creek No-Wake Zone.	Representative Culpepper, III
HB 665	Science and Technology Board.	Representative Miller
HB 737	Durham School Recall Election.	Representative Miller
HB 668	New Hanover County Occupancy Tax.	Representative Wright
HB 680	Granite Quarry Charter Revision.	Representative McCombs
HB 696	Wadesboro/Ansonville Governing Body Terms.	Representative Gibson, III
HB 928	Appalachian State/Regulate Parking.	Representative Brubaker

HB 1155	St. Emp. Payroll Deduction/Parental Savings.	Representative Insko
HB 1210	N.C. School of the Arts/Board Membership.	Representative Yongue
HB 1211	N.C. Arboretum/Board Membership.	Representative Yongue
HB 1221	Return Overpayments of State Funds.	Representative Decker
HB 248	Wilmington Personnel Records.	Representative Wright
HB 249	Wilmington Conditional Zoning.	Representative Wright
HB 818	Filed DD Forms 214 - Effective Date.	Representative Sutton

III. Other Business

IV. Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, JUNE 4, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met June 4, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Fourteen members were present, including Senator Cecil Hargett, who presided. Senator Kinnaird thanked the staff and committee for their efforts and announced that she could not attend the meeting.

HB 1211 was removed.

HB 1221 Return Overpayment of State Funds, was explained by Rep. Decker. Sen. Clodfelter moved to adopt a Proposed Committee Substitute. The motion carried unanimously. Sen. Stevens offered and amendment. Sen. Horton moved a favorable report of the bill. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

HB 182 Halifax-Northampton Airport Authority, was explained by Representative Allen. Senator Sloan moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 501 Enfield Election District Lines, was explained by Representative Hall. Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 516 Certain Municipalities Clear-Cutting, was explained by Representative Goodwin. Senator Clodfelter offered an amendment and moved to adopt it. The motion carried unanimously. Paul Wilms, NCHBA spoke against the amendment. Sen. Garwood offered a technical amendment. Senator Queen moved to adopt it. The motion carried unanimously. Sen. Clodfelter withdrew his amendment. Senator Weinstein moved a favorable report as amended. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

HB 550 Craven County Road Hunting, was explained by Representative Johnson. Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 625 Asheville Pretowing Notice, was explained by Representative Nesbitt. Senator Malone moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 655 Pembroke Creek No-Wake Zone, was explained by Representative Culpepper. Sen. Albertson moved to adopt a Proposed Committee Substitute. The motion carried unanimously Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

HB 665 Science and Technology Board, was explained by Representative Miller. Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 737 Durham School Recall Election, was explained by Representative Miller. Sen. Horton moved to adopt a Proposed Committee Substitute. The motion carried unanimously Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

HB 668 New Hanover County Occupancy Tax, was explained by Representative Wright. Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 680 Granite Quarry Charter Revision, was explained by Senator Hartsell. Sen. Garwood moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 696 Wadesboro/Ansonville Governing Body Terms, was explained by Representative Gibson. Sen. Horton moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 928 Appalachian State/Regulate Parking, was explained by Representative Brubaker. Sen. Garwood moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 1155 St. Emp. Payroll Deduction/Parental Savings, was explained by Representative Insko. Mark Fleming of the University System spoke about the bill. Sen. Malone moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 1210 N. C. School of the Arts/Board Membership, was explained by Representative Insko. Sen. Dorsett moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**.

HB 248 Wilmington Personnel Record was explained by Representative Wright. Lorin Mueller, NC Coalition of Police, and Jeff Gray, NC Fraternal Order of Police, spoke about the bill. Senator Hartsell offered an amendment and moved to adopt it. The motion carried unanimously. Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

HB 249 Wilmington Conditional Zoning, was explained by Representative Wright. Sen. Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 818 Filed DD Forms 214 – Effective Date was explained by Hal Pell. Sen. Hartsell moved to rehear the bill and moved to adopt a Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 04, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **182**	Halifax-Northampton Airport Authority.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **249**	Wilmington Conditional Zoning.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **501**	Enfield Election District Lines.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **550**	Craven County Road Hunting.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **625**	Asheville Pretowing Notices.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **665**	Science and Technology Board.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B.(CS #1) **668**	New Hanover County Occupancy Tax.	
	Sequential Referral:	None
	Recommended Referral:	None
H.B. **680**	Granite Quarry Charter Revision.	
	Sequential Referral:	None
	Recommended Referral:	None

H.B. **696** Wadesboro/Ansonville Governing Body Terms.
Sequential Referral: None
Recommended Referral: None

H.B. **928** Appalachian State/Regulate Parking.
Sequential Referral: None
Recommended Referral: None

H.B. **1155** St. Emp. Payroll Deduction/Parental Savings.
Sequential Referral: None
Recommended Referral: None

H.B. **1210** N.C. School of the Arts/Board Membership.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **655** Pembroke Creek No-Wake Zone.
Draft Number: PCS 45153
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

UNFAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 2

H.B.(SCS #1) **818** Filed DD Forms 214 - Effective Date.
Draft Number: PCS 60364
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 14

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Monday, June 09, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **1221** Return Overpayments of State Funds.

Draft Number:	PCS 80323
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **248** Wilmington Personnel Records.

Draft Number:	PCS 70338
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 11, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **737** Durham School Recall Election.

Draft Number:	PCS 45156
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **516** Certain Municipalities Clear-Cutting

Draft Number:	PCS 80330
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

HOUSE BILL 1221:
Return Overpayment of State Funds.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans Affairs.	**Introduced by:**	Rep. Decker
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	June 4, 2003		
Version:	First Edition		

SUMMARY: House Bill 1221 would create a new Article 3H in Chapter 143 of the General Statutes requiring an entity that provided an overpayment of state funds to any person in a state-funded position to recoup the funds. This requirement would apply whether the funds were paid in the form of salary or otherwise, and the amount of overpayment may be offset by an individual's salary.

The bill also forbids a state agency from forgiving any repayment of the funds and requires the agency to seek repayment of overpaid funds by all lawful means, including filing a civil action against the individual.

EFFECTIVE DATE: House Bill 1221 is effective when it becomes law and applies to all overpayments made on or after that date.

Summary contribution by Tim Hovis, Staff Attorney.
H1221-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 1221
Second Edition Engrossed 4/30/03

Short Title:	Return Overpayments of State Funds.	(Public)
Sponsors:	Representatives Decker; G. Allen, L. Allen, Capps, Church, England, Gibson, Goforth, Hall, Harrell, Hill, Holliman, Parmon, Rapp, Rayfield, Saunders, Sutton, Tolson, Warner, and Wood.	
Referred to:	State Government.	

April 14, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING THE RETURN OF OVERPAYMENTS OF STATE FUNDS BY PERSONS IN STATE-SUPPORTED POSITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"Article 3H.

"Overpayments of State Funds.

"**§ 143-64.80. Overpayments of State funds to persons in State-supported positions; recoupment required.**

(a) An overpayment of State funds to any person in a State-funded position, whether in the form of salary or otherwise, shall be recouped by the entity that made the overpayment and, to the extent allowed by law, the amount of the overpayment may be offset against the salary of the person receiving the overpayment.

(b) No State department, agency, or institution, or other State-funded entity may forgive repayment of an overpayment of State funds, but shall have a duty to pursue the repayment of State funds by all lawful means available, including the filing of a civil action in the General Court of Justice.

(c) A State department, agency, or institution, or other State-funded entity shall not seek repayment of an overpayment of State funds under this section if the costs of pursuing repayment exceed or will exceed the amount of overpayment nor shall it initiate any action under this section if three or more years have elapsed since the time of overpayment."

SECTION 2. This act is effective when it becomes law and applies to all overpayments of State funds made on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1221

Second Edition Engrossed 4/30/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H1221-PCS80323-RK-66

Short Title: Return Overpayments of State Funds. (Public)

Sponsors:

Referred to:

April 14, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING THE RETURN OF OVERPAYMENTS OF STATE FUNDS BY PERSONS IN STATE-SUPPORTED POSITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"Article 3H.

"Overpayments of State Funds.

"**§ 143-64.80. Overpayments of State funds to persons in State-supported positions; recoupment required.**

(a) An overpayment of State funds to any person in a State-funded position, whether in the form of salary or otherwise, shall be recouped by the entity that made the overpayment and, to the extent allowed by law, the amount of the overpayment may be offset against the net wages of the person receiving the overpayment.

(b) No State department, agency, or institution, or other State-funded entity may forgive repayment of an overpayment of State funds, but shall have a duty to pursue the repayment of State funds by all lawful means available, including the filing of a civil action in the General Court of Justice."

SECTION 2. This act is effective when it becomes law and applies to all overpayments of State funds made on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1221 DATE June 4

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) STEVENS
Sen.)

moves to amend the bill on page 1, lines 19-23

( ) WHICH CHANGES THE TITLE

by deleting those lines.

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

HOUSE BILL 182:
Halifax-Northampton Airport Authority

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Reps. L. Allen and Hunter
		Summary by:	Theresa Matula Committee Staff
Date:	June 3, 2003		
Version:	First Edition		

SUMMARY: House Bill 182 renames the Halifax Regional Airport Authority to the Halifax-Northampton Regional Airport Authority.

CURRENT LAW:

The Halifax-Roanoke Rapids Regional Airport Authority was created by the General Assembly in 1997 to maintain and operate the airport facilities.

In 1998, the Authority was renamed the Halifax Regional Airport Authority.

BILL ANALYSIS:

Sections 1 and 2.

Sections 1 and 2 of House Bill 182 rename the Halifax Regional Airport Authority the "Halifax-Northampton Regional Airport Authority."

Section 3.

House Bill 182 is effective when it becomes law.

ADDITIONAL INFORMATION:

- The Airport Authority consists of members appointed by the Roanoke Rapids City Council, the Northampton County Board of Commissioners, and the Halifax County Board of Commissioners.
- The Airport Authority is required to make annual reports to the Halifax County Board of Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council.
- The regional airport facilities serve the City of Roanoke Rapids, the County of Northampton, the County of Halifax, and surrounding areas.

Note: House Bill 182 is identical to Senate Bill 243. The Senate State/Local Government and Veterans Affairs Committee gave a favorable report to Senate Bill 243 on 2/27/03.

H182-SMSH-001

HOUSE BILL 182

Short Title:	Halifax-Northampton Airport Authority.	(Local)
Sponsors:	Representatives L. Allen and Hunter (Primary Sponsors).	
Referred to:	Local Government II.	

March 4, 2003

A BILL TO BE ENTITLED

AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 1997-275, as rewritten by Section 1 of S.L. 1998-130, reads as rewritten:

"**Section 1.** There is hereby created the '~~Halifax~~Halifax-Northampton Regional Airport Authority' (for brevity hereinafter referred to as the 'Airport Authority'), which shall be a body both corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by general law and future acts of the General Assembly. For purposes of this act the word 'City' when used alone shall mean the City of Roanoke Rapids and the word 'County' when used alone shall mean either Halifax County or Northampton County."

SECTION 2. Section 15 of S.L. 1997-275, as rewritten by Section 8 of S.L. 1998-130, reads as rewritten:

"**Section 15.** The powers granted to the Airport Authority shall not be effective until the members of the Airport Authority have been appointed by the Halifax County Board of Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council, and nothing in this act shall require the Board of Commissioners or City Council to make the initial appointments. It is the intent of this act to enable but not to require the formation of the ~~Halifax~~ Halifax-Northampton Regional Airport Authority."

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

HOUSE BILL 501:
Enfield Election District Lines

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Rep. Hall
		Summary by:	Giles S. Perry Committee Counsel
Date:	June 4, 2003		
Version:	1st Edition		

SUMMARY: House Bill 501 redraws the election districts for the Town Board of Enfield.

CURRENT LAW: Under current law, the Town of Enfield has a five-member Board, with one person elected at-large, and the remaining four elected from two districts.

BILL ANALYSIS: House Bill 501 redraws the boundary line between the two town board election districts, effective beginning with the next scheduled election.

BACKGROUND: If enacted, House Bill 501 must be precleared by the U.S. Justice Department under Section 5 of the federal Voting Rights Act of 1965.

H501-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 501

Short Title:	Enfield Election District Lines.	(Local)
Sponsors:	Representative Hall.	
Referred to:	Local Government II.	

March 17, 2003

BILL TO BE ENTITLED

AN ACT REDRAWING THE ELECTION DISTRICT BOUNDARIES FOR THE TOWN OF ENFIELD IN HALIFAX COUNTY.

Whereas, the Enfield Town Board of Commissioners consists of five members, four of whom are elected from two districts; and

Whereas, those districts, designated as Districts A and B, are subject to the requirements of one-person, one-vote and were redrawn following the 2000 census; and

Whereas, before the districts were redrawn, the boundary was the CSX railroad track which runs through the middle of town and is an obvious and well-known dividing line; and

Whereas, as a result of the 2001 redistricting, the current boundary between Districts A and B is irregular and confusing; and

Whereas, an annexation which occurred after the 2001 redistricting has added sufficient population to the Town that Districts A and B would be within the correct population ranges for one-person, one-vote if the old boundary, the railroad track, were used; and

Whereas, a return to the railroad track as the boundary between Districts A and B would make the line more understandable to voters, candidates, and election officials; and

Whereas, the Enfield Town Board of Commissioners unanimously has requested such a change; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The boundary between Districts A and B used for the election of the Enfield Town Board of Commissioners shall be the CSX railroad track which runs on a north-south line through the middle of the Town. This restores the language of Section 2.1(b) of the Charter of the Town of Enfield as enacted by Chapter 479 of the 1993 Session Laws.

SECTION 2. The boundary established by this act shall apply to any town election for which filing opens at least five days after the boundary has taken effect.

SECTION 3. The boundary established by this act shall take effect upon preclearance pursuant to section 5 of the Voting Rights Act of 1965.

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

HOUSE BILL 516:
Certain Municipalities Clear-Cutting

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans' Affairs	**Introduced by:**	Representative Goodwin
		Summary by:	Kory J. Goldsmith & Barbara Riley
Date:	June 4, 2003		
Version:	2nd Edition		Committee Counsel

SUMMARY: ***The 2nd edition of House Bill 516 authorizes the Cities of of Rockingham and Statesville and the Town of Smithfield to regulate by ordinance the removal and preservation of existing trees and shrubs.***

BILL ANALYSIS: Rockingham, Statesville and Smithfield 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 way.
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: This committee recently approved similar changes for Wake County and the Town of Rutherfordton in HB 679.

EFFECTIVE DATE: The bill would become effective January 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 516

Committee Substitute Favorable 4/10/03

Short Title: Certain Municipalities Clear-Cutting. (Local)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF ROCKINGHAM AND STATESVILLE AND THE TOWN OF SMITHFIELD TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) A municipality may adopt ordinances to regulate the removal and preservation of existing trees and shrubs prior to development within a perimeter buffer zone of up to 50 feet along public roadways and property boundaries adjacent to developed properties and up to 25 feet along property boundaries adjacent to undeveloped properties.

SECTION 1.(b) Ordinances adopted pursuant to this act shall:

(1) Provide that the required buffer area shall not exceed twenty percent (20%) of the area of the tract, net of public road rights-of-way and any required conservation easements.

(2) Provide that buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.

(3) Provide that tracts of two acres or less, net of public road rights-of-way, that are zoned for single-family residential use are exempt from the requirements of the ordinances.

(4) Provide that the ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted municipal plans and zoning regulations.

(5) Provide that a survey of individual trees is not required.

(6) Include reasonable provisions for access onto and within the subject property.

(7) Exclude normal forestry activities on property taxed under the present-use value standard or conducted pursuant to a forestry management plan prepared or approved by a forester registered pursuant to Chapter 89B of the General Statutes. However, for such

properties, a municipality may deny a building permit or refuse to approve a site or subdivision plan for a period of three years following completion of the harvest if all or substantially all of the perimeter buffer trees that should have been protected were removed from the tract of land for which the permit or plan approval is sought. A municipality may deny a permit or refuse to approve a site or subdivision plan for a period of two years if the owner replants the buffer area within 120 days of harvest with plant material that is consistent with buffer areas required under the municipality's ordinances.

SECTION 2. Before adopting an ordinance authorized by Section 1 of this act, the governing board of the municipality shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. 160A-364.

SECTION 3. Nothing in this act shall be construed to limit or be limited by any other existing laws or ordinances.

SECTION 4. This act shall apply only to the Cities of Rockingham and Statesville and the Town of Smithfield and to property located within the City's and Town's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

SECTION 5. This act becomes effective January 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 516

Committee Substitute Favorable 4/10/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H516-PCS80330-RF-27

Short Title: Certain Municipalities Clear-Cutting. (Local)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF ROCKINGHAM AND STATESVILLE AND THE TOWN OF SMITHFIELD TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) A municipality may adopt ordinances to regulate the removal and preservation of existing trees and shrubs prior to development within a perimeter buffer zone of up to 50 feet along public roadways and property boundaries adjacent to developed properties and up to 25 feet along property boundaries adjacent to undeveloped properties.

SECTION 1.(b) Ordinances adopted pursuant to this act shall:

(1) Provide that the required buffer area shall not exceed twenty percent (20%) of the area of the tract, net of public road rights-of-way, and any required conservation easements.

(2) Provide that buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.

(3) Provide that tracts of two acres or less, net of public road rights-of-way, that are zoned for single-family residential use are exempt from the requirements of the ordinances.

(4) Provide that the ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted municipal plans and zoning regulations.

(5) Provide that a survey of individual trees is not required.

(6) Include reasonable provisions for access onto and within the subject property.

(7) Exclude normal forestry activities on property taxed under the present-use value standard or conducted pursuant to a forestry

management plan prepared or approved by a forester registered pursuant to Chapter 89B of the General Statutes. However, for such properties, a municipality may deny a building permit or refuse to approve a site or subdivision plan for a period of three years following completion of the harvest if all or substantially all of the perimeter buffer trees that should have been protected were removed from the tract of land for which the permit or plan approval is sought. A municipality may deny a permit or refuse to approve a site or subdivision plan for a period of two years if the owner replants the buffer area within 120 days of harvest with plant material that is consistent with buffer areas required under the municipality's ordinances.

SECTION 2. Before adopting an ordinance authorized by Section 1 of this act, the governing board of the municipality shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. 160A-364.

SECTION 3. Nothing in this act shall be construed to limit or be limited by any other existing laws or ordinances.

SECTION 4. This act shall apply only to the Cities of Rockingham and Statesville and the Town of Smithfield and to property located within the Cities' and Town's corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes.

SECTION 5. This act becomes effective January 1, 2004.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 516

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

H516-ARF-18 [v.1]

Date _____,2003

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

~~Representative~~ Senator Garwood.

moves to amend the bill on page 2, line 18 by deleting the word "City's" and substituting the word "Cities'"

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 2d

H. B. No. 516 DATE 6/4/03

S. B. No. Amendment No. (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE

Rep.)
)
Sen.)

moves to amend the bill on page 1, line 2

(X) WHICH CHANGES THE TITLE

by adding the word "SALISBURY" after the word "ROCKINGHAM"; and further amends the bill on p. 2, line 17 by adding the word "Salisbury" after the word "Rockingham".

WITHDRAWN BY SEN. CLODFELTER

SIGNED

ADOPTED FAILED TABLED

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

City of Salisbury
North Carolina

A RESOLUTION IN SUPPORT OF ENABLING LEGISLATION TO REGULATE THE CLEAR CUTTING OF TREES WITHIN THE SALIBURY PLANNING JURISDICTION

WHEREAS, the Salisbury City Council recognizes the value of trees as a natural resource within our community; and

WHEREAS, wooded properties provide numerous environment benefits including the enhancement of air and water quality, erosion control and wildlife habitat; and

WHEREAS, trees and wooded properties contribute to the aesthetic quality of the Salisbury community; and

WHEREAS, the preservation and proper management of trees and wooded properties within Salisbury are essential to the general health, safety and welfare of community residents; and

WHEREAS, the improper management of trees and wooded properties is contrary to the ideals of a cleaner, greener and more beautiful city:

NOW, THEREFORE BE IT RESOLVED, that the Salisbury City Council adopts this resolution in support of appropriate enabling legislation to allow the City Council to enforce specific regulations relative to the clear-cutting of trees within the Salisbury planning jurisdiction; and

MAY IT FURTHER BE RESOLVED, that the Salisbury Tree Board and Salisbury Planning Board, through a joint committee, will conduct a study of clear-cutting and draft appropriate ordinances to mitigate the impacts of such activities through a process that may include permitting, public notification, buffering, site security, stump removal and debris disposal.

Adopted this the 7th day of January, 2003.

Susan W. Kluttz
Mayor

City of Salisbury
North Carolina

March 11, 2003

The Honorable Lorene T. Coates
North Carolina General Assembly
633 Legislative Office Building
Raleigh, North Carolina 27603-5925

Dear Representative Coates:

I am writing to ask your assistance in securing a much-needed local bill that would allow Salisbury to address an important community issue. The Salisbury City Council recently adopted a resolution in support of enabling legislation that would authorize the City of Salisbury to regulate the clear cutting of trees within the Salisbury Planning jurisdiction. I have attached a copy of the resolution for your review. It is our understanding that several North Carolina communities, in the 2001 legislative session, received such authority through House Bill 910. In addition to the provisions of HB 910, which primarily deal with buffer areas on the perimeter of a property, the City of Salisbury also seeks enabling legislation that would allow the City to draft local ordinances to require adequate security for the site, stump removal and debris disposal.

It is our hope that you would be willing to forward this request through the appropriate processes for consideration in this legislative session. The City's contact for this effort is Joe Morris, a planner in the Land Management & Development Department. Joe is available to work with you and your staff to any extent necessary. He may be reached at 704-638-5324.

Thank you again for all you do in representing the citizens of Salisbury. We look forward to working with you on this important issue for our community.

Sincerely,

Susan W. Kluttz

Susan W. Kluttz
Mayor

PC: David W. Treme, City Manager
Rivers Lawther, City Attorney
Dan Mikkelson, Land Management & Development Director
Joe Morris, Urban Planner

P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479
Phone: (704) 638-5270 Fax: (704) 638-5232

HOUSE BILL 550:
Craven County Road County.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans Affairs	**Introduced by:**	Reps. Johnson, Gorman, and Wainwright
Date:	June 4, 2003	**Summary by:**	H. Alan Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***House Bill 550 makes it unlawful to hunt from the right of way of State Road 1459 from Riverside Church north to the intersection of 1459 and State Road 1460, and from that intersection west to the Pitt County line. Violation of the act is a Class 3 misdemeanor. The act becomes effective October 1, 2003.***

The act is enforceable by law enforcement officers of the Wildlife Resources Commission, the Sheriff, and other officers with general subject matter jurisdiction.

Contribution Summary by Barbara Riley, Staff Attorney
H550-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 550

Short Title:	Craven County Road Hunting. (Local)
Sponsors:	Representatives C. Johnson, Gorman, and Wainwright (Primary Sponsors).
Referred to:	Wildlife Resources.

March 19, 2003

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF CERTAIN ROADS IN CRAVEN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to hunt, take, or kill any wild animal or bird on or from the right-of-way of State Road 1459 (Riverside Road) from Riverside Church north to its intersection with State Road 1460 (St. John's Road).

SECTION 2. It is unlawful to hunt, take, or kill any wild animal or bird on or from the right-of-way of State Road 1460 (St. John's Road) from its intersection with State Road 1459 (Riverside Road) west to the Pitt County line.

SECTION 3. Violation of this act is a Class 3 misdemeanor.

SECTION 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 5. This act becomes effective October 1, 2003.

HOUSE BILL 625:
Asheville Pretowing Notices.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans Affairs.	**Introduced by:**	Rep. Nesbitt
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	June 4, 2003		
Version:	Second Edition		

SUMMARY: ***This would authorize the City of Asheville to adopt an ordinance requiring that a pretowing notices be placed on parking facilities that are not owned by the City. Vehicles could not be towed unless a pretowing notice was located at the parking facility. The City is authorized to set the size and nature of the signs, as well as provide penalties for violations. The act is effective when it becomes law.***

H625-SMRK-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 625

Committee Substitute Favorable 4/30/03

Short Title: Asheville Pretowing Notices. (Local)

Sponsors:

Referred to:

March 24, 2003

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2001-46 reads as rewritten:

"**SECTION 2.** This act applies to the ~~City~~ Cities of Asheville and Greenville and the Town of Chapel Hill only."

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

HOUSE BILL 655:
Pembroke Creek No Wake Zone/Gates Co. Exc.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans Affairs	**Introduced by:**	Rep. Culpepper
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	June 4, 2003		
Version:	PCS H655-CSRK-63		

SUMMARY: ***This bill would (1) establish a no wake zone on Pembroke Creek, and (2) add Gates County to those counties authorized to implement a tax certification requirement, and exception, for deeds transferring real property prior to filing.***

BILL ANALYSIS:

Section 1: States that it is unlawful to operate a vessel at greater than no-wake speed on Pembroke Creek. The section also describes Pembroke Creek. [Description added in the PCS]

Section 2: Authorizes the placement of markers on the Creek.

Section 3: Provides that Section 1 is enforceable under the provisions of the Boating and Water Safety Act.

Section 4: Provides that a violation of Section 1 is a Class 3 misdemeanor.

Section 5: Limits first four sections to Gates County.

Section 6: Adds Gates County to the counties authorized to implement a tax certification requirement, and exception, for deeds transferring real property prior to filing. [This section added in the PCS]

Section 7: The act is effective when it becomes law, except that Section 1 is only enforceable after implementation of Section 2.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 655
Committee Substitute Favorable 4/9/03

Short Title: Pembroke Creek No-Wake Zone. (Local)

Sponsors:

Referred to:

March 25, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NO-WAKE ZONE ON A PORTION OF PEMBROKE CREEK IN CHOWAN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to operate a vessel at greater than no-wake speed on the waters of Pembroke Creek from the Highway 17 Business bridge upstream to the northern entrance of the canal creating Dillard's Island in Chowan County. No-wake speed is idle speed or a slow speed creating no appreciable wake.

SECTION 2. With regard to marking the no-wake speed zone established in Section 1 of this act, Chowan County or its designee may place and maintain markers in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone shall be buoys or floating signs placed in the water or signs placed on pilings and shall be sufficient in number and size so as to give adequate warning of the no-wake speed zone to vessels approaching from various directions.

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

SECTION 4. Violation of this act is a Class 3 misdemeanor.

SECTION 5. This act applies only to Chowan County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 655

Committee Substitute Favorable 4/9/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H655-CSRK-63 [v.2]

6/3/2003 1:20:05 PM

Short Title: Pembroke Creek No-Wake Zone/Gates Cert. Exc. (Local)

Sponsors:

Referred to:

March 25, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NO-WAKE ZONE ON PEMBROKE CREEK IN CHOWAN COUNTY AND GATES COUNTY CERTIFICATION EXCEPTION.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to operate a vessel at greater than no-wake speed on the waters of Pembroke Creek, described as follows: Beginning at a point being the Northeast corner of the lot of Thomas J. Jackson Jr. as described in Deed Book 6, page 261, of the Chowan County Registry; thence, from said beginning point to a point running in a southwesterly direction along the shoreline approximately 550 feet, said point being the Northwest corner of the lot belonging to Walter L. Noneman as described in Deed Book 23 and page 239, of the Chowan County Registry. Thence in a northeasterly direction across the main run of Pembroke Creek approximately 200 feet to the nearest point of the shoreline of Dillard's Island; thence in an easterly direction along the shoreline of Dillard's Island to a point being the nearest point on the shoreline in a northwesterly direction across the main run of Pembroke Creek from the point of beginning.

No-wake speed is idle speed or a slow speed creating no appreciable wake.

SECTION 2. With regard to marking the no-wake speed zone established in Section 1 of this act, Chowan County or its designee may place and maintain markers in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone shall be buoys or floating signs placed in the water or signs placed on pilings and shall be sufficient in number and size so as to give adequate warning of the no-wake speed zone to vessels approaching from various directions.

SECTION 3. Section 1 of this act is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A of the General Statutes.

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

SECTION 5. Sections 1 through 4 of this act apply only to Chowan County.

SECTION 6. G.S. 161-31, as amended by S.L. 2003-72, reads as rewritten:

"(a) Tax Certification. – The board of commissioners of a county may, by resolution, require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed. The county commissioners may describe the form the certification must take in its resolution.

(a1) Exception to Tax Certification. – If a board of county commissioners adopts a resolution pursuant to subsection (a) of this section, notwithstanding the resolution, the register of deeds shall accept without certification a deed submitted for registration under the supervision of a closing attorney and containing this statement on the deed: 'This instrument prepared by: _____, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.'.

(b) Applicability. – This section applies only to Alleghany, Anson, Beaufort, Bertie, Cabarrus, Camden, Carteret, Cherokee, Chowan, Clay, Cleveland, Currituck, Davidson, Durham, Forsyth, Gaston, Gates, Graham, Granville, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Lee, Macon, Madison, Martin, Montgomery, Northampton, Pasquotank, Perquimans, Person, Pitt, Polk, Rockingham, Rowan, Rutherford, Stanly, Swain, Transylvania, Vance, Warren, Washington, and Yadkin Counties."

SECTION 7. This act is effective when it becomes law, except that Section 1 is enforceable after markers complying with Section 2 of this act are placed in the water.

HOUSE BILL 665:
Science and Technology Board.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representative Miller
		Summary by:	Theresa Matula Committee Staff
Date:	May 30, 2003		
Version:	First Edition		

SUMMARY: House Bill 665 adds the General Assembly to the list of entities to which the North Carolina Board of Science and Technology advises and makes recommendations on the role of science and technology in the economic growth and development of the State. Under current law, the Board advises and makes recommendations to the Governor, the Secretary of Commerce, and the Economic Development Board.

CURRENT LAW: Part 18, Article 10 of Chapter 143B contains provisions for the North Carolina Board of Science and Technology. G.S. 143B-472.80 establishes the North Carolina Board of Science and Technology in the Department of Commerce which consists of the Governor, the Secretary of Commerce, and 17 appointed members. Fifteen of the members are appointed by the Governor in accordance with criteria set out in G.S. 143B-472.81, and two members are appointed by the General Assembly – one upon recommendation of the President Pro Tempore of the Senate, and one upon recommendation of the Speaker of the House. The Board is empowered to:

- Identify, and support identification of, research needs of public and private agencies, institutions and organizations in North Carolina that relate to the State's economic growth and development;
- Make recommendations concerning policies, procedures, organizational structures and financial requirements that promote effective use of scientific and technological resources and promote the economic growth and development of North Carolina;
- Allocate funds available to the Board to support research projects, purchase research equipment and supplies, construct or modify research facilities, employ consultants, and other purposes necessary to discharge duties of the Board;
- Advise and make recommendations to the Governor, the Secretary of Commerce, and the Economic Development Board on the role of science and technology in the economic growth and development of North Carolina.

BILL ANALYSIS: The Board of Science and Technology currently has the authority to advise and make recommendations to the Governor, the Secretary of Commerce, and the Economic Development Board on the role of science and technology in the economic growth and development of North Carolina. House Bill 665 amends the powers and duties of the Board of Science to include making advice and recommendations to the General Assembly.

The act would be effective when it becomes law.

* *Brenda Carter contributed to this summary.*

H665-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 665

Short Title:	Science and Technology Board.	(Public)
Sponsors:	Representative Miller.	
Referred to:	Science and Technology.	

March 25, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DUTIES OF THE BOARD OF SCIENCE AND TECHNOLOGY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-472.80 reads as rewritten:

"**§ 143B-472.80. North Carolina Board of Science and Technology; creation; powers and duties.**

The North Carolina Board of Science and Technology of the Department of Commerce is created. The Board has the following powers and duties:

(1) To identify, and to support and foster the identification of, important research needs of both public and private agencies, institutions and organizations in North Carolina that relate to the State's economic growth and development;

(2) To make recommendations concerning policies, procedures, organizational structures and financial requirements that will promote effective use of scientific and technological resources in fulfilling the research needs identified and that will promote the economic growth and development of North Carolina;

(3) To allocate funds available to the Board to support research projects, to purchase research equipment and supplies, to construct or modify research facilities, to employ consultants, and for other purposes necessary or appropriate in discharging the duties of the Board;

(4) To advise and make recommendations to the Governor, the General Assembly, the Secretary of Commerce, and the Economic Development Board on the role of science and technology in the economic growth and development of North Carolina."

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

HOUSE BILL 737: DURHAM SCHOOL RECALL ELECTION.

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Representative Miller
Date:	June 4, 2003	**Summary by:**	R. Erika Churchill & Barbara Riley
Version:	H737-CSRF-26		Committee Co-Counsel

SUMMARY: House Bill 737 would create a process under which a member of the Durham County Board of Education could be subject to a recall election. The proposed committee substitute clarifies the language of the bill and makes no substantive changes to its provisions.

CURRENT LAW: Recall elections are not provided for in the Constitution of North Carolina. The General Assembly has provided for recall elections in some instances for local offices, such as municipal governing bodies. Currently, approximately 16 municipalities and one school board have a procedure for a recall election.

BILL ANALYSIS:

House Bill 737 sets forth a process under which a member of the Durham County Board of Education may be removed from office via a recall election.

A qualified voter of the district from which the member of the board of education was elected would initiate the recall election by filing a affidavit stating the name of the board member to be removed and the grounds alleged for removal. The Durham board of elections would then provide forms for gathering signatures for a petition for the removal of that member of the board of education. The petition would have to be signed by at least 25% of the registered voters of the district from which the member was elected. The signed petitions would have to be returned in 30 days, and certified as sufficient within 15 days of that return. If the petition were insufficient, 10 days would be allowed for amendment.

Upon a determination that a sufficient recall petition has been submitted, the local board of elections must order a recall election and fix a date for such election. The date of the election cannot be less than 50 days, or more than 70 days after the petition is determined sufficient.

If a member is removed by a majority vote of the people, the vacancy is to be filled as provided for by law, provided the member being removed may not be appointed to fill the vacancy.

Limitations placed on the filing of petitions for recall elections would be as follows:

- No petition could be filed within 6 months of the date the elected person was elected.
- No petition could be filed within 6 months of the expiration of the elected person's term.
- The member cannot be subject to more than one recall election per year.

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

H737-SMST-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 737

Short Title:	Durham School Recall Election.	(Local)
Sponsors:	Representatives Miller; Luebke and Michaux.	
Referred to:	Election Law and Campaign Finance Reform.	

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Any member of the Durham Board of Education may be removed from office in the manner provided for in this act.

SECTION 2. Any registered voter of the Durham School Administrative Unit may make and file with the Durham County Director of Elections an affidavit containing the name of the official whose removal is sought and a general statement of the grounds alleged for removal, except that if the member sought to be recalled is from a district, the petition must be signed by a registered voter of that district. The Director of Elections shall thereupon deliver to the registered voter making such affidavit copies of petitions for demanding such a removal printed forms of which the Director of Elections shall keep on hand. Such blank forms shall be issued by the Director of Elections with his or her signature thereto attached and shall be dated and addressed to the Board of Elections of Durham County, indicate the person to whom issued, state the name of the official whose removal is sought, and contain the general statement of the grounds on which the removal is sought as alleged in the affidavit.

SECTION 3. A copy of the petition shall be promptly delivered to the Superintendent of the Durham School Administrative Unit, who shall enter the copy of the petition in a record book kept for that purpose in the Office of the Superintendent. A recall petition to be effective must be returned within 30 days after the filing of the affidavit and to be sufficient must bear the signatures of registered voters of the school administrative unit equal in number to at least twenty-five percent (25%) of the registered voters of the school administrative unit as shown by the registration records of the last preceding general school administrative unit election; however, if the board member was from a district, then to be sufficient a recall petition must bear the signatures of registered voters of the school administrative unit district equal in number to at least twenty-five percent (25%) of the registered voters of the school

administrative unit district as shown by the registration records of the last preceding general school administrative unit election.

SECTION 4. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature the signer's place of residence, giving the residence address including town. One of the signers of each such paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

SECTION 5. The Board of Elections of Durham County shall investigate the sufficiency of any such petition and certify the results of such investigation to the Board of Education. The Board of Elections may employ such persons as it deems necessary to undertake such investigation, and the reasonable cost of such investigation shall be reimbursed to the Board of Elections by the school administrative unit. The Board of Elections may adopt such rules and regulations as it deems necessary or advisable concerning the validation of signatures appearing on the recall petition.

SECTION 6. The Board of Elections shall complete its investigation and issue its certification of the results of such investigation within 15 days after the filing of any such petition. If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of said certificate. The Board shall, within 10 days after such amendment, make like examination of the amended petition, and if its certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice to the filing of a new petition.

SECTION 7. Upon a determination that a sufficient recall petition has been submitted, the Board of Elections shall order and fix a date for holding a recall election. Subject to the remaining provisions of this section, any such election shall be held not less than 50 nor more than 70 days after the petition has been certified as being sufficient. If any other general or special election is scheduled within such period, the Board of Elections shall schedule the special election at the same time. If the provisions of general law prohibit the holding of special elections during the time aforesaid, and no general or special election is otherwise scheduled during said period of time, then the Board of Elections shall schedule the special recall election for some date within 10 days after the last day of the period of time during which special elections are prohibited by general law.

SECTION 8. The Durham County Board of Elections shall cause legal notice of the election to be published, the notice to include the general statement of the grounds on which the recall is sought as alleged in the affidavit, and shall make all arrangements for holding such election in accordance with general law, and the same shall be conducted, returned, and the results thereof declared in all respects as other school administrative unit elections in the Durham School Administrative Unit. If the member subject to recall is from a district, the election shall be conducted only in that district. The reasonable costs of such election shall be reimbursed to the Board of Elections by the school administrative unit.

SECTION 9. The question of recalling any number of officials may be submitted at the same election, but, as to each such official, a separate petition shall be filed and there shall be an entirely separate ballot.

SECTION 10. The ballots used in a recall election shall submit the following proposition:

"[ ] For [ ] Against

The recall of (name and title of official)."

SECTION 11. If less than a majority of the votes cast on the question of recalling an official be for recall, the official shall continue in office for the remainder of the unexpired term, but, except as provided by Section 13 of this act, subject to the recall as before. If a majority of such votes be for the recall of the official designated on the ballot, the official shall, regardless of any defects in the recall petition, be deemed removed from office.

SECTION 12. If an official is removed from office as a result of a recall election, the vacancy so caused shall be filled in the manner provided by law for filling vacancies in such office. An official removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that official's own removal or resignation.

SECTION 13. No recall petition shall be filed against an officer who has been subjected to a recall election, and not removed thereby, until at least one year after that election. No recall petition shall be filed against an officer during either the first or last six months of the term of that office.

SECTION 14. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 737
PROPOSED SENATE COMMITTEE SUBSTITUTE H737-PCS45156-RF-26

Short Title: Durham School Recall Election. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Any member of the Durham Board of Education may be removed from office in the manner provided for in this act.

SECTION 2. Any registered voter of the Durham School Administrative Unit may file an affidavit with the Durham County Director of Elections containing the name of the official whose removal is sought and a general statement of the grounds alleged for removal. However, if the member sought to be recalled is from a district, the affidavit must be signed by a registered voter of that district. The Director of Elections shall provide the registered voter filing the affidavit with petition forms for demanding the removal of a Board of Education member. The petition forms shall:

(1) Be signed by the Director of Elections.
(2) Be dated on the date of issuance.
(3) Be addressed to the Durham County Board of Elections.
(4) Contain the name of the person to whom the form is issued.
(5) Contain the name of the official whose removal is sought.
(6) Contain a general statement of the grounds on which the removal is sought.
(7) Provide a place for signatures.

The Director of Elections shall promptly deliver a copy of the petition issued by the Director of Elections to the Superintendent of the Durham School Administrative Unit, who shall enter the copy of the petition in a record book kept for that purpose. The record book shall be maintained at the Office of the Superintendent.

SECTION 3. To be effective, a recall petition must be returned to the Board of Elections within 30 days after the filing of the affidavit. To be sufficient, a recall petition must bear the signatures of at least twenty-five percent (25%) of the registered

voters of the school administrative unit as shown by the registration records of the last preceding general school administrative unit election. However, if the Board of Education member was from a district, then to be sufficient a recall petition must bear the signatures of at least twenty-five percent (25%) of the registered voters of the school administrative unit district as shown by the registration records of the last preceding general school administrative unit election.

SECTION 4. The signatures to the petition need not all be appended to one paper. Each signer shall add his or her signature and the signer's place of residence, giving the residence address including town. One of the signers of each paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

SECTION 5. The Board of Elections shall investigate the sufficiency of any petition and certify the results of the investigation to the Board of Education. The Board of Elections may employ persons as it deems necessary to undertake such investigation. The Board of Education shall reimburse the Board of Elections for the reasonable cost of the investigation. The Board of Elections may adopt rules concerning the validation of signatures appearing on the recall petition.

SECTION 6. The Board of Elections shall complete its investigation and issue its certification of the results of the investigation within 15 days after the filing of any petition. If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of the certificate. The Board shall, within 10 days after any amendment, complete an investigation of the amended petition. If the certification of the results of the investigation shows the amended petition to be insufficient, a copy of the petition shall be returned to the person filing the petition, without prejudice to the filing of a new petition.

SECTION 7. Upon a determination that a sufficient recall petition has been submitted, the Board of Elections shall order and fix a date for holding a recall election. Subject to the remaining provisions of this section, an election shall be held not less than 50 nor more than 70 days after the petition has been certified as being sufficient. If any other general or special election is scheduled within this period, the Board of Elections shall schedule the special election at the same time. If the provisions of general law prohibit the holding of a special election during this time period and no general or special election is otherwise scheduled during that period of time, then the Board of Elections shall schedule the special recall election for a date within 10 days after the last day of the period of time during which special elections are prohibited by general law.

SECTION 8. The Board of Elections shall cause legal notice of the election to be published. That notice shall include the general statement of the grounds on which the recall is sought as alleged in the affidavit and shall make all arrangements for holding such election in accordance with general law. The recall election shall be conducted, returned, and the results declared as in other school administrative unit elections in the Durham School Administrative Unit. If the member subject to recall is from a district, the election shall be conducted only in that district. The reasonable costs

of the recall election shall be reimbursed to the Board of Elections by the Board of Education.

SECTION 9. The question of recalling any number of officials may be submitted at the same election. But as to each such official, a separate petition shall be filed and there shall be an entirely separate ballot.

SECTION 10. The ballots used in a recall election shall submit the following proposition:

"[ ] FOR [ ] AGAINST

The recall of (name and title of official)."

SECTION 11. If less than a majority of the votes cast on the question of recalling an official are for recall, the official shall continue in office for the remainder of the unexpired term and, except as provided by Section 13 of this act, shall be subject to the recall as before. If a majority of such votes are for the recall of the official designated on the ballot, the official shall, regardless of any defects in the recall petition, be deemed removed from office.

SECTION 12. If an official is removed from office as a result of a recall election, the vacancy shall be filled in the manner provided by law for filling vacancies in that office. An official removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that official's own removal or resignation.

SECTION 13. No recall petition shall be filed against an officer who has been subjected to a recall election, and not removed thereby, until at least one year after that recall election. No recall petition shall be filed against an officer during either the first or last six months of the term of that office.

SECTION 14. This act is effective when it becomes law.

HOUSE BILL 668:
New Hanover County Occupancy Tax

BILL ANALYSIS

Committee:	House Local Government II	**Introduced by:**	Rep. Wright
Date:	April 9, 2003	**Summary by:**	Giles S. Perry & Barbara Riley Committee Counsel
Version:	Proposed Committee Substitute		

SUMMARY: House Bill 668 makes two changes to the administrative provisions of the New Hanover County occupancy tax. First it allows the funds from the tax to be used to mitigate damage from all erosion, not just storm erosion. Second, it requires the designees of ex officio members of the local tourism development authority (the group that administers the tax) to e members of the same governing body as the member who designates them.

CURRENT LAW: Under current law a portion of the New Hanover County Occupancy Tax may be used for mitigating damage and erosion from storms to inland property. The ex officio members of the governing Board for the local tourism development authority, which administers the tax, are authorized to appoint designees to serve in their place.

BILL ANALYSIS:

House Bill 668 amends the administrative provision of the New Hanover County occupancy tax to allow funds from the tax to be used to mitigate damage from all erosion, not just storm erosion; and to require designees of ex officio members of the local tourism development authority to be members of the same governing body as the member who designates them.

House Bill 668 is effective when it becomes law.

H668-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 668

Committee Substitute Favorable 4/10/03

Short Title: New Hanover County Occupancy Tax. (Public)

Sponsors:

Referred to:

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Section 34(b)(1) of Part VIII of Chapter 908 of the 1983 Session Laws, as amended by Chapter 987 of the 1983 Session Laws, Chapters 726 and 971 of the 1985 Session Laws, Chapter 540 of the 1995 Session Laws, and S.L. 2002-138, reads as rewritten:

"(1) The ex officio members are listed below. Each ex officio member may designate to serve in the member's place an individual who ~~is actively involved in promoting travel and tourism in the local community the member represents or who owns or manages a lodging facility in the local community the member represents.~~serves on the governing body of the county or municipality that the member represents.

a. The chair of the board of county commissioners.

b. The mayor of the City of Wilmington.

c. The mayors of the beach towns."

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

HOUSE BILL 680:
Granite Quarry Charter Revision.

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans Affairs	**Introduced by:**	Rep. McCombs
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	June 4, 2003		
Version:	First Edition		

SUMMARY: The bill would revise and consolidate the charter of the Town of Granite Quarry.

BACKGROUND: 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 non-partisan elections. Previous charter provisions on the same subject matters would be repealed. All existing ordinances and resolutions that are not inconsistent with the changes remain in effect.

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

Summary Contribution by Erika Churchill, Staff Attorney
H680-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 680

Short Title:	Granite Quarry Charter Revision.	(Local)
Sponsors:	Representative McCombs.	
Referred to:	Local Government I.	

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Granite Quarry is revised and consolidated to read:

"CHARTER OF THE TOWN OF GRANITE QUARRY.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1-1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Granite Quarry are a body corporate and politic under the name "Town of Granite Quarry". Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Section 2-1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Granite Quarry are as shown upon the official map showing the current town boundaries retained in the office of the Town Clerk.

"CHAPTER III.

"GOVERNING BODY.

"Section 3-1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Granite Quarry is the Board of Aldermen, which has five members.

"Section 3-2. **Manner of Electing Board.** The qualified voters of the entire Town elect the members of the Board.

"Section 3-3. **Terms of Office of Board Members.** Members of the Board are elected to four-year terms. In 2003, and each four years thereafter, three members of the Board shall be elected. In 2005, and each four years thereafter, two members of the Board shall be elected.

"Section 3-4. **Election of Mayor; Term of Office.** At the organizational meeting of the Board following each election, the Board shall elect one of its members to serve as Mayor and one to serve as Mayor Pro Tempore. The Mayor and Mayor Pro Tempore shall serve at the pleasure of the Board.

"Section 3-5. **Mayor to Vote in Case of Tie Vote Only.** The Mayor shall not vote on any matter before the Board, except when there exists a tie vote among the other members of the Board.

"CHAPTER IV.

"ELECTIONS.

"Section 4-1. **Conduct of Town Elections.** Town officers shall be elected on a nonpartisan basis and the results determined by a plurality as provided in G.S. 163-292.

"CHAPTER V.

"ADMINISTRATION.

"Section 5-1. **Town to Operate Under Mayor-Council Plan.** The Town of Granite Quarry operates under the mayor-council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

SECTION 2. The purpose of this act is to revise the Charter of the Town of Granite Quarry and to consolidate herein certain acts concerning the property, affairs, and government of the Town.

SECTION 3. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act, are hereby repealed:

Chapter 259, Private Laws of 1901
Chapter 43, Private Laws of 1905
Chapter 667, Session Laws of 1949
Chapter 14, Session Laws of 1957
Chapter 76, Session Laws of 1959.

SECTION 4. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

SECTION 5. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

(2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

SECTION 6. All existing ordinances and resolutions of the Town of Granite Quarry and all existing rules or regulations of departments or agencies of the Town of Granite Quarry not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified, or amended.

SECTION 7. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Granite Quarry or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

SECTION 8. If any part of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 9. Whenever a reference is made in this act to a particular provision of the General Statutes and such provision is later amended, repealed, or superceded, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute which most nearly corresponds to the statutory provision which is repealed or superceded.

SECTION 10. This act is effective when it becomes law.

HOUSE BILL 696: WADESBORO/ANSONVILLE GOVERNING BODY TERMS.

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans' Affairs	**Introduced by:**	Representative Gibson
		Summary by:	R. Erika Churchill & Barbara Riley
Date:	June 4, 2003		
Version:	Edition 1		Committee Counsel

SUMMARY: The bill would extend the term of the office of Mayor from two to four years in both Wadesboro and establish 4 year terms for the mayor and town council of 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.

BILL ANALYSIS: The bill would change the term of the office of mayor for the Town of Wadesboro from two years to four years, beginning in 2003. The bill would also amend the order of the Municipal Board of Control (1928) creating the Town of Ansonville, to provide a four year term for the mayor and the members of the Town Council. 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.

H696-SMST-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 696

Short Title:	Wadesboro/Ansonville Governing Body Terms.	(Local)
Sponsors:	Representatives Gibson; and Goodwin.	
Referred to:	Local Government I.	

March 27, 2003

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.4(a) of the Charter of the Town of Wadesboro, being Chapter 297 of the 1975 Session Laws, as amended by Chapter 885 of the 1985 Session Laws, reads as rewritten:

"(a) The members of the town council and the mayor shall serve for terms of four years, ~~and the mayor shall serve for a term of two years,~~ beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this charter; provided, they shall serve until their successors are elected and qualify."

SECTION 2. Section 4.1 of the Charter of the Town of Wadesboro, being Chapter 297 of the 1975 Session Laws, as amended by Chapter 885 of the 1985 Session Laws, reads as rewritten:

"**Sec. 4.1.** Regular municipal elections. Regular municipal elections shall be held biennially in odd-numbered years on the day set by general law for municipal elections. In the ~~1975~~ 2003 regular municipal elections and ~~biennially~~ quadrennially thereafter there shall be elected a mayor for a term of ~~two~~ four years. In the 1975 regular municipal election and quadrennially thereafter, two council members shall be elected to serve terms of four years each. In the 1977 regular municipal election and quadrennially thereafter, three council members shall be elected to serve terms of four years each. Newly elected council members shall fill the seats of those council members whose terms are then expiring."

SECTION 3. That portion of the order of the Municipal Board of Control for the State of North Carolina, dated May 9, 1928, In Re: Incorporation of the Town of

Ansonville, Anson County, North Carolina, stating the manner of electing the Town Council of Ansonville reads as rewritten:

"The governing body of the Town shall be the Mayor and the Town Council, which shall be composed of five members. The governing body shall be elected by all the qualified voters of the entire Town. In 2003, and quadrennially thereafter, the Mayor and the Town Council shall be elected for four-year terms or until their successors are elected and qualified."

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

HOUSE BILL 928:
Appalachian State/Regulate Parking.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representative Brubaker
		Summary by:	Theresa Matula Committee Staff
Date:	June 3, 2003		
Version:	First Edition		

SUMMARY: ***House Bill 928 amends the list of streets where the Board of Trustees of Appalachian State University may by ordinance prohibit, regulate, and limit parking of motor vehicles, if parking is not already prohibited by an ordinance of the Town of Boone.***

CURRENT LAW:

Each board of trustees of a constituent university may, through ordinances, prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic and the parking of motor vehicles on campus including public streets designated in G.S. 116-44.5 if parking is not prohibited by an ordinance or other law of any affected municipality, county or other governmental entity. If an ordinance or other law is adopted to prohibit parking on any portion of any public street or road that is being regulated by an ordinance of a board of trustees, the ordinance of the board of trustees is superceded.

BILL ANALYSIS:

Section 1 House Bill 928 amends G.S. 116-44.5(2) containing the list of public streets in the Town of Boone where the Board of Trustees of Appalachian State University may by ordinance prohibit, regulate and limit the parking of motor vehicles, if it is not prohibited by an ordinance of the Town of Boone.

Section 2 establishes that this act becomes effective when it becomes law.

* Drupti Chauhan contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 928

Short Title:	Appalachian State/Regulate Parking.	(Public)
Sponsors:	Representative Brubaker.	
Referred to:	Education Subcommittee on Universities.	

April 8, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE APPALACHIAN STATE UNIVERSITY TO REGULATE PARKING ON CERTAIN STREETS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-44.5(2) reads as rewritten:

"**§ 116-44.5. Special provisions applicable to identified constituent institutions of the University of North Carolina.**

In addition to the powers granted by G.S. 116-44.4, the board of trustees of each of the constituent institutions enumerated hereinafter shall have the additional powers prescribed:

...

(2) The Board of Trustees of Appalachian State University may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Boone where parking is not prohibited by an ordinance of the Town of Boone:

a. ~~Faculty~~ Rivers Street, between U.S. 221-U.S. 321 (Hardin Street) and Water Street;

b. Stadium Drive, between ~~Faculty~~ Rivers Street and ~~Fernclift~~ Hemlock Drive;

c. College Street, ~~between U.S. 421-U.S. 321 (King Street) and Locust Street;~~to the extent that it is bounded on both sides by the university campus;

d. Appalachian Street, between Locust Street and Howard Street;

e. Brown Street, between Locust Street and Howard ~~Street.~~Street;

f. Hill Street, only on the half of Hill Street bounded by the university campus;

g. Stansberry Circle, from Holmes Drive to the end of Stansberry Circle;

h. Locust Street, from U.S. 221-U.S. 321 (Hardin Street) to the end of Locust Street; and

i. Dale Street, from State Farm Road to the end of Dale Street."

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

HOUSE BILL 1155:
St. Emp. Payroll Deduction/Parental Savings.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representative Insko
		Summary by:	Theresa Matula Committee Staff
Date:	June 2, 2003		
Version:	First Edition		

SUMMARY: House Bill 1155 allows State employees to authorize payroll deductions for deposit in the Parental Savings Trust Fund administered by the State Education Assistance Authority.

CURRENT LAW:

- **G.S. 116-203** creates the **State Education Assistance Authority** (Authority) whose purpose is to develop and administer programs of financial assistance for students pursuing higher education.
- **G.S. 116-209.25** establishes the **Parental Savings Trust Fund** (Fund), which is administered by the State Education Assistance Authority to enable qualified parents to save funds to meet the postsecondary education expenses of eligible students. The Authority is authorized, as trustee, to accept, hold, invest, and disburse contributions, and interest earned on contributions, from qualified parents and other interested parties.
- **G.S. 143-3.3(f) through (k)** establishes various payroll deduction options, including those for State employees.

BILL ANALYSIS:

Section 1 of House Bill 1155 amends G.S. 143-3.3 by adding a new subsection enabling State employees to contribute to the Parental Savings Fund through payroll deductions.

Section 2 establishes that it is effective when it becomes law.

BACKGROUND:

In 1996, the General Assembly enacted legislation that created a parental savings trust fund to be managed by the NC State Education Assistance Authority.

During the 2000 Session, the General Assembly amended the law to authorize the Authority to invest, as well as accept, hold, and disburse contributions to the Parental Savings Trust Fund, and to determine an appropriate investment strategy for the Fund. The strategy could include a combination of fixed income assets and preferred or common stocks. The Authority may deposit all or any part of the trust fund for investment with either the State Treasurer or with an investment manager(s). This change became effective on July 1, 2001.

In 2001, the General Assembly amended the law again to clarify that the Authority may accept, hold, and invest contributions from parents and other interested parties who are not residents of North Carolina.

Purpose: The purpose of the trust fund is to enable qualified persons to save funds to meet the postsecondary education expenses of eligible students. The money can be used for tuition, fees, books, supplies, equipment, and room and board. A student may attend any public or private, two-year or four-year accredited institution anywhere in the country.

Tax Advantages: Account earnings are free from federal and North Carolina income taxes when the money is used to pay for qualified higher education expenses. Withdrawals used for qualified higher education expenses are exempt from state and federal income taxes.

** Shirley Iorio substantially contributed to this summary.*

H1155-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1155

Short Title:	St. Emp. Payroll Deduction/Parental Savings.	(Public)
Sponsors:	Representatives Insko; and Hackney.	
Referred to:	State Government.	

April 10, 2003

A BILL TO BE ENTITLED

AN ACT ALLOWING PAYROLL DEDUCTION FOR STATE EMPLOYEES CONTRIBUTING TO THE PARENTAL SAVINGS TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-3.3 is amended by adding a new subsection to read:

"(f1) Payroll Deduction for Contributions to the Parental Savings Fund Allowed. – An employee of the State may authorize, in writing, the periodic deduction from the employee's salary or wages paid for employment by the State of a designated lump sum for deposit in the Parental Savings Trust Fund administered by the State Education Assistance Authority."

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

HOUSE BILL 1210:
NC School of the Arts/Board Membership.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans Affairs	**Introduced by:**	Representative Yongue
		Summary by:	Theresa Matula Committee Staff
Date:	June 3, 2003		
Version:	First Edition		

SUMMARY: House Bill 1210 allows the conductor of the North Carolina Symphony to designate an individual to serve in his/her capacity as an ex officio, nonvoting member of the North Carolina School of the Arts Board of Trustees.

BACKGROUND:

The North Carolina School of the Arts is established and maintained as a school for the professional training of students having exceptional talent in the performing arts. It is defined as an educational institution of the State, designed to serve the students of North Carolina and other states, particularly other states of the South.

Article 4 of Chapter 116 contains provisions for the North Carolina School of the Arts. Pursuant to G.S. 116-65, the Board of Trustees for the North Carolina School of the Arts consists of 15 members.

- Thirteen of the members are selected in accordance with provisions of G.S. 116-31 and are chosen as follows:
  - 8 members elected by the UNC Board of Governors
  - 4 members appointed by the Governor
  - The president of the student government, ex officio and voting
- The conductor of the North Carolina Symphony and the Secretary of the Department of Cultural Resources are the other two members of the Board. They are both ex officio nonvoting members.

BILL ANALYSIS:

House Bill 1210 amends G.S. 116-65 to allow the North Carolina Symphony conductor's designee to serve as an ex officio and nonvoting member of the North Carolina School of the Arts Board of Trustees. (Currently, the conductor, but not his/her designee may serve on the Board.)

House Bill 1210 would become effective when it becomes law.

** Dee Atkinson contributed to this summary.*

H 1210-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **1**

HOUSE BILL 1210

Short Title:	N.C. School of the Arts/Board Membership.	(Public)
Sponsors:	Representative Yongue.	
Referred to:	Education.	

April 10, 2003

A BILL TO BE ENTITLED

AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF THE ARTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-65 reads as rewritten:

"**§ 116-65. To be part of University of North Carolina; membership of Board of Trustees.**

The North Carolina School of Arts is a part of the University of North Carolina and subject to the provisions of Article 1, Chapter 116, of the General Statutes; provided, however, that notwithstanding the provisions of G.S. 116-31, the Board of Trustees of said school shall consist of 15 persons, 13 of whom are selected in accordance with provisions of G.S. 116-31, and the conductor of the North Carolina ~~Symphony~~ Symphony, or the conductor's designee, and the Secretary of the Department of Cultural Resources, both serving ex officio and nonvoting."

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

HOUSE BILL 248:
Wilmington Personnel Records.

BILL ANALYSIS

Committee:	Senate State/Local Government and Veterans' Affairs	**Introduced by:**	Representative Wright
		Summary by:	Theresa Matula Committee Staff
Date:	May 27, 2003		
Version:	Second Edition		

SUMMARY: House Bill 248 amends the Charter of the City of Wilmington to allow the city manager of chief of police to disclose limited information regarding the disposition of disciplinary charges against police officers.

BILL ANALYSIS:

Section 1 of House Bill 248 amends the Charter of the City of Wilmington by adding: Section 9.7. Personnel Records., under Article IX. Administrative Offices and Personnel.

Section 9.7(a) allows the city manager or the chief of police to release the disposition of disciplinary charges against a police officer and the facts relied upon in determining the disposition.

- The *disposition of disciplinary charges* includes: determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the City.
- The disposition of disciplinary charges and facts relied upon may released to:
  - the person alleged to have been aggrieved by the officer's actions,
  - a survivor of the person alleged to have been aggrieved by the officer's actions, and
  - any board or commission designated by the city council to review the police disciplinary process.

The members of a board that receive this information must maintain as confidential all personnel information, as such each member must execute and adhere to a Confidentiality Agreement that is satisfactory to the City. In the event that a council or commission hears an appeal of the police disciplinary case, the disposition of the case, as well as the facts and circumstances, may be released by the city manager or the chief of police to any person whose presence is necessary to the appeals hearing as determined by the chief of police.

Section 9.7(b) provides that the portion of a video or audio tape produced by a mobile video recorder in a police department vehicle that recorded an event resulting in a citizen complaint may be reviewed by the person alleged to have been aggrieved by the officer's actions.

Section 2 of House Bill 248 establishes that the act is effective when it becomes law.

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CURRENT LAW:

G.S. 160A-168(b) provides that the following information relating to current and former employees of a municipality is open for public inspection:

- name
- age
- date of original employment or appointment
- current position title
- current salary
- date and amount of the most recent increase or decrease in salary
- date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification
- the office to which the employee is currently assigned

Other than the information above, all information contained in a city employee's personnel file is confidential and is open to inspection only in certain instances.

However, G.S. 160A-168(c)(7) provides that the city council, or the city manager with the concurrence of the council, may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Prior to releasing the information, the manager or council must determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services.

Pursuant to G.S. 160A-168(e) a public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as permitted, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than $500.

* *Kory Goldsmith contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 248
Committee Substitute Favorable 4/30/03

Short Title: Wilmington Personnel Records. (Local)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Article IX of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, is hereby amended by adding a new section to read:

"Section 9.7. Personnel Records.

(a) Notwithstanding G.S. 160A-168, in order to facilitate citizen review of the police disciplinary process, the city manager or the chief of police may release the disposition of disciplinary charges against a police officer and the facts relied upon in determining the disposition to the person alleged to have been aggrieved by the officer's actions or to that person's survivor and to any board or commission designated by city council to review the police disciplinary process. Members of such board or commission shall maintain as confidential all personnel information to which they gain access as a member of such board or commission. Each member of such board or commission shall execute and adhere to a Confidentiality Agreement that is satisfactory to the City. For purposes of this subsection, the 'disposition of disciplinary charges' includes determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the City. In the event that a council designated board or commission hears an appeal of a police disciplinary case, the disposition of the case, as defined in this subsection, as well as the facts and circumstances of the case, may be released by the city manager or the chief of police to any person whose presence is necessary to the appeals hearing as determined by the chief of police.

(b) Notwithstanding G.S. 160A-168, the portion of a video or audiotape produced by a mobile video recorder (MVR) in a police department vehicle which

recorded an event resulting in a citizen complaint against a police officer may be reviewed by the person alleged to have been aggrieved by the officer's actions."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 248

Committee Substitute Favorable 4/30/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H248-PCS70338-SH-14

Short Title: Wilmington Personnel Records. (Local)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Article IX of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, is hereby amended by adding a new section to read:

"Section 9.7. Personnel Records.

(a) Notwithstanding G.S. 160A-168, in order to facilitate citizen review of the police disciplinary process, the city manager or the chief of police may release the disposition of disciplinary charges against a police officer and the facts relied upon in determining the disposition to the person alleged to have been aggrieved by the officer's actions or to that person's survivor and to any board or commission designated by the city council to review the police disciplinary process. Members of such board or commission shall maintain as confidential all personnel information to which they gain access as a member of such board or commission. Each member of such board or commission shall execute and adhere to a Confidentiality Agreement that is satisfactory to the City. For purposes of this subsection, the 'disposition of disciplinary charges' includes determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the City. In the event that a council-designated board or commission hears an appeal of a police disciplinary case, the disposition of the case, as defined in this subsection, as well as the facts and circumstances of the case, may be released by the city manager or the chief of police to any person whose presence is necessary to the appeals hearing as determined by the

chief of police. In addition, the facts and circumstances of the case shall be made available to the police officer.

(b) Notwithstanding G.S. 160A-168, the portion of a video or audiotape produced by a mobile video recorder (MVR) in a police department vehicle which recorded an event resulting in a citizen complaint against a police officer may be reviewed by the person alleged to have been aggrieved by the officer's actions."

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 2

H. B. No. 248 DATE June 4, 2003

S. B. No. _____ Amendment No. 1
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) ~~Horton~~ Hartsell
Sen.)

1 moves to amend the bill on page 1, line 27

2 ( ) WHICH CHANGES THE TITLE

3 by ~~adding deleting police,~~ and adding, after the word

4 "police," the sentence "In addition the facts and circumstances

5 of the case shall be made available to

6 the police officer."

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SIGNED ~~Horton~~ Hartsell

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 249
Committee Substitute Favorable 4/30/03

Short Title: Wilmington Conditional Zoning. (Local)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE CITY OF WILMINGTON TO ENGAGE IN CONDITIONAL ZONING.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 495 of the 1977 Session Laws, as amended, being the Charter of the City of Wilmington, is amended by adding a new section to Article XXIII:

"Section 23.6.(a) In addition to other types of zoning districts permitted by G.S. 160A-382, the City Council may provide for the establishment of conditional zoning districts, including parallel conditional zoning districts. For purposes of this act, a "conditional zoning district" shall be defined as a zoning district in which the development and use of the property included in the district is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. "Parallel conditional zoning district" shall mean a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name. In contrast to conditional use district or special use district zoning, conditional zoning shall not require the issuance of a conditional use or special use permit or permitting process apart from the establishment of the district and its application to particular properties. Rules, regulations, and conditions applicable to any conditional zoning district need not be uniform in all respects for all properties within the same classification of conditional zoning district but may differ based on the unique aspects of each conditional zoning district development, site, and surrounding area.

Section 23.6.(b) Property may be rezoned to a conditional zoning district only in response to and consistent with a petition of the owners of all of the property to be included in the district. A petition for conditional zoning must include a site plan and supporting information that specifies the actual use or uses intended for the property and

any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district.

Section 23.6.(c) Conditional zoning decisions shall be made in consideration of identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents.

Section 23.6.(d) Before a public hearing may be held on a petition for conditional zoning, the petitioner must file in the Office of the City Clerk a written report of at least one community meeting held by the petitioner. Notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by city policy. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date, time, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the City Council but shall not be subject to judicial review.

Section 23.6.(e) Conditional zoning decisions under this act are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions.

Section 23.6.(f) Except as specifically modified by this act, the procedures to be followed by the City Council in reviewing, granting, or denying any petition for conditional zoning shall be the same as those established for general use district zoning petitions under Article 19 of Chapter 160A of the General Statutes.

Section 23.6.(g) The City Council may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the City Council holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing and no valid protest petition under G.S. 160A-386 was filed. If a valid protest petition under G.S. 160A-386 has been filed against a zoning petition which would otherwise have been scheduled for a public hearing during the period beginning on the first day of October prior to a municipal general election, but prior to the new City Council taking office, then the public hearing on such petition and any decision on such petition shall both be postponed until after the new City Council takes office."

SECTION 2. S.L. 1981-258 is repealed.

SECTION 3. This act applies only to conditional zoning petitions filed on or after October 1, 2003, and shall not affect any rezoning case that is the subject of pending litigation.

SECTION 4. This act applies to the City of Wilmington only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 818

Committee Substitute Favorable 4/23/03

Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 5/29/03

Short Title: Safekeeping Military Discharge Documents. (Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47-113.1 is repealed.

SECTION 2. Chapter 47 of the General Statutes is amended by adding a new section to read:

"**§ 47-113.2. Restricting access to military discharge documents.**

(a) This act provides that the images and index of all military discharge documents filed after the effective date shall be considered a public record but for confidential safekeeping and restricted access to such documents, these documents will be filed with the registers of deeds in this State. These documents will be exempt from public inspection and access except as allowed in subsection (b) of this section.

(b) Definitions:

(1) Authorized party. – Four categories of authorized parties are recognized with respect to access to military discharge documents under subsection (d) of this section:

a. Subject of the document.

b. Agents and representatives of the subject authorized in writing:

1. By the subject or subject's widow or widower in a notarized authorization,

2. By a court to represent subject, or

3. By the subject's executor acting on behalf of a deceased subject.

c. Authorized agent of the North Carolina Division of Veterans Affairs, the United States Department of Veterans Affairs, the

Department of Defense, or a court official with an interest in assisting the subject or the deceased subject's beneficiaries to obtain a benefit.

d. Agents or representatives of the North Carolina State Archives.

(2) Filing office. – The office where military discharge documents are recorded, registered, or filed in this State is the register of deeds.

(3) Military discharge document. – Any document that purports to represent a notice of separation from or service in any armed forces of the United States or of any state, including, but not limited to, Department of Defense Form 214 or 215, WD AGO 53, WD AGO 55, WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553, or any other letter relating to the separation from the armed forces.

(c) A military discharge document shall be accepted for filing upon presentation in person.

(1) The filing officer may refuse to accept any document that is:

a. Not submitted in person by an authorized party in accordance with subsection (b) of this section.

b. Not an original, a carbon copy, or a photographic copy issued or certified by an agency of federal or State government.

(d) No copy of a military discharge document or any other information from such document filed after the effective date of this act shall be made available other than in accordance with subsection (b) or (h) of this section.

(1) Certified copy of a military discharge document will be made available only in accordance with subsection (e) of this section and only by individual request.

(2) Uncertified copy of a military discharge document will be made available to an authorized party in accordance with subsection (b) of this section and only by individual request.

(e) The North Carolina Association of Registers of Deeds and the North Carolina Division of Veterans Affairs shall adopt before the effective date of this act such request forms and associated rules as are required to implement the provisions of this act. All filing offices shall use the forms and comply with the rules, as adopted.

(1) Completed request forms shall be maintained in the register of deeds for a period of one year.

(2) The request forms shall not be considered public records and subject to the same restricted access as the military discharge document.

(f) In the event images of and the index to military discharge documents filed prior to the effective date of this act have not been commingled with other publicly available document images and their index in a filing office, the images and the index will be maintained and are subject to all the provisions of this act that apply to newly filed documents.

(g) The register of deeds shall, to the greatest extent possible, take appropriate protective actions in accordance with any limitations determined necessary by the

register of deeds with regard to records that were filed before the effective date of this act.

(h) Subsection (d) of this section shall not apply to images of military discharge documents that have been on file for over 50 years.

(i) There shall be no fee charged for filing military discharge documents or for providing certified copies of military discharge documents provided to those who have a right to access under subsection (d) of this section. Uncertified copy of a military discharge document that becomes public record under subsection (h) of this section is subject to fee as determined in G.S. 161-10(a)(11).

(j) Filing offices shall be responsible for the cost of compliance with this act.

(k) Recording officials shall not be liable for any damages that may result from good faith compliance with the provisions of this act.

(l) The words 'register of deeds' appearing in this section shall be interpreted to mean 'register of deeds, assistant register of deeds, or deputy register of deeds'."

SECTION 3. This act becomes effective January 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 818

Committee Substitute Favorable 4/23/03

Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 5/29/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H818-PCS60364-LB-66

Short Title: Safekeeping Military Discharge Documents. (Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47-113.1 is repealed.

SECTION 2. Chapter 47 of the General Statutes is amended by adding a new section to read:

"**§ 47-113.2. Restricting access to military discharge documents.**

(a) All military discharge documents filed on or after January 1, 2004, shall be considered a public record, but for confidential safekeeping and restricted access to such documents, these documents will be filed with the registers of deeds in this State. These documents are exempt from public inspection and access except as allowed in subsection (b) of this section.

(b) Definitions:

(1) Authorized party. – Four categories of authorized parties are recognized with respect to access to military discharge documents under subsection (d) of this section:

a. The subject of the document.

b. Agents and representatives of the subject authorized in writing:

1. By the subject or subject's widow or widower in a notarized authorization,

2. By a court to represent subject, or

3. By the subject's executor acting on behalf of a deceased subject.

c. Authorized agents of the Division of Veterans Affairs, the United States Department of Veterans Affairs, the Department of Defense, or a court official with an interest in assisting the subject or the deceased subject's beneficiaries to obtain a benefit.

d. Agents or representatives of the North Carolina State Archives.

(2) Filing office. – The office where military discharge documents are recorded, registered, or filed in this State is the register of deeds.

(3) Military discharge document. – Any document that purports to represent a notice of separation from or service in any armed forces of the United States or of any state, including, but not limited to, Department of Defense Form 214 or 215, WD AGO 53, WD AGO 55, WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553, or any other letter relating to the separation from the armed forces.

(c) A military discharge document shall be accepted for filing upon presentation in person.

(c1) The filing officer may refuse to accept any document that is:

(1) Not submitted in person by an authorized party in accordance with subsection (b) of this section.

(2) Not an original, a carbon copy, or a photographic copy issued or certified by an agency of federal or State government.

(d) No copy of a military discharge document or any other information from such document filed after the effective date of this act shall be made available other than in accordance with subsection (b) or (h) of this section.

(d1) Certified copies of a military discharge document will be made available only in accordance with subsection (e) of this section and only by individual request.

(d2) Uncertified copies of a military discharge document will be made available to an authorized party in accordance with subsection (b) of this section and only by individual request.

(e) The North Carolina Association of Registers of Deeds and the Division of Veterans Affairs shall adopt before January 1, 2004, such request forms and associated rules as are required to implement the provisions of this section. All filing offices shall use the forms and comply with the rules, as adopted.

(e1) Completed request forms shall be maintained in the register of deeds for a period of one year.

(e2) The request forms shall not be considered public records and are subject to the same restricted access as the military discharge document.

(f) In the event images of and the index to military discharge documents filed prior to January 1, 2004, have not been commingled with other publicly available document images and their index in a filing office, the images and the index will be maintained and are subject to all the provisions of this section that apply to newly filed documents.

(g) The register of deeds shall, to the greatest extent possible, take appropriate protective actions in accordance with any limitations determined necessary by the

register of deeds with regard to records that were filed before the effective date of this act.

(h) Subsection (d) of this section shall not apply to images of military discharge documents that have been on file for over 50 years.

(i) There shall be no fee charged for filing military discharge documents or for providing certified copies of military discharge documents provided to those who have a right to access under subsection (d) of this section. Uncertified copy of a military discharge document that becomes public record under subsection (h) of this section is subject to fee as determined in G.S. 161-10(a)(11).

(j) Filing offices shall be responsible for the cost of compliance with this section.

(k) Recording officials shall not be liable for any damages that may result from good faith compliance with the provisions of this section.

(l) The words 'register of deeds' appearing in this section shall be interpreted to mean 'register of deeds, assistant register of deeds, or deputy register of deeds'."

SECTION 3. This act becomes effective January 1, 2004, except that actions may be taken under the first sentence of G.S. 47-113.2(e) when this act becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 818 DATE 28 MAY 03

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.)
) SOLES
Sen.)

moves to amend the bill on page 1, lines 2-4

(✓) WHICH CHANGES THE TITLE

by deleting those lines and substituting the following:

"AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES,"

AND TO CHANGE THE SHORT TITLE BY DELETING THE WORDS "FILED DD FORMS 214-Effective Date.",

and substituting the following:

"SAFEKEEPING MILITARY DISCHARGE DOCUMENTS."

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — JUNE 4, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amanda Reeder	Intern/Rep Goodwin
Jere Royall	NC Family Policy Council
John Eyrus	NC State Grange
Jeff Gray	NC FOP
Camille Stell	KCLH
Lorin Mueller	NC Coalition of Police
Richard O'Brien	PFFNC
John Phelps	NCLM
R. Paul Wilms	NCHBA
Tim Minton	NCHBA
Mark Fleming	University System

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — JUNE 4, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bob Pasqua	NC State Water
	NCRA

AGENDA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS'AFFAIRS COMMITTEE

Wednesday, June 11, 2003 at 12:00 Noon

Room 1124, Legislative Building

I. Welcome and Opening Remarks

II. Bills to be Considered

HB 773	Chapel Hill Sprinklers.	Representative Insko

III. Other Business

IV. Adjournment

TERMS TO USE AFTER A BILL HAS BEEN VOTED ON

- FAVORABLE
- FAVORABLE, AS AMENDED
- UNFAVORABLE AS TO BILL, BUT FAV. AS TO COMM.SUB. BILL
- UNFAVORABLE

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, JUNE 11, 2003

MINUTES

State Government and Local Government and Veteran Affairs committee met June 11, 2003 at 12:00 noon in Room 1124 of the Legislative Building. Ten members were present, including Senator Ellie Kinnaird, who presided

HB 773 Chapel Hill Sprinklers, was explained by Representative Insko. Senator Kinnaird offered an amendment and moved to adopt it. The motion carried unanimously. T. Jerry Williams, NC Restaurant Association spoke in support of the bill. Senator Hargett moved a favorable report as amended. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 11, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **773** Chapel Hill Sprinklers.

Draft Number:	PCS 30380
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 773

Committee Substitute Favorable 4/30/03

Short Title: Chapel Hill Sprinklers. (Local)

Sponsors:

Referred to:

March 27, 2003

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.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any provision of the State Building Code or any public or local law to the contrary, including, but not limited to, Chapter 143 of the General Statutes, a town may require by ordinance the installation of sprinkler systems in public assembly occupancies licensed to serve alcoholic beverages as follows:

(a) Prior to issuance of a certificate of occupancy:

(1) 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; or

(2) Any new occupancy to be established with a rated occupancy load exceeding 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.

(b) Within five years of the enactment of the requiring ordinance:

(1) 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; or

(2) 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.

SECTION 2. This act applies to the Town of Chapel Hill only.

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

~~Proposed~~ Committee Substitute For
H.B. 773

SESSION LAW _____

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.

Introduced by Representative(s): Insko

Principal Clerk's Use Only
The Committee on Local Govt. F a majority being present, having considered this bill, recommend that it do pass.
Rep. Walker
For the Committee

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL
APR 30 2003
AND PLACED ON CALENDAR FOR
3rd
5-1-03

PASSED 2nd & 3rd READING
MAY 1 2003
ORDERED SENT TO SENATE

Special Message Walker

RECEIVED
May 1 2003
From House of Representatives
By Clerk SP 12:10 AM/PM

PASSED 1st READING
MAY 1 2003
AND REFERRED TO COMMITTEE
Hild

WITH UNANIMOUS CONSENT
WITHDRAWN FROM
CLERK'S OFFICE
MAY 5 2003
~~REFERRED TO~~
Rules

WITH UNANIMOUS CONSENT
WITHDRAWN FROM
Rules
JUN 4 2003
RE-REFERRED TO
St. Govt. Loc. Gov't
Vet Affairs

HOUSE BILL 773:
Chapel Hill Sprinklers.

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov, and Veterans' Affairs	**Introduced by:**	Representative Insko
Date:	June 11, 2003	**Summary by:**	R. Erika Churchill and Barbara Riley
Version:	2nd Edition		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: House Bill 773 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 load exceeding 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 773

Committee Substitute Favorable 4/30/03

Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/11/03

Short Title: Chapel Hill Sprinklers. (Local)

Sponsors:

Referred to:

March 27, 2003

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.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any provision of the State Building Code or any public or local law to the contrary, including, but not limited to, Chapter 143 of the General Statutes, a town may require by ordinance the installation of sprinkler systems in public assembly occupancies licensed to serve alcoholic beverages, other than restaurants as defined in G.S. 18B-1000(6), as follows:

(a) Prior to issuance of a certificate of occupancy:

(1) 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; or

(2) Any new occupancy to be established with a rated occupancy load exceeding 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 storey or more above or below grade.

(b) Within five years of the enactment of the requiring ordinance:

(1) 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; or

(2) 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 storey or more above or below grade.

SECTION 2. This act applies to the Town of Chapel Hill only.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 773

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H773-ARF-19 [v.1]

Date 6-11-03 ,2003

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Senator Kinnaird

moves to amend the bill on page 1, line 8 by rewriting that line to read:

"in public assembly occupancies licensed to serve alcoholic beverages, other than restaurants as defined in G.S. 18B-1000(6), as follows:"

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — JUNE 11, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kate Allison	
Nancy Thomas	
David Crawford	AIA NC
Amy Dobson	NC Est. Telwatch

AGENDA

SENATE STATE AND LOCAL GOVERNMENT AND VETERAN'S AFFAIRS COMMITTEE
Tuesday, June 24, 2003 at 5 Minutes before session
Around Senator Kinnaird's desk

I. Welcome and Opening Remarks

II. Bills to be Considered

HB 401	Avery Fire Protection.	Representative Frye

III. Other Business

IV. Adjournment

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS' AFFAIRS COMMITTEE

Tuesday, June 24, 2003, 5 minutes before Session
Around Senator Kinnaird's desk

MINUTES

The State Government, Local Government and Veterans' Affairs Committee met at 2:55 p.m. on Tuesday, June 24, 2003, around Senator Kinnaird's desk in the Senate Chamber. Nine members of the committee were present. Senator Kinnaird presided.

Senator Kinnaird introduced Senator Joe Sam Queen to explain HB 673, Avery Fire Protection. Senator R. B. Sloan moved to give the bill a favorable report. The motion carried.

The meeting was adjourned at 3:00 p.m.

Senator Ellie Kinnaird, Chair

Dot Waugaman, Committee Assistant
acting

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Tuesday, June 24, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) **673** Avery Fire Protection.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 673

Committee Substitute Favorable 4/30/03

Short Title: Avery Fire Protection. (Local)

Sponsors:

Referred to:

March 26, 2003

A BILL TO BE ENTITLED

AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AVERY COUNTY FIRE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. There is hereby created the "Avery County Fire Commission" (hereinafter referred to as the "Commission"), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by general law and future acts of the General Assembly.

SECTION 2. The Avery County Board of Commissioners and the Commission shall jointly adopt a mission statement as well as a memorandum of understanding jointly agreed upon and clearly stating the expectations and obligations of each under this act.

SECTION 3.(a) The Commission shall consist of five persons who are residents of Avery County, two of whom shall be consumers appointed by the Board of Commissioners and two of whom shall be firemen approved by the Avery County Fire Association and appointed by the Board of Commissioners. The other four sitting members of the Commission shall choose the remaining member. In case of a deadlock or failure of the seated members to act within 60 days to fill the fifth seat, a five-member committee composed of the Chairman of the Board of Commissioners and another commissioner appointed by the Chairman, the President of the Fire Association and another member of the Fire Association, and a fifth person chosen jointly by the other four members of the committee will make the appointment. The County Manager shall serve as a nonvoting ex officio member of the Commission and shall be the liaison from the Commission to the Board of Commissioners. No elected official may serve on the Commission. Any member of the Commission can be a member of a rescue unit, but membership in a rescue unit is not a prerequisite for any appointment.

SECTION 3.(b) One of the initial Fire Association appointees shall be appointed for a two-year term; the other shall be appointed for a one-year term. One of

the initial appointees by the Board of Commissioners shall be appointed for a two-year term; the other shall be appointed for a one-year term. The at-large member appointed by the four seated members shall serve a two-year term. All successors shall serve two-year terms. Unexcused absence from two out of three consecutive, regularly scheduled meetings, or absence from one-third of the meetings per year, shall be grounds for removal from the Commission. Recurring noncompliance with Commission decisions or duly adopted policy enacted by a majority vote of the Commission shall be grounds for removal from the Commission by the Board of Commissioners.

SECTION 3.(c) The officers of the Commission shall consist of a chairman, a vice-chairman, and a secretary/clerk. At the first meeting of each calendar year, the Commission shall elect from its own membership, by majority vote, a chairman, a vice-chairman, and a secretary/clerk, each of whom shall serve for one year or until the officer's death, resignation, retirement, or removal. The chairman, vice-chairman, or secretary/clerk may be removed from office by a simple majority vote of the Commission whenever, in its judgment, the best interests of the Commission will be served thereby. The Commission shall fill any vacant officer's position within 30 days of the vacancy.

SECTION 3.(d) The chairman shall preside at all meetings of the Commission, appoint all subcommittees, serve as an ex officio member of such subcommittees, delegate responsibilities to members, notify members and the media of meeting times and dates, and, upon approval of the Commission member, sign all minutes and any such records, vouchers, or other documents connected with the work of the Commission requiring such signature. The chairman is responsible for the decorum of the meeting and may remove from the meeting, by simple majority, any member who is deemed to be disruptive.

In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. The vice-chairman shall also exercise such duties as from time to time may be assigned to him by the chairman of the Commission.

The secretary/clerk shall record the actions of the Commission, maintain and secure all pertinent Commission material, and ensure adequate correspondence with Commission members. All approved minutes of Commission meetings will be made available for public review upon request.

SECTION 3.(e) The Commission shall meet at least monthly for regular meetings. The regular meetings shall be held in a public facility convenient to the public, preferably at the County Office Building.

The chairman may call such special meetings as may be deemed necessary to carry out the duties of the Commission, or, upon the written request of at least three members, the chairman shall call a meeting within 10 days. Notice of special meetings shall be given to all Commission members at least 48 hours in advance of any such meetings.

Three or more members shall constitute minimum attendance to conduct business.

Notice of the agenda items to be considered at each regular meeting shall be communicated to all members at least three days prior to each meeting. All meetings

shall be conducted with strict compliance to the duly adopted Commission policy and procedures manual.

SECTION 3.(f) Each Commission member shall be entitled to one vote. Members must register their request to abstention from voting on matters that would pose for them a conflict of interest. Abstention may be allowed only by approval of a majority of the remaining members.

SECTION 3.(g) The Commission policy and procedures manual and changes thereto shall be approved by the Avery County Board of Commissioners.

SECTION 3.(h) The Commission shall adopt suitable bylaws policy and procedures, contracts, rules, and regulations for its management subject to approval by the Avery County Board of Commissioners. The bylaws may be amended by a vote of the Commission subject to the approval of the Avery County Board of Commissioners. The members of the Commission may receive compensation or per diem and shall be allowed their actual traveling expenses incurred in transacting the business and at the insistence of the Commission.

SECTION 4.(a) The Commission may:

(1) Purchase, acquire, establish, construct, own, control, lease, improve, maintain, or operate real or personal property.

(2) Sue and be sued in the name of the Commission.

(3) Make contracts and hold any personal property necessary for the exercise of the powers of the Commission.

(4) Make all reasonable rules and regulations it deems necessary for the proper maintenance, use, operation, and control of Commission property and provide penalties for the violations of these rules and regulations; provided, the rules and regulations are not in conflict with the laws of North Carolina or local ordinance.

(5) Sell, lease, or otherwise dispose of any property, real or personal, belonging to the Commission according to general law applicable to counties. Sale of real property shall be made in accordance with general law applicable to counties.

(6) Be responsible for any and all insurance claims or liabilities. Avery County does not incur any personal or property liability.

(7) Deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time.

(8) Have a corporate seal, which may be altered at will.

(9) Contract with and accept grants from other agencies or representatives of said governmental bodies.

(10) Acquire from the county, either by gift or for such consideration as the county may deem wise, any real or personal property that it now owns or may hereafter acquire.

SECTION 4.(b) The Commission shall be liable for its acts or omissions and shall purchase liability insurance in such amounts as the Avery County Board of Commissioners shall require. Avery County shall not be liable for the acts or omissions of the Commission.

SECTION 5. The Commission has the same exemptions in respect to payment of taxes and license fees and eligibility for sales and use tax refunds to the same extent as provided for municipal corporations by the laws of the State of North Carolina.

SECTION 6. The Commission shall make an annual report to the Avery County Board of Commissioners setting forth in detail the operations and transactions conducted by it pursuant to this act. The Commission shall not have the power to pledge the credit of Avery County, or any subdivision thereof, or to impose any obligation on Avery County, or any of its subdivisions, except when that power is expressly granted by statute.

SECTION 7. The Avery County Board of Commissioners shall appropriate funds derived from the Avery County Fire Tax to carry out the provisions of this act in any proportion or upon any basis as may be determined by the Avery County Board of Commissioners. The Commission may make recommendations to the Avery County Board of Commissioners with respect to such appropriations.

SECTION 8. The powers granted to the Commission shall not be effective until the Avery County Board of Commissioners has appointed the members of the Commission, and nothing in this act shall require the Board of Commissioners to make the initial appointments. It is the intent of this act to enable but not to require the formation of the Commission.

SECTION 9. If any one or more sections, clauses, sentences, or parts of this act shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions held to be invalid, and the inapplicability or invalidity of any section, clause, sentence, or part of this act in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

SECTION 10. This act is effective when it becomes law.

LOCAL BILL

not RC pursuant here

~~Proposed~~ Committee Substitute For
H.B. 673

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AVERY COUNTY FIRE COMMISSION.

Introduced by Representative(s): Frye

Principal Clerk's Use Only

Committee on Ways & Means
majority being present, having considered
this bill, recommend that it do ✓ pass.

Reps. Decker & Paten
For the Committee

and be re-referred to Finance.

FAVORABLE TO COMM. SUB.
UNFAVORABLE TO BILL

APR 30 2003

~~AND PLACED ON CALENDAR FOR~~
re-referred to

Finance

The Committee on Finance
a majority being present, having considered
this bill, recommend that it do ✓ pass.
Reps. G. Allen, Howard, Luebke, McComas, Miner
and Wainwright.
For the Committee

REPORTED FAVORABLY JUN 10 2003

PURSUANT TO RULE 36(b)

JUN 10 2003

PLACED ON CALENDAR
OF 6-11-03

vv vv

PASSED 2nd & 3rd READING

JUN 11 2003

ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
JUN 12 2003

From House of Representatives
By Clerk AL 905 AM/PM

PASSED 1st READING

JUN 12 2003

AND REFERRED TO COMMITTEE
on St. Gov, Loc. Gov
Vet. Affairs

Senate State Government, Local Government, and Veterans' Affairs Committee

Wednesday, July 9, 2003, 1:55 p.m.
Senate Chamber

AGENDA

Welcome and Opening Remarks

Bills

HB 401	Henderson Overgrown Vegetation Ordinance.	Representative Crawford, Jr. Representative Fox

Adjournment

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE
Wednesday, July 9, 2003 at 1:55 P.M.
Senate Chamber

MINUTES

The Senate State Government, Local Government, and Veterans' Affairs Committee met at 1:55 p.m. on July 9, 2003, in the Senate Chamber. Seven members of the committee were present. Senator Cecil Hargett, Vice Chair, presided.

Senator Hargett recognized Hal Pell, Counsel to the Committee, to explain the bill. Senator Katie Dorsett moved to give the bill an unfavorable report, but favorable as to a Senate committee substitute. The motion carried.

The meeting adjourned at 2:00 p.m.

Cecil Hargett
Senator Cecil Hargett, Presiding

Dot Waugaman
Dot Waugaman, Acting Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, July 09, 2003

SENATOR KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **401** Henderson Overgrown Vegetation Ordinance.

Draft Number:	PCS80344
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 401*

Committee Substitute Favorable 3/26/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H401-PCS80344-LB-82

Short Title: Henderson Conveyance. (Local)

Sponsors:

Referred to:

March 11, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF HENDERSON TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE, AND TO ALLOW THE CITY TO ACCEPT A DEED SUBJECT TO A DEED OF TRUST.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Henderson may convey by private sale to the Embassy Cultural Center Foundation, Inc., any or all of its right, title, or interest in the Embassy South Block.

SECTION 2. The City of Henderson may accept for public purposes a conveyance of real property subject to an existing deed of trust so long as the City of Henderson does not pledge its taxing authority or the full faith and credit of the City for the payment of the underlying loan.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 401*
Committee Substitute Favorable 3/26/03

Short Title: Henderson Overgrown Vegetation Ordinance. (Local)

Sponsors:

Referred to:

March 11, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Henderson, being Chapter 780 of the 1967 Session Laws, as amended, is amended by adding the following new section:

"Sec. 40.1. Weeded Lot Ordinance. The City may notify a violator of the City's weeded lot ordinance that if the violator's property is found to be in violation of the ordinance again in the calendar year in which notice is given, the City shall, without further notice, take action to remedy the violation, and the expense of that action shall be charged to the violator. The notice may also provide that for each additional violation the City shall charge the violator the expense of the action and a surcharge of up to fifty percent (50%) over the expense to remedy the preceding violation. Notice of violation shall be served by registered or certified mail or as otherwise provided by law."

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

LOCAL BILL

~~Proposed~~ Committee Substitute For
H.B. 401

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

Introduced by Representative(s): Jeffus and Crawford (Primary Sponsors)

Principal Clerk's Use Only

The Committee on Local Government II a majority being present, having considered this bill, recommend that it do ✓ pass.

Rep. Adams
For the Committee

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL

MAR 26 2003

AND PLACED ON CALENDAR FOR
3rd

3/31/03

VV VV

PASSED 2nd & 3rd READING

MAR 31 2003

ORDERED SENT TO SENATE

Denise Weeks

RECEIVED

APR 1 2003

From House of Representatives
By Clerk 8:55 AM/PM

PASSED 1st READING

APR 1 2003

AND REFERRED TO COMMITTEE
on St. Gov, Loc. Gov. Vet. Affairs

HOUSE BILL 401:
Henderson Conveyance.

BILL ANALYSIS

Committee:	Senate State State and Local Govt. and Veterans' Affairs	**Introduced by:**	
		Summary by:	H. Alan Pell Committee Co-Counsel
Date:	July 9, 2003		
Version:	PCS		

SUMMARY: The bill would allow the City to convey property by private sale, and to allow it to accept property subject to a deed of trust on condition that it not pledge its taxing authority or the full faith or credit of the City on the underlying loan. The act is effective when it becomes law.

BILL ANALYSIS:

Section 1: The bill would allow the City to convey property by private sale to the Embassy Cultural Center Foundation, Inc. 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.

Section 2: The bill would allow the city of Henderson to accept a conveyance of real property subject to a deed of trust, so long as The City does not pledge its taxing authority or the full faith and credit of the City to do so.

Section 3: The act is effective when it becomes law.

MEMBERSHIP

SENATE COMMITTEE ON STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS

2003-2004 Biennium

Senator Ellie Kinnaird, Chair
Room 2115, LB
733-5804

Senator Cecil Hargett, Vice Chair
Room 620 LOB
715-3034

Senator Fletcher Hartsell, Ranking Minority
Room 406 LOB
733-7223

Senator Charlie Albertson
Room 525 LOB
733-5705

Senator Phil Berger
Room 1121 LB
733-5708

Senator Dan Clodfelter
Room 408 LOB
715-8331

Senator Katie Dorsett
Room 2106 LB
715-3042

Senator John Garwood
Room 1118 LB
733-5742

Senator Ham Horton
Room 1117 LB
733-7850

Senator Vernon Malone
Room 2113 LB
733-5880

Senator Joe Sam Queen
Room 2111 LB
733-3460

Senator Eric Reeves
Room 1028 LB
715-6400

Senator R. B. Sloan
Room 518 LOB
715-7823

Senator Fred Smith
Room 520 LOB
733-5748

Senator R. C. Soles
Room 2022 LB
733-5963

Senator Richard Stevens
Room 515 LOB
733-5653

Senator David Weinstein
Room 2108 LB
733-5651

STAFF:
Barbara Riley, Staff Attorney
Hal Pell, Staff Attorney
Theresa Matula, Legislative Analyst
Joe Moore, Research Assistant
Research: 715-5460
Kathie Young, Committee Assistant
Room 2115
733-5804

2003-2004 Biennium
Leg. Day: H-147/S-149

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0013	Walend	TRANSYLVANIA HUNTING.	SR	Ch. SL 2003-119	04-24-03	05-28-03
H0035	Haire	WAYNESVILLE REZONING NOTICES.	*SR	Ch. SL 2003-3	03-17-03	03-19-03
H0055=	Ray	HONOR RETIRING FIREFIGHTERS.	*SR	Ch. SL 2003-145	03-26-03	05-21-03
H0057	Brubaker	RANDOLPH TDA.	SR	Ch. SL 2004-3	03-19-03	06-02-04
H0063	Goodwin	RICHMOND SHERIFF VACANCIES.	*SR	Ch. SL 2003-90	03-25-03	05-21-03
H0068	Lucas	SPRING LAKE AND NEWTON RED LIGHT CAMERAS.	*SR	Ch. SL 2003-86	03-25-03	05-21-03
H0070	Justice	PENDER SUBDIVISION REGULATION.	*SR	Ch. SL 2003-245	03-25-03	03-27-03
H0089	McGee	FORSYTH FIRE DISTRICTS	SR	Ch. SL 2003-129	04-22-03	05-28-03
H0124	Crawford	DURHAM COUNTY ZONING PROTEST PETITIONS.	*SR	Ch. SL 2003-83	05-05-03	05-21-03
H0134=	Hall	ROANOKE RAPIDS PRIVATE SALE.	SR	Ch. SL 2003-43	03-18-03	05-14-03
H0153	Womble	WINSTON-SALEM ORDINANCES/CHRONIC VIOLATORS.	SR	Ch. SL 2003-120	03-25-03	05-28-03
H0182=	L. Allen	NORTHAMPTON/DUPLIN/ FAYETTEVILLE LOCAL ACTS.	*SR	Ch. SL 2003-318	03-18-03	06-04-03
H0187	Goodwin	NORWOOD\ALBEMARLE ABC DISTRIBUTION.	SR	Ch. SL 2003-121	04-23-03	05-28-03
H0197	Nye	BLADEN SCHOOL BOARD PRIVATE SALE.	*SR	Ch. SL 2003-122	05-05-03	05-28-03
H0214	Rapp	MADISON COUNTY TAX COLLECTOR APPOINTED	*SR	Ch. SL 2003-123	04-29-03	05-28-03
H0248	Wright	WILMINGTON PERSONNEL RECORDS.	*SR	Ch. SL 2003-238	05-05-03	06-09-03
H0249	Wright	WILMINGTON CONDITIONAL ZONING.	*SR	Ch. SL 2003-162	05-05-03	06-04-03
H0263=	Bonner	LUMBERTON UNSAFE BUILDINGS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-25-03	
H0295	Frye	BEECH MTN GOLF CART\UTILITY VEH REGULATION.	*SR	Ch. SL 2003-124	04-02-03	05-28-03
H0344	Jeffus	FORMULA COST-EFFECTIVE VEH. REPLACEMENT.-AB	*SR	Ch. SL 2003-177	04-24-03	05-28-03
H0351	Coates	SALISBURY PARKING ENFORCEMENT.	SR	Ch. SL 2003-130	04-22-03	05-28-03
H0355	G. Allen	REDESIGNATE INDIANS OF PERSON CO. AS SAPPONY.	*SR	Ch. SL 2003-87	03-31-03	05-14-03
H0396=	Tolson	CHANGE NAME OF EDGECOMBE CO. SCHOOLS.	*SR	Ch. SL 2003-125	04-02-03	05-28-03
H0401	Fox	HENDERSON CONVEYANCE.	*SR	Ch. SL 2003-322	04-01-03	07-09-03
H0432	Brubaker	COMMUNITY COLLEGE SHARED LEAVE.	*SR	Ch. SL 2003-9	03-20-03	03-26-03
H0480=	Walker	WILKES COMMISSIONER	SR	Ch. SL 2003-45	04-02-03	05-14-03

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		ELECTION.				
H0483	Adams	CHANGE OFFENSIVE PLACE-NAMES.	*SR	Ch. SL 2003-211	05-05-03	05-29-03
H0499	Coates	LANDIS ALDERMEN/ MAYORAL TERMS.	*SR	Ch. SL 2003-126	05-05-03	05-28-03
H0501	Hall	ENFIELD ELECTION DISTRICT LINES.	SR	Ch. SL 2003-163	04-01-03	06-04-03
H0512	Culpepper	NAGS HEAD HISTORIC PRESERVATION COMMISSION.	SR	Ch. SL 2003-46	04-07-03	05-14-03
H0516	Goodwin	CERTAIN MUNICIPALITIES CLEAR-CUTTING	*SR	Ch. SL 2003-246	04-22-03	06-11-03
H0520	Stiller	OAK ISLAND CHARTER AMENDMENTS.	*SR	Ch. SL 2003-84	04-08-03	05-21-03
H0550	C. Johnson	CRAVEN COUNTY ROAD HUNTING.	SR	Ch. SL 2003-164	04-24-03	06-04-03
H0571	Daughtridge	ROCKY MOUNT OVERGROWN VEGETATION ORDINANCE.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-23-03	
H0582=	West	CLAY COUNTY DEVELOPMENT AUTHORITY.	*SR	Ch. SL 2003-127	04-24-03	05-28-03
H0625		ASHEVILLE PRETOWING NOTICES.	*SR	Ch. SL 2003-165	05-05-03	06-04-03
H0627=	Adams	GREENSBORO CONSTRUCT ROADS OUTSIDE CITY.	*SR	Ch. SL 2003-132	04-14-03	05-27-03
H0645	Owens	CURRITUCK COUNTY ANNEXATION LIMITATION.	*SR	Ch. SL 2003-27	04-14-03	04-23-03
H0646	Owens	CURRITUCK GAME COMMISSION.	SR	Ch. SL 2003-16	04-14-03	04-16-03
H0651	Crawford	DURHAM TRAFFIC CONTROL MEASURES.	SR	Ch. SL 2003-85	04-08-03	05-21-03
H0655	Culpepper	PEMBROKE CREEK NO-WAKE ZONE/GATES TAX CERT. REQ.	*SR	Ch. SL 2003-189	04-14-03	06-04-03
H0665	Miller	SCIENCE AND TECHNOLOGY BOARD.	SR	Ch. SL 2003-210	04-23-03	06-04-03
H0668	Wright	NEW HANOVER COUNTY OCCUPANCY TAX.	*SR	Ch. SL 2003-166	04-22-03	06-04-03
H0673	Frye	AVERY FIRE PROTECTION.	*SR	Ch. SL 2003-272	06-12-03	06-24-03
H0679	Weiss	RALEIGH/WAKE CLEAR-CUTTING.	*SR	Ch. SL 2003-128	04-14-03	05-21-03
H0680	McCombs	GRANITE QUARRY CHARTER REVISION.	SR	Ch. SL 2003-203	04-28-03	06-04-03
H0686	Culpepper	DARE COUNTY COURTHOUSE CONTRACTS.	SR	Ch. SL 2003-47	04-28-03	05-14-03
H0695	Gibson	TROY RED LIGHT CAMERAS.	*S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-29-03	
H0696	Gibson	WADESBORO/ANSONVILLE GOVERNING BODY TERMS.	*SR	Ch. SL 2003-190	04-24-03	06-04-03
H0703	Jeffus	GREENSBORO ABC BOARD	*SR	Ch. SL 2003-33	04-17-03	04-30-03

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'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		MEMBERSHIP.				
H0706	Saunders	CHARLOTTE TRANSIT PROCUREMENT.	*SR	Ch. SL 2003-197	04-14-03	05-27-03
H0710	Sutton	OCCANEECHI BAND OF SAPONI/INDIAN CULT. CTR.	*SR	Ch. SL 2003-55	04-23-03	05-14-03
H0727	Culp	SOIL AND WATER CONSERVATION COMMISSION.	SR	Ch. SL 2003-198	04-28-03	05-07-03
H0734	Michaux	DURHAM HOUSING APPEALS BOARD.	*S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-17-03	
H0735	Michaux	NOTICE TO CHRONIC VIOLATORS.	*SR	Ch. SL 2003-133	04-24-03	05-27-03
H0737	Miller	CONSTITUTIONAL LIMITS.	*S	Ratified	04-29-03	06-11-03
H0737	Miller	CONSTITUTIONAL LIMITS.	*S	Ratified	06-12-03	07-14-04
H0745	Sutton	INDIAN CULTURAL CENTER CHANGES.	*SR	Ch. SL 2003-260	04-23-03	05-14-03
H0746	Sutton	AMEND INDIAN RECOGNITION.	SR	Ch. SL 2003-54	04-23-03	05-14-03
H0750	Culpepper	PINEBLUFF PROPERTY CONVEYANCE.	*SR	Ch. SL 2003-48	04-29-03	05-14-03
H0765	Culpepper	CHOWAN SUBDIVISION DEFINITION.	*SR	Ch. SL 2003-79	04-24-03	05-14-03
H0773	Insko	CHAPEL HILL SPRINKLERS.	*SR	Ch. SL 2003-247	06-04-03	06-11-03
H0776	Adams	GREENSBORO CHARTER AMENDMENT.	*SR	Ch. SL 2003-134	04-14-03	05-27-03
H0818	Sutton	SAFEKEEPING MILITARY DISCHARGE DOCUMENTS.	*SR	Ch. SL 2003-248	04-29-03	05-29-03
H0818	Sutton	SAFEKEEPING MILITARY DISCHARGE DOCUMENTS.	*SR	Ch. SL 2003-248	06-03-03	06-04-03
H0928	Brubaker	APPALACHIAN STATE/ REGULATE PARKING.	SR	Ch. SL 2003-213	04-28-03	06-04-03
H1146		RETAINAGE RULES/ PUBLIC CONTRACTS.	S	Re-ref Com On Rules and Operations of the Senate	05-05-03	05-08-03
H1155	Insko	ST. EMP. PAYROLL DEDUCTION/PARENTAL SAVINGS.	SR	Ch. SL 2003-224	05-05-03	06-04-03
H1210	Yongue	N.C. SCHOOL OF THE ARTS/BOARD MEMBERSHIP.	SR	Ch. SL 2003-215	04-29-03	06-04-03
H1211	Yongue	N.C. ARBORETUM/BOARD MEMBERSHIP.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-29-03	
H1221	Decker	RETURN OVERPAYMENTS OF STATE FUNDS.	*SR	Ch. SL 2003-263	05-05-03	06-09-03
H1349	Hill	COLUMBUS FOX HUNTING/ TRAPPING.	*SR	Ch. SL 2004-66	06-28-04	06-30-04
H1363=	Walend	LAKE TOXAWAY MOTOR VEHICLE REGULATION.	*SR	Ch. SL 2004-38	06-01-04	06-17-04

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H1364=	Walend	TRANSYLVANIA LAND ACQUISITION/ CONVEYANCE.	SR	Ch. SL 2004-28	06-01-04	06-23-04
H1386=	Blackwood	INDIAN TRAIL TOWN ATTORNEY.	*SR	Ch. SL 2004-9	05-25-04	06-10-04
H1401=	Walker	WILKES VISITOR CENTER.	SR	Ch. SL 2004-101	05-24-04	07-14-04
H1422	Gulley	MINT HILL/KINGS MOUNTAIN/ALL-TERRAIN VEHICLES.	*SR	Ch. SL 2004-108	07-09-04	07-14-04
H1425	Church	MORGANTON/BURKE/ BROUGHTON MUTUAL AID/ WPCC	*SR	Ch. SL 2004-29	06-02-04	06-23-04
H1426	McLawhorn	GREENVILLE PARKING DECK PROJECTS.	*SR	Ch. SL 2004-10	05-25-04	06-16-04
H1433	Ross	WAKE CTY HISTORIC PRESERVATION COMM.	*SR	Ch. SL 2004-11	05-25-04	06-16-04
H1447	Warren	GREENVILLE/HENDERSON-ABANDONED JUNK VEHICLES.	*SR	Ch. SL 2004-30	05-27-04	06-09-04
H1454	A. Williams	CHOCOWINITY STAGGERED TERMS.	*SR	Ch. SL 2004-12	06-02-04	06-16-04
H1462	Frye	SEVEN DEVILS-REGULATE GOLF CARTS/UTIL. VEH.	SR	Ch. SL 2004-58	06-01-04	06-30-04
H1474	Rapp	YANCEY COUNTY CONSTRUCTION.	*SR	Ch. SL 2004-7	06-02-04	06-09-04
H1484	Moore	CLEVELAND COUNTY BOARD OF EDUCATION ELECTIONS.	SR	Ch. SL 2004-41	06-02-04	06-28-04
H1543=	Sherrill	ASHEVILLE ABC BOARD MEMBERSHIP INCREASED.	*SR	Ch. SL 2004-36	06-02-04	06-17-04
H1551=	Sherrill	ASHEVILLE CIVIL SERVICE BOARD.	SR	Ch. SL 2004-13	06-02-04	06-16-04
H1564=	Earle	CHARLOTTE REGIONAL VISITORS AUTHORITY.	SR	Ch. SL 2004-14	06-08-04	06-16-04
H1566=	Walker	ABOLISH WILKES COUNTY CORONER.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	06-01-04	
H1588=	Gibson	MONROE CLAIMS SETTLEMENT.	*SR	Ch. SL 2004-15	06-14-04	06-16-04
H1589	Gibson	MONTGOMERY COMMISSIONER ELECTIONS.	*SR	Ch. SL 2004-59	06-14-04	06-30-04
H1604=	Bowie	GREENSBORO CLAIM SETTLEMENTS.	SR	Ch. SL 2004-5	06-08-04	06-09-04
H1608=	Adams	GREENSBORO ORDINANCE PUBLICATION.	*SR	Ch. SL 2004-20	06-08-04	06-10-04
H1613	Culpepper	CHOWAN/ANSON HUNTING LAWS.	*SR	Ch. SL 2004-60	06-23-04	06-30-04
H1614	LaRoque	LENOIR ABC PROFIT DISTRIBUTIONS TO BE ANNUAL.	SR	Ch. SL 2004-61	06-08-04	06-30-04
H1619=	Nye	ELIZABETHTOWN CHARTER AMENDMENTS.	*SR	Ch. SL 2004-34	06-14-04	06-23-04
H1640	Culpepper	DARE AFFORDABLE	*SR	Ch. SL 2004-16	06-08-04	06-16-04

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		HOUSING FOR TEACHERS.				
H1649	Munford	WAKE IMPAIRED HUNTING REGULATION.	*SR	Ch. SL 2004-87	06-29-04	07-07-04
H1659	Culpepper	PERQUIMANS HUNTING STAND AMENDMENT.	SR	Ch. SL 2004-62	06-23-04	06-30-04
H1662	West	CHEROKEE/CLAY/ SHOOTING FROM RIGHT-OF-WAY.	*SR	Ch. SL 2004-63	06-23-04	06-30-04
H1666=	Ross	GARNER/UNSAFE RESIDENTIAL BUILDINGS.	SR	Ch. SL 2004-6	06-08-04	06-09-04
H1669	Bell	CLINTON CITY SCHOOLS PROPERTY TRANSFER.	SR	Ch. SL 2004-69	06-29-04	07-07-04
H1670	Setzer	NEWTON FORCE ACCOUNT.	*SR	Ch. SL 2004-35	06-14-04	06-23-04
H1671	Ray	MOORESVILLE STREETS AND SIDEWALKS.	S	Ratified	06-24-04	06-29-04
H1674	Eddins	ZEBULON CHARTER AMENDMENT.	*SR	Ch. SL 2004-64	06-14-04	06-30-04
H1684	Crawford	VANCE FOX SEASONS.	SR	Ch. SL 2004-44	06-23-04	06-28-04
H1687=	L. Johnson	CABARRUS BOARD OF EQUALIZATION AND REVIEW.	*S	Ref To Com On State Government, Local Government, and Veterans' Affairs	06-29-04	
H1722	Owens	CURRITUCK ABC BOARD MEMBERSHIP INCREASED.	SR	Ch. SL 2004-45	06-16-04	06-28-04
H1724	Lewis	HARNETT AND PITT SUBDIVISIONS.	*SR	Ch. SL 2004-46	06-23-04	06-28-04
H1726	Parmon	WINSTON-SALEM/ROANOKE RAPIDS CODE ENFORCEMENT.	*SR	Ch. SL 2004-70	06-29-04	07-07-04
H1728	L. Allen	LAKE ROYALE POLICE AUTHORITY.	*SR	Ch. SL 2004-71	06-29-04	06-30-04
H1732	Stiller	SOUTHPORT WARD BOUNDARIES.	SR	Ch. SL 2004-47	06-14-04	06-28-04
H1737	Womble	WINSTON-SALEM/ REIDSVILLE STRUCTURES.	*SR	Ch. SL 2004-98	06-30-04	07-07-04
S0030	David W. Hoyle	DALLAS ALDERMEN AUTHORITY.	SR	Ch. SL 2003-22	02-13-03	03-12-03
S0074	Tony Rand	NC VINEYARD AMENDMENTS	*S	Pres. To Gov. 7/ 17/2004	04-28-03	04-29-03
S0083	A. B Swindell	ROCKY MT. OVERGROWN VEGETATION ORDINANCE.	*SR	Ch. SL 2003-80	04-09-03	04-24-03
S0089	Walter H. Dalton	LAKE LURE MARINE COMMISSION.	*SR	Ch. SL 2003-332	04-08-03	05-14-03
S0090	Walter H. Dalton	SANITARY DISTRICT COMPENSATION.	*SR	Ch. SL 2003-185	04-14-03	04-21-03
S0102	John A. Garwood	SURRY SHERIFF VACANCY	*SR	Ch. SL 2003-39	04-15-03	04-23-03
S0123=	David F. Weinste	CLINTON, LUMBERTON, FRANKLIN UNSAFE BUILDINGS.	*SR	Ch. SL 2003-42	02-24-03	03-12-03
S0124	David F. Weinste	LUMBERTON CONSTRUCTION CONTRACTS.	*SR	Ch. SL 2003-118	04-28-03	04-29-03
S0139	Philip E. Berger	GUILFORD/WORTHLESS CHECK PROGRAM.	S	Re-ref Com On Appropriations/ Base Budget	02-24-03	03-12-03

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S0167	Fred Smith	PERMIT WEAPONS AT JOHNSTON CC NATURE CTR.	*SR	Ch. SL 2003-217	05-01-03	05-01-03
$ S0177	**William R. Purce**	**BLANK APPROPRIATIONS - 2.**	**S**	**Re-ref Com On State Government, Local Government, and Veterans' Affairs**	**04-29-03**	
S0179	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Re-ref Com On State Government, Local Government, and Veterans' Affairs	06-22-04	
S0232	Eleanor Kinnaird	BIKEWAY FUNDING.	*SR	Ch. SL 2003-256	04-16-03	05-01-03
S0242=	R. B. Sloan, Jr.	HONOR RETIRING FIREFIGHTERS.	*S	Re-ref Com On Finance	02-27-03	03-19-03
S0243=	Robert Lee Hollo	NAME HALIFAX-NORTHAMPTON AIRPORT AUTHORITY.	S	Re-assigned To Rules, Calendar, and Operations of the House	02-27-03	04-23-03
S0292	Richard Stevens	RALEIGH ELECTRONIC NOTICE.	*SR	Ch. SL 2003-161	03-05-03	03-19-03
S0292	Richard Stevens	RALEIGH ELECTRONIC NOTICE.	*SR	Ch. SL 2003-161	06-03-03	06-03-03
S0294	Scott Thomas	CRAVEN COUNTY ABC LAW ENFORCEMENT.	SR	Ch. SL 2003-20	03-05-03	03-19-03
S0319	Fletcher L. Hart	CABARRUS WORK OVER WELFARE CHANGES.	*SR	Ch. SL 2003-188	04-28-03	04-29-03
S0330	Eric Miller Reev	RALEIGH/HOLLY SPRGS/ RUTHERFORDTON CLEAR-CUTTING.	*S	Ref To Com On Local Government I	03-10-03	03-27-03
S0356=	A. B Swindell	HENDERSON OVERGROWN VEGETATION ORDINANCE.	SR	Ch. SL 2003-40	03-11-03	03-26-03
S0387=	Clark Jenkins	CHANGE NAME OF EDGECOMBE CO. SCHOOLS.	*S	Ref To Com On Local Government I	03-12-03	03-26-03
S0389	Charlie S. Danne	MECKLENBURG/EXTEND REAL ESTATE SUNSET.	*SR	Ch. SL 2003-49	03-12-03	03-27-03
S0417	John H. Kerr III	WAYNE COMMISSIONERS ELECTION.	SR	Ch. SL 2003-50	03-17-03	04-02-03
S0425	Fletcher L. Hart	CABARRUS ELECTRONIC NOTICE.	*SR	Ch. SL 2003-81	03-17-03	03-26-03
S0430	Robert Lee Hollo	WARREN COUNTY TELECOMMUNICATIONS.	*S	Re-ref Com On Finance	04-15-03	05-01-03
S0442	Charlie S. Danne	CHARLOTTE TRANSIT CONTRACTS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-17-03	
S0443	Charlie S. Danne	CHARLOTTE CHARTER NONDISCRIMINATION POLICY.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-17-03	
S0445=	Robert C. Carpen	CLAY COUNTY DEVELOPMENT AUTHORITY.	*S	Ref To Com On Local Government I	03-17-03	04-14-03
S0459=	Richard Stevens	HOLLY SPRINGS TREE	S	Ref To Com On	03-19-03	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		ORDINANCES.		State Government, Local Government, and Veterans' Affairs		
S0465	Katie G. Dorsett	GOLDSBORO/HIGH POINT UNSAFE BUILDINGS.	*SR	Ch. SL 2003-23	03-20-03	04-02-03
S0476	Wib Gulley	DURHAM TRAFFIC CONTROL MEASURES.	*S	Ref To Com On Local Government II	03-20-03	04-14-03
S0477	Wib Gulley	DURHAM HOUSING BOARD HEAR OTHER APPEALS.	*SR	Ch. SL 2003-51	03-20-03	04-14-03
S0478	Wib Gulley	DURHAM/MONROE OVERGROWN VEGETATION ORDINANCE.	*SR	Ch. SL 2003-77	03-20-03	04-09-03
S0489=	John A. Garwood	WILKES COMMISSIONER ELECTION.	S	Ref To Com On Local Government I	03-20-03	04-02-03
S0490	Patrick J. Balla	WILMINGTON CITY MANAGER AUTHORITY.	SR	Ch. SL 2003-41	03-20-03	04-09-03
S0492	Philip E. Berger	EDEN CHARTER AMENDMENTS.	*SR	Ch. SL 2003-82	03-20-03	04-16-03
S0493	Eleanor Kinnaird	CARRBORO INCLUSIONARY ZONING.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	03-20-03	
S0494	Eleanor Kinnaird	CARRBORO SPRINKLERS/ CHAPEL HILL ZONING.	*SR	Ch. SL 2003-237	03-20-03	04-21-03
S0494	Eleanor Kinnaird	CARRBORO SPRINKLERS/ CHAPEL HILL ZONING.	*SR	Ch. SL 2003-237	04-21-03	04-24-03
S0498=	R. C. Soles, Jr.	ELECTROFISHING/ WACCAMAW AND LUMBER RIVERS.	S	Ref To Com On Wildlife Resources	03-20-03	04-09-03
S0517	A. B Swindell	ADJUST EASTERN REGION COMMISSION.	SR	Ch. SL 2003-94	03-24-03	04-09-03
S0623	Eric Miller Reev	DOWNTOWN ADULT RESIDENTIAL FACILITY	*SR	Ch. SL 2004-2	04-16-03	04-24-03
S0637	Andrew C. Brock	ANNEXATION REFERENDUM.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-01-03	
S0706	Patrick J. Balla	UNIVERSITY ATHLETIC FACILITIES EXEMPTION.	*SR	Ch. SL 2003-239	04-02-03	04-16-03
S0788	Eric Miller Reev	STATE PERSONNEL ACT CHANGES.	S	Ref to State Government, Local Government, and Veterans' Affairs. If fav, re-ref to Appropriations/ Base Budget	04-16-03	
$ S0805=	**Tony Rand**	**BEAUTIFY MALL.**	***S**	**Pres. To Gov. 7/ 19/2004**	**04-03-03**	**04-30-03**
S0807	Tony Rand	COMBINE STATE SAFETY PROGRAMS.	S	Ref To Com On State Government, Local Government,	04-03-03	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				and Veterans' Affairs		
S0808	Tony Rand	CONSOLIDATE ADMINISTRATIVE FUNCTIONS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	04-03-03	
S0817	Tony Rand	DEFERRED RETIREMENT OPTION PROGRAM.	*S	Re-ref Com On Pensions & Retirement and Aging	04-03-03	04-30-03
S0819	Tony Rand	USE OF STATE PROP./ BLOUNT ST. HISTORIC DIST.	*SR	Ch. SL 2003-404	04-03-03	04-23-03
S0851	Stephen M. Metca	AMEND ARBORETUM BD. OF DIRECTORS.	SR	Ch. SL 2003-102	04-03-03	04-16-03
S0888	Robert A. Rucho	ALTER WATERFLOW/ IMPACT ON ADJACENT PROPERTY.	*S	Re-ref Com On Agriculture/ Environment/ Natural Resources	04-30-03	04-30-03
S0940	John H. Kerr III	DISASTER LEAVE/VOL. EMERGENCY PERSONNEL.	*SR	Ch. SL 2003-103	04-03-03	04-16-03
S1033=	Robert C. Carpen	TRANSYLVANIA LAND ACQUISITION/ CONVEYANCE.	*S	Ref To Com On Rules, Calendar, and Operations of the House	05-11-04	06-01-04
S1034=	Robert C. Carpen	LAKE TOXAWAY MOTOR VEHICLE REGULATION.	S	Re-ref Com On State Government, Local Government, and Veterans' Affairs	05-27-04	
S1044=	John A. Garwood	CORNELIUS STREETS/ SIDEWALKS.	*S	Placed On Cal For 7/17/2004	05-11-04	05-26-04
S1047=	R. C. Soles, Jr.	CHADBOURN MAYOR'S TERM.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-11-04	
S1066=	Fern Shubert	INDIAN TRAIL TOWN ATTORNEY.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-13-04	
S1079=	Clark Jenkins	DOT RETIRED ENGINEERS.	S	Re-ref Com On Pensions & Retirement and Aging	05-13-04	06-02-04
S1080=	Clark Jenkins	HIGHWAY TRUST FUND CHANGES.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-13-04	
S1085=	Clark Jenkins	DOT TECHNICAL CORRECTION.	S	Ref To Com On Transportation	05-13-04	06-02-04
S1092=	Clark Jenkins	VA-NC INTERSTATE HIGH-SPEED RAIL COMPACT.	SR	Ch. SL 2004-114	05-13-04	06-02-04

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S1122=	Eleanor Kinnaird	CHAPEL HILL SCHOOL SITES.	*SR	Ch. SL 2004-27	05-17-04	05-26-04
S1122=	Eleanor Kinnaird	CHAPEL HILL SCHOOL SITES.	*SR	Ch. SL 2004-27	06-14-04	06-23-04
S1125	Fred Smith	JOHNSTON CORONER ABOLISHED.	SR	Ch. SL 2004-18	05-17-04	05-26-04
S1133	William R. Purce	MISENHEIMER MUNICIPAL ELECTIONS.	SR	Ch. SL 2004-19	05-18-04	06-02-04
S1136	Ralph A. Hunt	DURHAM PROTEST PETITION.	*S	Re-ref Com On Local Government II	05-18-04	06-17-04
S1159=	Cecil Hargett	MILITARY AFFAIRS COMM. MEMBERSHIP.	*SR	Ch. SL 2004-49	05-19-04	06-02-04
S1161=	Cecil Hargett	MILITARY PLANNING NOTICES.	*SR	Ch. SL 2004-75	05-19-04	06-09-04
S1178=	John A. Garwood	ABOLISH WILKES COUNTY CORONER.	SR	Ch. SL 2004-51	05-20-04	05-26-04
S1201	David F. Weinste	ROBESON/NO HUNTING FROM ROADWAYS.	*SR	Ch. SL 2004-52	05-20-04	06-02-04
S1203=	Kay R. Hagan	STATE BUDGET ACT.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-20-04	
S1205	Walter H. Dalton	RUTHERFORDTON ABC DISTRIBUTIONS.	*SR	Ch. SL 2004-90	06-10-04	06-28-04
S1207	Tony P. Moore	PITT COUNTY SUBDIVISIONS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-20-04	
S1209	Jeanne H. Lucas	DURHAM HOUSING APPEALS BOARD.	SR	Ch. SL 2004-91	05-20-04	06-16-04
S1233	Harris Blake	PINEBLUFF UNOPENED TROLLEY EASEMENTS.	SR	Ch. SL 2004-53	05-24-04	06-09-04
S1238=	Richard Stevens	GARNER/UNSAFE RESIDENTIAL BUILDINGS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-24-04	
S1250=	Katie G. Dorsett	GREENSBORO ORDINANCE PUBLICATION.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-24-04	
S1252=	Katie G. Dorsett	GREENSBORO CLAIM SETTLEMENTS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-24-04	
S1264=	Daniel G. Clodfe	CHARLOTTE REGIONAL VISITORS AUTHORITY.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-24-04	
S1265	Eleanor Kinnaird	ORANGE/CHATHAM	*SR	Ch. SL 2004-85	05-24-04	06-24-04

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		BOUNDARY.				
S1277	Philip E. Berger	MADISON TOWN ELECTION.	*SR	Ch. SL 2004-54	05-24-04	06-10-04
S1279	Philip E. Berger	M & M FIRE DISTRICT CONTRACTS.	SR	Ch. SL 2004-55	05-24-04	06-09-04
S1286=	Tony Rand	ELIZABETHTOWN CHARTER AMENDMENTS.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-24-04	
S1288	R. B. Sloan, Jr.	MOORESVILLE STREETS AND SIDEWALKS.	S	Re-ref Com On Rules, Calendar, and Operations of the House	05-24-04	06-09-04
S1307=	Martin L. Nesbit	ASHEVILLE ABC BOARD MEMBERSHIP INCREASED.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-25-04	
S1308=	Martin L. Nesbit	ASHEVILLE CIVIL SERVICE BOARD.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-25-04	
S1312	Katie G. Dorsett	LOCAL GOV'T EMPLOYEES/ 457 PLAN.	*S	Pres. To Gov. 7/ 12/2004	05-25-04	06-02-04
S1315=	Fletcher L. Hart	CABARRUS BOARD OF EQUALIZATION AND REVIEW.	*SR	Ch. SL 2004-100	05-25-04	06-16-04
$ S1327	**John H. Kerr III**	**NON-STATE ENTITIES REPORTING REQUIREMENTS.**	***S**	**Re-ref Com On Appropriations/ Base Budget**	**05-26-04**	**06-24-04**
S1347	Fletcher L. Hart	KANNAPOLIS ABC STORE ELECTION.	SR	Ch. SL 2004-92	05-27-04	06-16-04
S1353=	Fern Shubert	MONROE CLAIMS SETTLEMENT.	S	Ref To Com On State Government, Local Government, and Veterans' Affairs	05-27-04	
S1355	John H. Kerr III	GOLDSBORO NOTICE/ ORDINANCE VIOLATION.	SR	Ch. SL 2004-93	05-27-04	06-16-04
S1359	Jeanne H. Lucas	DURHAM/25-YEAR LEO RETIREMENT.	S	Ref to State Government, Local Government, and Veterans' Affairs. If fav, re-ref to Pensions & Retirement and Aging	05-27-04	
S1370	John H. Kerr III	GOLDSBORO/WAYNE CO. SURPLUS LOT DISPOSITION.	*SR	Ch. SL 2004-94	05-27-04	06-16-04

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Senate State Government, Local Government, and Veterans' Affairs Committee
Wednesday, May 26, 2004, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1033	Transylvania Land Acquisition/Conveyance.	Senator Carpenter
SB 1044	Wilkes Visitor Center.	Senator Garwood
SB 1178	Abolish Wilkes County Coroner.	Senator Garwood
SB 1122	Chapel Hill School Sites.	Senator Kinnaird
SB 1125	Johnston Coroner Abolished.	Senator Smith

Presentations

Other Business

Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, MAY 26, 2004

MINUTES

State Government and Local Government and Veteran Affairs committee met May 26, 2004 at 12:00 noon in Room 1124 of the Legislative Building. Eleven members were present, including Senator Ellie Kinnaird, who presided

SB 1033 Transylvania Land Acquisition/Conveyance was explained by Senator Carpenter. Senator Weinstein offered an amendment and moved to adopt it. The motion carried unanimously. Senator Clodfelter moved a favorable report as amended. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report.**

SB 1044 Wikes Visitor Center was explained by Senator Garwood. Senator Horton moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1178 Abolish Wilkes County Coroner was explained by Sen. Garwood, Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1125 Johnston Coroner Abolished was explained by Sen. Stevens, Senator Clodfelter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

Senator Kinnaird asked Sen. Hargett to chair the committee while she explained her bill.

SB 1122 Chapel Hill School Sites was explained by Sen. Kinnaird. Sen. Kinnaird recognized Neil Pedersen, Superintendent of the Chapel Hill Carrboro Cities Schools. Senator Clodfelter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**
Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, May 26, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	**1044**	Wilkes Visitor Center.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1122**	Chapel Hill School Sites.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1125**	Johnston Coroner Abolished.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1178**	Abolish Wilkes County Coroner.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 4

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Tuesday, June 01, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1033** Transylvania Land Acquisition/Conveyance.

Draft Number:	PCS 35474
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1033*
PROPOSED COMMITTEE SUBSTITUTE S1033-CSRF-29 [v.1]

5/25/2004 3:03:46 PM

Short Title: Transylvania Land Acquisition/Conveyance. (Local)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 600 of the 1995 Session Laws, as amended by S.L. 2000-31 and S.L. 2002-85 reads as rewritten:

"Section 1.(a) The Counties of Alexander, Anson, Bertie, Columbus, Greene, Scotland, ~~and Stanly~~ Stanly, and Transylvania have power under general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as correctional facilities.

Section 1.(b) The Town of Windsor has the power under the general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as a correctional facility. It may acquire that property by eminent domain, and such power under this subsection is supplementary to any other power it may have to take property by eminent domain."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1033*

Short Title:	Transylvania Land Acquisition/Conveyance.	(Local)
Sponsors:	Senator Carpenter.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(a) of Chapter 600 of the 1995 Session Laws, as amended by S.L. 2000-31 and S.L. 2002-85 reads as rewritten:

"Section 1.(a) The Counties of Alexander, Anson, Bertie, Columbus, Greene, Scotland, ~~and Stanly~~ Stanly, and Transylvania have power under general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as correctional facilities."

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

SB 1033:
Transylvania Land Acquisition

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Senator Carpenter
		Summary by:	Barbara Riley Committee Counsel
Date:	May 26, 2004		
Version:	1st Edition		

SUMMARY:

Senate Bill 1033 would allow Transylvania County to buy and convey land to the State for use as a correctional facility.

CURRENT LAW:

G.S. 153A-158 allows counties to acquire property for use by the county or any department board, commission or agency of the county. G.S. 160A-274 allows a governmental unit to convey any interest it has in land to another unit of government. The North Carolina Court of Appeals has held that the language in G.S. 153A-158 limits the purposes for which property may be acquired to use by the county or its departments, agencies and boards. The acquisition of property for the purpose of transferring that property to the State falls outside of the statutory authority of the county. *Carter v. Stanly County*, 125 N.C.App. 628, *disc. rev. den.* 346 N.C. 276 (1997).

BILL ANALYSIS:

Senate Bill 1033 allows Transylvania County to purchase and convey land to the State for use as a correctional facility. Similar authority has been granted to Alexander, Anson, Bertie, Columbus, Greene, Scotland and Stanly Counties.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1044

Short Title:	Wilkes Visitor Center.	(Local)
Sponsors:	Senators Garwood; and Foxx.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 11, 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:

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.

SB 1044:
Wilkes Visitor Center

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Senators Garwood & Foxx
		Summary by:	Barbara Riley Committee Counsel
Date:	May 26, 2004		
Version:	1st Edition		

SUMMARY:

Senate Bill 1044 allows Wilkes County to purchase land and transfer it to the State for use by the Department of Transportation as a Visitor Center/Rest Area.

CURRENT LAW:

G.S. 153A-158 allows counties to acquire property for use by the county or any department board, commission or agency of the county. G.S. 160A-274 allows a governmental unit to convey any interest it has in land to another unit of government. The North Carolina Court of Appeals has held that the language in G.S. 153A-158 limits the purposes for which property may be acquired to use by the county or its departments, agencies and boards. The acquisition of property for the purpose of transferring that property to the State falls outside of the statutory authority of the county. *Carter v. Stanly County*, 125 N.C.App. 628, *disc. rev. den.* 346 N.C. 276 (1997).

BILL ANALYSIS:

Senate Bill 1044 allows Wilkes County to purchase land and transfer it to the State for use as a Visitors Center and Rest Area.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

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:

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 the current coroner in Wilkes County.

SENATE BILL 1178:
Abolish Wilkes County Coroner

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Garwood
		Summary by:	Theresa Matula Committee Staff
Date:	May 25, 2004		
Version:	First Edition		

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).

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

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.

SENATE BILL 1125:
Johnston Coroner Abolished

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Smith
		Summary by:	Theresa Matula Committee Staff
Date:	May 25, 2004		
Version:	First Edition		

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1122

Short Title:	Chapel Hill School Sites.	(Local)
Sponsors:	Senator Kinnaird.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-381(d), as it applies under S.L. 2003-237 to the Town of Chapel Hill and that area where the Town of Chapel Hill exercises territorial planning jurisdiction, including any area under that Town's jurisdiction pursuant to a Joint Planning Agreement with Orange County, reads as rewritten:

"(d) An ordinance enacted under the authority of this Part may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning agency. In order for this authorization to become effective, before approving such plans the council or planning agency and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Prior to the adoption of such plans (or of any amendment to such plans) affecting areas reserved for schools, the owner of that parcel of land reserved for schools or proposed to be reserved for schools, or any portion thereof, as shown on the county tax records, and the owners of all parcels of land abutting that parcel, as shown on the county tax records, shall be mailed a notice of the proposed plans or amendment to plans by first class mail at the addresses shown on such county tax records. Whenever a special use permit or site plan development is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning agency shall immediately notify the board of education and the board shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning agency and no site shall be reserved. If the board does wish to reserve the site, the special use permit or site plan development shall not be approved without such

reservation. The board of education shall then have ~~12~~ 18 months beginning on the date of final approval of the special use permit or site plan development within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within ~~12~~ 18 months, the owner and applicant for the special use permit or site plan development may treat the land as freed of the reservation."

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

BILL NUMBER S1122:
Chapel Hill School Sites.

BILL ANALYSIS

Committee:	Senate State and Local Government.	**Introduced by:**	Sen. Kinnaird
		Summary by:	Hal Pell Committee Counsel
Date:	May 26, 2004		
Version:	First Edition		

SUMMARY: ***The bill extends the period of time for the board of education's determination whether to acquire, by purchase or condemnation, a school site that had been reserved by the Town of Chapel Hill's comprehensive land-use plan. The bill is effective when it becomes law.***

CURRENT LAW: If an ordinance provides for the reservation of school sites under the comprehensive land use plan, an applicant for a special use permit that includes part of a reserved school site may obtain a permit subject to the reservation. The board of education must indicate that it still wishes to reserve the site at the time of the application for the special use permit. However, the board of education has 12 months, beginning on the date of the final approval of the special use permit, to acquire the site by purchase or to initiate condemnation proceedings.

BILL ANALYSIS: This bill would extend the period of time from 12 to 18 months in which the board of education must purchase, or initiate condemnation proceedings on, a reserved school site.

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — May 26, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Neil Pedersen	Chapel Hill-Carrboro City Schools
Teddy Greene	State Employee NCDOT & Citizen from Bunyan City N.C.
Andy Romanet	NCCN
John Cyrus	NC State Grange
Adam Pridemore	NCASA
Bob Orr	Western Carolina University
Sharon Lemmon	" " "
Ann Ball	Retired · Western Carolina Univ.
John Goodman	Alley Associates
Bob Carpenter	State Senate

Senate State Government, Local Government, and Veterans' Affairs Committee
Wednesday, June 2, 2004, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1312	Local Gov't Employees/457 Plan.	Senator Dorsett
HB 57	Randolph TDA.	Representative Culp Representative Brubaker
SB 1079	DOT Retired Engineers.	Senator Jenkins
SB 1085	DOT Technical Correction.	Senator Jenkins
SB 1092	VA-NC Interstate High-Speed Rail Compact.	Senator Jenkins
SB 1133	Misenheimer Municipal Elections.	Senator Purcell
SB 1136	Durham Protest Petition.	Senator Hunt
SB 1159	Military Affairs Comm. Membership.	Senator Hargett
SB 1161	Military Planning Notices.	Senator Hargett
SB 1201	Robeson/No Hunting or Fishing from Roadways.	Senator Weinstein
SB 1264	Charlotte Regional Visitors Authority.	Senator Clodfelter
HB 1386	Indian Trail Town Attorney.	Representative Blackwood, Jr.

Presentations

Other Business

Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, JUNE 2, 2004

MINUTES

State Government and Local Government and Veteran Affairs committee met June 2, 2004 at 12:00 noon in Room 1124 of the Legislative Building. Thirteen members were present, including Senator Ellie Kinnaird, who presided

HB 57 Randolph TDA, was explained by Senator Tillman. Senator Garwood moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1312 Local Gov't Employees/457 Plan, was explained by Senator Dorsett. Senator Weinstein offered a Proposed Committee Substitute and moved to adopt it. The motion carried unanimously. Senator Berger moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report**

SB 1079, DOT Retired Engineers was explained by Sen. Jenkins. Paul Meyer, North Carolina Association of County Commissioners and Len Sanderson, Highway DOT, answered questions. Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB1085 DOT Technical Correction, was explained by Sen. Jenkins. Senator Sloan moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB1092 VA-NC Interstate High-Speed Rail Compact, was explained by Senator Jenkins. Senator Garwood moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1136 Durham Protest Petition was withdrawn from the June 2, 2004 calendar. Sen. Hunt requested that it be considered on June 6, 2004.

SB1133 Misenheimer Municipal Elections, was explained by Senator Purcell. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1159 Military Affairs Comm. Membership, was explained by Senator Hargett. Senator Weinstein offered a Proposed Committee Substitute and moved to adopt it. The motion carried unanimously. Senator Weinstein moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report**

SB 1161 Military Planning Notice was explained by Senator Hargett. Senator Weinstein offered a Proposed Committee Substitute and moved to adopt it. The motion carried unanimously. Paul Meyer, North Carolina Association County Commissioners answered questions. Committee members asked staff to make changes to the Proposed Committee Substitute. The committee moved to the next bill while staff prepared the wording for the Proposed Committee Substitute. After SB 1201 was voted on the committee returned SB 1161. Senator Soles offered a new proposed committee substitute and moved to adopt it. The motion carried unanimously. Senator Berger moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report**

SB 1201 Roberson/No Hunting or Fishing from Roadways, was explained by Senator Weinstein. Senator Albertson moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1264 Charlotte Regional Visitors Authority was withdrawn from the June 2, 2004 calendar. Sen. Clodfelter stated that the House companion bill HB 1564 has been received in the Senate. He asked to have the House bill considered at a future meeting instead.

HB 1386 Indian Trail Town Attorney, was explained by Rep. Blackwood. Senator Clodfelter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

Senator Soles asked for clarification on HB 1386. After discussion the committee decided to reconsider the bill at the June 9, 2004 committee meeting.

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 02, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	**1079**	DOT Retired Engineers.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1085**	DOT Technical Correction.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1092**	VA-NC Interstate High-Speed Rail Compact.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1133**	Misenheimer Municipal Elections.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1201**	Robeson/No Hunting or Fishing from Roadways.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**57**	Randolph TDA.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 6

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 02, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B.	**1159**	Military Affairs Comm. Membership.	
		Draft Number:	PCS 75337
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No
S.B.	**1312**	Local Gov't Employees/457 Plan.	
		Draft Number:	PCS 65452
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 57

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

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:

"(a) **Appointment and membership.** When the board of commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a 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:

(1) Seat 1 shall represent the hotel and motel industry, seat 4 shall 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.

(3) Seat 8 shall represent the hotel and motel industry and shall be 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

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

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 three-year 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.

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."

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

HOUSE BILL 57: Randolph TDA

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Representatives Brubaker & Culp
Date:	May 27, 2004	**Summary by:**	Theresa Matula Committee Staff
Version:	First Edition		

SUMMARY: ***House Bill 57 allows members of the Randolph County Tourism Development Authority to serve unlimited three-year terms.***

CURRENT LAW:

Under current local law, members of the Randolph County Tourism Development Authority can serve no more than two consecutive three-year terms.

BILL ANALYSIS:

House Bill 57 allows Tourism Development Authority members to serve unlimited three-year terms at the pleasure of the appointing authority.

House Bill 57 would become effective when it becomes law.

Giles Perry contributed to this summary.

H57-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 1312

State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 6/2/04

Short Title: Local Gov't Employees/457 Plan. (Public)

Sponsors:

Referred to:

May 25, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-426.24 reads as rewritten:

"**§ 143B-426.24. Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan.**

(a) The Governor may, by Executive Order, establish a Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan, which when established shall be constituted an agency of the State of North Carolina within the Department of Administration. The Board shall create, establish, implement, coordinate and administer a Deferred Compensation Plan for ~~State employees.~~ employees of the State, any county or municipality, the North Carolina Community College System, and any political subdivision of the State. Until so established, the Board heretofore established pursuant to Executive Order XII dated November 12, 1974, shall continue in effect. Likewise, the Plan heretofore established shall continue until a new plan is established.

(b) The Board shall consist of seven voting members, as follows:

(1) Three persons shall be appointed by the Governor who shall have experience with taxation, finance and investments, ~~and~~ one of whom shall be a State ~~employee;~~ employee and one shall be a local government or community college employee;

(2) One member shall be appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives under G.S. 120-121;

(3) One member shall be appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate under G.S. 120-121;

(4) The State Treasurer, ex officio; and

(5) The Secretary of Administration, ex officio, chairman.

(c) General Assembly appointments shall serve two year terms. A member shall continue to serve until his successor is duly appointed but a holdover under this provision does not affect the expiration date of the succeeding term. No member of the Board may serve more than three consecutive two year terms.

(d) In case of a vacancy on the Board before the expiration of a member's term, a successor shall be appointed within 30 days of the vacancy for the remainder of the unexpired term by the appropriate official pursuant to subsection (b). Vacancies in legislative appointments shall be filled under G.S. 120-122.

(e) Other than ex officio members, members appointed by the Governor shall serve at his pleasure.

(f) Any ex officio member may designate in writing, filed with the Board, any employee of his department to act at any meeting of the Board from which the member is absent, to the same extent that the member could act if present in person at such meeting.

(g) It shall be the duty of the Board when established to review all contracts, agreements or arrangements then in force relating to G.S. 147-9.2 and Executive Order XII to include, but not be limited to, such contracts, agreements or arrangements pertaining to the administrative services and the investment of deferred funds under the Plan for the purpose of recommending continuation of or changes to such contracts, agreements or arrangements.

(h) It shall be the duty of the Board to devise a uniform Deferred Compensation Plan for teachers and ~~State~~ employees, which shall include a reasonable number of options to the teacher or employee, for the investment of deferred funds, among which may be life insurance, fixed or variable annuities and retirement income contracts, regulated investment trusts, pooled investment funds managed by the Board or its designee, or other forms of investment approved by the Board, always in such form as will assure the desired tax treatment of such funds. The Board may alter, revise and modify the Plan from time to time to improve the Plan or to conform to and comply with requirements of State and federal laws and regulations relating to the deferral of compensation of teachers and public employees generally.

(h1) Notwithstanding any other law, an employee of any county or municipality, an employee of the North Carolina Community College System, or an employee of any political subdivision of the State may participate in any 457 Plan adopted by the State, with the consent of the Board and with the consent of the proper governing authority of such county, municipality, community college, or political subdivision of the State where such employee is employed.

(i) The Board is authorized to delegate the performance of such of its administrative duties as it deems appropriate including coordination, administration, and marketing of the Plan to teachers and employees. Prior to entering into any contract with respect to such administrative duties, it shall seek bids, hold public hearings and in general take such steps as are calculated by the Board to obtain competent, efficient and worthy services for the performance of such administrative duties.

(j) The Board may acquire investment vehicles from any company duly authorized to conduct such business in this State or may establish, alter, amend and modify, to the extent it deems necessary or desirable, a trust for the purpose of facilitating the administration, investment and maintenance of assets acquired by the investment of deferred funds. All assets of the Plan, including all deferred amounts, property and rights purchased with deferred amounts, and all income attributed thereto shall be held in trust for the exclusive benefit of the Plan participants and their beneficiaries.

(k) Members of the Board, who are not officers or employees of the State, or who are local government employees not otherwise reimbursed, shall receive per diem and necessary travel and subsistence in accordance with the provisions of G.S. 138-5, funded as provided in subsection (m) hereof.

(l) All clerical and other services and personnel required by the Board shall be supplied by the Secretary of Administration, funded as provided in subsection (m) hereof.

(m) Investment of deferred funds shall not be unreasonably delayed, and in no case shall the investment of deferred funds be delayed more than 30 days. The Board may accumulate such funds pending investment, and the interest earned on such funds pending investment shall be available to and may be spent in the discretion of the Board only for the reasonable and necessary expenses of the Board. The Secretary of Administration is authorized to prescribe guidelines for the expenditure of such funds by the Board. From time to time as the Board may direct, funds not required for such expenses may be used to defray administrative expenses and fees which would otherwise be required to be borne by teachers and employees who are then participating in the Plan.

(n) A majority of the Board shall constitute a quorum for the transaction of business.

(o) It is intended that the provisions of this Part shall be liberally construed to accomplish the purposes provided for herein."

SECTION 2. G.S. 143B-426.24(h1), as enacted by Section 1 of this act, becomes effective January 1, 2005. The remainder of the act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1312
PROPOSED COMMITTEE SUBSTITUTE S1312-CSSH-19 [v.4]

6/2/2004 11:12:05 AM

Short Title: Local Gov't Employees/457 Plan. (Public)

Sponsors:

Referred to:

May 25, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-426.24 reads as rewritten:

"**§ 143B-426.24. Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan.**

(a) The Governor may, by Executive Order, establish a Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan, which when established shall be constituted an agency of the State of North Carolina within the Department of Administration. The Board shall create, establish, implement, coordinate and administer a Deferred Compensation Plan for ~~State employees.~~ employees of the State, any county or municipality, the North Carolina Community College System, and any political subdivision of the State. Until so established, the Board heretofore established pursuant to Executive Order XII dated November 12, 1974, shall continue in effect. Likewise, the Plan heretofore established shall continue until a new plan is established.

(b) The Board shall consist of seven voting members, as follows:

(1) Three persons shall be appointed by the Governor who shall have experience with taxation, finance and investments, ~~and~~ one of whom shall be a State ~~employee;~~ employee and one shall be a local government or community college employee;

(2) One member shall be appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives under G.S. 120-121;

(3) One member shall be appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate under G.S. 120-121;

(4) The State Treasurer, ex officio; and

(5) The Secretary of Administration, ex officio, chairman.

(c) General Assembly appointments shall serve two year terms. A member shall continue to serve until his successor is duly appointed but a holdover under this provision does not affect the expiration date of the succeeding term. No member of the Board may serve more than three consecutive two year terms.

(d) In case of a vacancy on the Board before the expiration of a member's term, a successor shall be appointed within 30 days of the vacancy for the remainder of the unexpired term by the appropriate official pursuant to subsection (b). Vacancies in legislative appointments shall be filled under G.S. 120-122.

(e) Other than ex officio members, members appointed by the Governor shall serve at his pleasure.

(f) Any ex officio member may designate in writing, filed with the Board, any employee of his department to act at any meeting of the Board from which the member is absent, to the same extent that the member could act if present in person at such meeting.

(g) It shall be the duty of the Board when established to review all contracts, agreements or arrangements then in force relating to G.S. 147-9.2 and Executive Order XII to include, but not be limited to, such contracts, agreements or arrangements pertaining to the administrative services and the investment of deferred funds under the Plan for the purpose of recommending continuation of or changes to such contracts, agreements or arrangements.

(h) It shall be the duty of the Board to devise a uniform Deferred Compensation Plan for teachers and ~~State~~ employees, which shall include a reasonable number of options to the teacher or employee, for the investment of deferred funds, among which may be life insurance, fixed or variable annuities and retirement income contracts, regulated investment trusts, pooled investment funds managed by the Board or its designee, or other forms of investment approved by the Board, always in such form as will assure the desired tax treatment of such funds. The Board may alter, revise and modify the Plan from time to time to improve the Plan or to conform to and comply with requirements of State and federal laws and regulations relating to the deferral of compensation of teachers and public employees generally.

(h1) Notwithstanding any other law, an employee of any county or municipality, an employee of the North Carolina Community College System, or an employee of any political subdivision of the State may participate in any 457 Plan adopted by the State, with the consent of the Board and with the consent of the proper governing authority of such county, municipality, community college, or political subdivision of the State where such employee is employed.

(i) The Board is authorized to delegate the performance of such of its administrative duties as it deems appropriate including coordination, administration, and marketing of the Plan to teachers and employees. Prior to entering into any contract with respect to such administrative duties, it shall seek bids, hold public hearings and in general take such steps as are calculated by the Board to obtain competent, efficient and worthy services for the performance of such administrative duties.

(j) The Board may acquire investment vehicles from any company duly authorized to conduct such business in this State or may establish, alter, amend and modify, to the extent it deems necessary or desirable, a trust for the purpose of facilitating the administration, investment and maintenance of assets acquired by the investment of deferred funds. All assets of the Plan, including all deferred amounts, property and rights purchased with deferred amounts, and all income attributed thereto shall be held in trust for the exclusive benefit of the Plan participants and their beneficiaries.

(k) Members of the Board, who are not officers or employees of the State, or who are local government employees not otherwise reimbursed, shall receive per diem and necessary travel and subsistence in accordance with the provisions of G.S. 138-5, funded as provided in subsection (m) hereof.

(l) All clerical and other services and personnel required by the Board shall be supplied by the Secretary of Administration, funded as provided in subsection (m) hereof.

(m) Investment of deferred funds shall not be unreasonably delayed, and in no case shall the investment of deferred funds be delayed more than 30 days. The Board may accumulate such funds pending investment, and the interest earned on such funds pending investment shall be available to and may be spent in the discretion of the Board only for the reasonable and necessary expenses of the Board. The Secretary of Administration is authorized to prescribe guidelines for the expenditure of such funds by the Board. From time to time as the Board may direct, funds not required for such expenses may be used to defray administrative expenses and fees which would otherwise be required to be borne by teachers and employees who are then participating in the Plan.

(n) A majority of the Board shall constitute a quorum for the transaction of business.

(o) It is intended that the provisions of this Part shall be liberally construed to accomplish the purposes provided for herein."

SECTION 2. G.S. 143B-426.24(h1), as enacted by Section 1 of this act, becomes effective January 1, 2005. The remainder of the act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1312

Short Title:	Local Gov't Employees/457 Plan.	(Public)
Sponsors:	Senators Dorsett; Albertson, Berger, Hoyle, Kinnaird, Malone, Nesbitt, Queen, and Rand.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 25, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-426.24(h) reads as rewritten:

"(h) It shall be the duty of the Board to devise a uniform Deferred Compensation Plan for teachers and State employees, which shall include a reasonable number of options to the teacher or employee, for the investment of deferred funds, among which may be life insurance, fixed or variable annuities and retirement income contracts, regulated investment trusts, pooled investment funds managed by the Board or its designee, or other forms of investment approved by the Board, always in such form as will assure the desired tax treatment of such funds. The Board may alter, revise and modify the Plan from time to time to improve the Plan or to conform to and comply with requirements of State and federal laws and regulations relating to the deferral of compensation of teachers and public employees generally.

Notwithstanding any other law, effective January 1, 2005, an employee of any county or municipality, an employee of the North Carolina Community College System, or an employee of any political subdivision of the State may participate in any 457 Plan adopted by the State, with the consent of the Board and with the consent of the proper governing authority of such county, municipality, community college, or political subdivision of the State where such employee is employed."

SECTION 2. This act becomes effective July 1, 2004.

SENATE BILL 1312:
Local Gov't Employees/457 Plan

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	June 1, 2004		
Version:	PCS (S1312-CSSH-19)		

SUMMARY: ***Senate Bill 1312 authorizes employees of any county, municipality, community college, and political subdivision of the State to participate in a 457 Plan adopted by the State.***

The Proposed Committee Substitute (PCS-S1312-CSSH-19) for Senate Bill 1312 makes conforming and technical changes.

BILL ANALYSIS:

Senate Bill 1312 adds a provision to G.S. 143B-426.24 to allow an employee of any county, municipality, North Carolina Community College, and political subdivision of the State to participate in any 457 Plan adopted by the State. The proper governing authority of the county, municipality, community college or political subdivision must grant consent for participation.

The Proposed Committee Substitute (PCS S1312-CSSH-19) makes conforming changes to subsections (a), (b) and (k) of G.S. 143B-426.24 to incorporate the entities added in Senate Bill 1312. The PCS also makes technical amendments to the original bill by numbering the original amendment subsection (h1) and moving the effective date of subsection (h1) to the effective dates provided in Section 2 of the bill.

The Proposed Committee Substitute for Senate Bill 1312 (PCS S1312-CSSH-19) provides that G.S. 143B-426.24(h1), would become effective January 1, 2005. The remainder of the act becomes effective July 1, 2004.

S1312-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1079*

Short Title:	DOT Retired Engineers.	(Public)
Sponsors:	Senators Jenkins; and Carpenter.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-3(8) is amended by adding a new sub-subdivision to read:

"c1. The computation of postretirement earnings of a beneficiary under sub-subdivision c. of this subdivision who has been retired at least six months and has not been employed in any capacity with the Department of Transportation for at least six months immediately preceding the effective date of reemployment shall not include earnings while the beneficiary is employed with the Department of Transportation as an engineer or engineering technician. The Department of Transportation shall certify to the Retirement System that a beneficiary is employed by the Department of Transportation as a retired engineer or retired engineering technician.

A 'retired engineer' or 'retired engineering technician' means a beneficiary of the Teachers' and State Employees' Retirement System of the State of North Carolina who has been retired at least six months, has not been employed in any capacity with the Department of Transportation for at least six months immediately preceding the effective date of reemployment, is determined by the Department of Transportation to have had satisfactory performance during the last year of employment, and who is employed as an engineer or engineering technician. A retired engineer or engineering technician shall be treated the same as a probationary employee except that a retired engineer or engineering technician is not eligible for career status.

Beneficiaries employed under this sub-subdivision are not entitled to any benefits otherwise provided under this Chapter as a result of this period of employment."

SECTION 2. This act becomes effective July 1, 2004.

SENATE BILL 1079:
DOT Retired Engineers

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Jenkins
		Summary by:	Theresa Matula Committee Staff
Date:	June 1, 2004		
Version:	First Edition		

SUMMARY: ***Senate Bill 1079 amends the law governing the Teachers' and State Employees' Retirement System to allow a retired engineer or retired engineering technician, who has been retired at least six months, to be reemployed with no earnings restrictions. This proposal was contained in the Joint Legislative Transportation Oversight Committee's report to the 2004 Session of the General Assembly.***

CURRENT LAW:

With one exception, under G.S. 135-3(8)(c) a retiree of the Teachers' and State Employees' Retirement System (TSERS) who is reemployed by an employer participating in the TSERS on a part-time, temporary, interim, or fee-for-service basis, whether contractual or otherwise, may earn up to 50% of the salary earned during the last year of service, or $24,620, whichever is greater, during the 12 month period immediately following retirement, or in any calendar year. If the retiree earns more than this amount, the retirement allowance is suspended.

The exception was enacted in 1998, when the General Assembly exempted teachers from the earnings cap. Currently, a retired teachers who has not been employed in any capacity with a public school, other than as a substitute or part-time tutor, for the six month period immediately preceding the date of reemployment can earn a full salary while still receiving a full retirement allowance. This provision is scheduled to expire on June 30, 2004.

BILL ANALYSIS:

Senate Bill 1079 amends the Teachers' and State Employees' Retirement System law by adding a new sub-subdivsion to G.S. 135-3(8). Under this new provision, a retired engineer or engineering technician may be reemployed and not subject to the postretirement earnings limitation. A 'retired engineer' or 'retired engineering technician' is defined as:

- a beneficiary of the TSERS who has been retired at least six months and has not been employed in any capacity with the Department of Transportation for at least six months preceding the date of reemployment,
- is determined by the Department of Transportation to have had satisfactory performance during the last year of employment, and
- who is employed as an engineer or engineering technician.

This bill would become effective July 1, 2004.

BACKGROUND:

Senate Bill 1079 represents Proposal #9 in the Joint Legislative Transportation Oversight Committee's report to the 2004 Session of the General Assembly.

S1079-SMSH-001

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE
RETIREMENT

BILL NUMBER: Senate Bill 1079 (First Edition)

SHORT TITLE: DOT Retired Engineers

SPONSOR(S): Senator Jenkins

SYSTEM OR PROGRAM AFFECTED: Teachers' & State Employees' Retirement System

FUNDS AFFECTED: General Fund, Highway Fund and Receipt Fund

BILL SUMMARY: Under the present law, a retiree is allowed to earn in any calendar year or the 12 months following retirement, 50% of the salary earned during the 12 months of service prior to retirement or $24,620, whichever is greater. The present law removes all reemployment earnings restrictions for any retiree who is a retired engineer or retired engineering technician and who has not been employed with the Department of Transportation for at least six months immediately preceding the date of reemployment.

EFFECTIVE DATE: July 1, 2004

ESTIMATED IMPACT ON STATE: Both, the Retirement System's actuary, Mellon, and the General Assembly's actuary, Hartman & Associates, estimates the cost to be .01% of the payroll of all members of the Teachers' and State Employees' Retirement System. Both actuaries realize the change would cost the System as a result of allowing engineers or engineering technicians to retire at a younger age than is assumed under the current law.

	2004-05	2005-06	2006-07	2007-08	2008-09
General Fund	$0.765M	$0.809M	$0.855M	$0.904M	$0.955M
Highway Fund	$0.038M	$0.040M	$0.043M	$0.045M	$0.048M
Receipt Funds	$0.262M	$0.277M	$0.293M	$0.310M	$0.327M
TOTAL COST	$1.065M	$1.127M	$1.191M	$1.260M	$1.332M

ASSUMPTIONS AND METHODOLOGY: Teachers' & State Employees' Retirement System. The cost estimates of the System's Actuary are based on the employee data, actuarial assumptions and actuarial methods used to prepare the December 31, 2002 actuarial valuation of the fund. The data included 296,377 active members with an annual payroll of $9.7 billion and 118,129 retired members in receipt of annual pensions totaling $2 billion. Significant actuarial assumptions used include (a) an investment return rate of 7.25%, (b) salary increase rate of 6.25%, (c) the George B. Buck Mortality Tables for deaths in service and after retirement and (d) rates of separation from active service based on System experience. The actuarial cost method used was the entry age normal method with

open-end unfunded accrued liability and a frozen unfunded liquidation period of nine years. Detailed information concerning these assumptions and methods is shown in the actuary's report, which is available upon request from Stanley Moore.

SOURCES OF DATA: System Actuary - Mellon
General Assembly Actuary - Hartman & Associates, LLC

FISCAL RESEARCH DIVISION: (919) 733-4910 The above information is provided in accordance with the North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives

PREPARED BY: Stanley Moore



APPROVED BY: James D. Johnson, Director
Fiscal Research Division

DATE: May 31, 2004

Signed Copy Located in the NCGA Principal Clerk's Offices

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1085*

Short Title:	DOT Technical Correction.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-180(a) reads as rewritten:

"(a) Funds allocated from the Trust Fund for urban loops may be used only for the following urban loops:

Loop	Description	Affected Counties
...		
Greensboro Loop	Multilane facility on new location encircling City of Greensboro including interchanges with Cone Boulevard Extension and ~~Lewis-Fleming~~ Lewiston-Fleming Road Extension	Guilford

...."

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

SENATE BILL 1085:
DOT Technical Correction

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Jenkins
		Summary by:	Theresa Matula Committee Staff
Date:	June 1, 2004		
Version:	First Edition		

SUMMARY: ***Senate Bill 1085 makes a technical correction to the name of a road listed in the Greensboro Loop. This proposal was contained in the Joint Legislative Transportation Oversight Committee's report to the 2004 Session of the General Assembly.***

CURRENT LAW:

G.S. 136-180 contains the urban loops for which funds are allocated from the Highway Trust Fund. The section contains the name of each loop, a description, and the counties affected. The Greensboro Loop is one of the loops contained in this section and is described as a, "Multilane facility on new location encircling City of Greensboro including interchanges with Cone Boulevard Extension and Lewis-Fleming Road Extension."

BILL ANALYSIS:

Senate Bill 1085 amends G.S. 136-180 to change the reference in the Greensboro Loop description from "Lewis-Fleming" to "Lewiston-Fleming" Road.

This bill would become effective when it becomes law.

BACKGROUND:

Senate Bill 1085 represents Proposal #13 in the Joint Legislative Transportation Oversight Committee's report to the 2004 Session of the General Assembly.

S1085-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1092*

Short Title:	VA-NC Interstate High-Speed Rail Compact.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 18.

"Virginia-North Carolina Interstate High-Speed Rail Compact.

"**§ 136-220. Compact established.**

Pursuant to the invitation in 49 U.S.C. § 24101 (Interstate Compacts), in which the United States Congress grants consent to states with an interest in a specific form, route, or corridor of intercity passenger rail service (including high-speed rail service) to enter into interstate compacts, there is hereby established the Virginia-North Carolina Interstate High-Speed Rail Compact.

"**§ 136-221. Agreement.**

The Commonwealth of Virginia and the State of North Carolina agree, upon adoption of this compact:

(1) To study, develop, and promote a plan for the design, construction, financing, and operation of interstate high-speed rail service through and between points in the Commonwealth of Virginia and the State of North Carolina, and adjacent states.

(2) To coordinate efforts to establish high-speed rail service at the federal, State, and local governmental levels.

(3) To advocate for federal funding to support the establishment of high-speed interstate rail service within and through Virginia and North Carolina and to receive federal funds made available for rail development.

(4) To provide funding and resources to the Virginia-North Carolina High-Speed Rail Compact Commission from funds that are or may become available and are appropriated for that purpose.

"**§ 136-222. Commission established; appointment and terms of members; chairman; reports; commission funds; staff.**

(a) Commission established. – The Virginia-North Carolina High-Speed Rail Compact Commission is hereby established as a regional instrumentality and a common agency of each signatory party, empowered in a manner hereinafter to carry out the purposes of the Compact.

(b) Members, terms. – The Virginia members of the Commission shall be appointed as follows: three members of the House of Delegates, appointed by the Speaker of the House of Delegates, and two members of the Senate, appointed by the Senate Committee on Rules. The North Carolina members of the Commission shall be composed of five members as follows: two members of the Senate appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, two members of the House of Representatives appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives, and one appointed by the Governor.

(c) Chair. – The chair of the Commission shall be chosen by the members of the Commission from among its membership for a term of one year and shall alternate between the member states.

(d) Meetings and reports. – The Commission shall meet at least twice each year, at least once in Virginia and once in North Carolina, and shall issue a report of its activities each year.

(e) Funds. – The Commission may utilize, for its operation and expenses, funds appropriated to it therefore by the legislatures of Virginia and North Carolina, or received from federal sources.

(f) Expenses of Members. – Virginia members of the Commission shall receive compensation and reimbursement for expenses in accordance with the applicable laws of that state. North Carolina members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-31, 138-5, or 138-6, as appropriate.

(g) Staff. – Primary staff to the Commission shall be provided by the Virginia Department of Rail and Public Transportation and the North Carolina Department of Transportation."

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

SENATE BILL 1092:
VA-NC Interstate High-Speed Rail Compact

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Jenkins
		Summary by:	Theresa Matula Committee Staff
Date:	June 1, 2004		
Version:	First Edition		

SUMMARY: Senate Bill 1092 establishes the Virginia-North Carolina Interstate High-Speed Rail Compact. This proposal was contained in the Joint Legislative Transportation Oversight Committee's report to the 2004 Session of the General Assembly.

BILL ANALYSIS:

Senate Bill 1092 adds a new Article 18 to Chapter 136 (Roads and Highways) of the General Statutes. The new Article: 1) Establishes the Virginia-North Carolina Interstate High-speed Rail Compact in G.S. 136-220; 2) Outlines the agreement with the Commonwealth of Virginia in G.S. 136-221; and 3) Establishes the Virginia-North Carolina High-Speed Rail Compact Commission in G.S. 136-222.

- **G.S. 136-220** establishes the Compact pursuant to the invitation in the U.S.Code in which Congress grants consent to states to enter into interstate rail service compacts.
- **G.S. 136-221** outlines the agreement between the Commonwealth of Virginia and the State of North Carolina. Elements of the agreement include:
  - Developing a plan for design, construction and operation of interstate high-speed rail service;
  - Coordinating with federal, State and local governments;
  - Advocating for federal funding; and
  - Providing funding and resources to the Virginia-North Carolina High-Speed Rail Compact Commission.
- **G.S. 136-222** establishes the Virginia-North Carolina High-Speed Rail Compact Commission. There will be five Virginia (VA) members and five North Carolina (NC) members. The NC Governor appoints one member and the four remaining NC members are appointed by the General Assembly as follows: two Senate members upon the recommendation of the Present Pro Tempore of the Senate, and two House members upon recommendation of the Speaker of the House of Representatives. The chair of the Commission is selected by the Commission members and alternates between the states. The Commission is required to meet at least twice a year, once in each state, and to issue an annual report. Funds for the Commission's operations and expenses may be appropriated by the VA and NC legislatures, or received from federal sources.

This bill would become effective when it becomes law.

BACKGROUND:

Senate Bill 1092 represents Proposal #12 in the Joint Legislative Transportation Oversight Committee's report to the 2004 Session of the General Assembly.

Virginia's Governor signed the Rail Compact bill (VA Senate Bill 126) into law on April 12, 2004 (Chapter 622 of the Acts of Assembly of 2004).

S1092-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1133

Short Title:	Misenheimer Municipal Elections.	(Local)
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.

SB 1133:
Misenheimer Municipal Elections

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Senator Purcell
		Summary by:	Barbara Riley Committee Counsel
Date:	June 1, 2004		
Version:	1st Edition		

SUMMARY:

Senate Bill 1133 would provide for municipal elections for the Village of Misenheimer in odd numbered years.

CURRENT LAW:

The Village of Misenheimer was incorporated in 2003. S.L. 2003-268. The initial charter provided for the named temporary members of the Village Council to serve until elections were held in 2004.

BILL ANALYSIS:

Senate Bill 1133 moves the initial elections for the Village Council to 2005. Elections thereafter would be held in odd numbered years. The named temporary officers of the Village will serve until after the initial election.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 1159*

State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/2/04

Short Title: Military Affairs Comm. Membership. (Public)

Sponsors:

Referred to:

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 127C-2 reads as rewritten:

"**§ 127C-2. Membership.**

(a) The North Carolina Advisory Commission on Military Affairs shall consist of 21 voting members, who shall serve on the Executive Committee, and ~~nine~~ 15 nonvoting, ex officio members who shall serve by reason of their positions.

(b) The Executive Committee shall be appointed as follows:

(1) Three members appointed by the Speaker of the House of Representatives, one of whom shall be a member of a recognized veterans' organization.

(2) Three members appointed by the President Pro Tempore of the Senate, one of whom shall be a member of a recognized veterans' organization.

(3) Fifteen members appointed by the Governor, consisting of:

a. Three representatives from the Jacksonville community.

b. Three representatives from the Havelock community.

c. Three representatives from the Goldsboro community.

d. Three representatives from the Fayetteville community.

e. Three public members from across the State.

(c) The following ~~members~~members, or their designee, shall serve ex officio:

(1) The Lieutenant Governor.

~~(1)~~(2) Secretary of Crime Control and Public ~~Safety, or a designee.~~Safety.

~~(2)~~(3) Secretary of ~~Commerce, or a designee.~~Commerce.

(4) The Secretary of Transportation.

(5) The Secretary of the Department of Environment and Natural Resources.

~~(3)~~(6) Commanding General 18th Airborne Corps, Fort Bragg.
~~(4)~~(7) Commanding General Marine Corps Base, Camp Lejeune.
~~(5)~~(8) Commanding General Marine Corps Air Station, Cherry Point.
~~(6)~~(9) Commander 4th FW, Seymour Johnson Air Force Base.
~~(7)~~(10) Commander 43rd Airlift Wing, Pope Air Force Base.
~~(8)~~(11) Commander of the U.S. Coast Guard Support Center, Elizabeth City.
~~(9)~~(12) Adjutant General of the North Carolina National Guard.
(13) The Executive Director of the North Carolina League of Municipalities.
(14) The Executive Director of the North Carolina Association of County Commissioners.
(15) The Assistant Secretary for Veterans Affairs, Department of Administration.

(d) The Governor shall designate one member of the Executive Committee appointed pursuant to subsection (b) of this section to serve as chair. The Executive Committee shall elect four persons from amongst its membership to serve as vice-chairs.

(e) The terms of the members of the Executive Committee shall be as follows:
(1) The members initially appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall serve terms ending on December 31, 2003.
(2) Seven of the members appointed by the Governor shall serve initial terms ending on December 31, 2002.
(3) Eight of the members appointed by the Governor shall serve initial terms ending on December 31, 2003.

Thereafter, all members shall serve two-year terms."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S D

SENATE BILL 1159*
PROPOSED COMMITTEE SUBSTITUTE S1159-CSRF-33 [v.1]

6/2/2004 9:23:39 AM

Short Title: Military Affairs Comm. Membership. (Public)

Sponsors:

Referred to:

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 127C-2 reads as rewritten:

"**§ 127C-2. Membership.**

(a) The North Carolina Advisory Commission on Military Affairs shall consist of 21 voting members, who shall serve on the Executive Committee, and ~~nine~~ fifteen nonvoting, ex officio members who shall serve by reason of their positions.

(b) The Executive Committee shall be appointed as follows:

(1) Three members appointed by the Speaker of the House of Representatives, one of whom shall be a member of a recognized veterans' organization.

(2) Three members appointed by the President Pro Tempore of the Senate, one of whom shall be a member of a recognized veterans' organization.

(3) Fifteen members appointed by the Governor, consisting of:

a. Three representatives from the Jacksonville community.

b. Three representatives from the Havelock community.

c. Three representatives from the Goldsboro community.

d. Three representatives from the Fayetteville community.

e. Three public members from across the State.

(c) The following ~~members~~members, or their designee, shall serve ex officio:

(1) The Lieutenant Governor.

~~(1)~~(2) Secretary of Crime Control and Public ~~Safety, or a designee.~~Safety.

~~(2)~~(3) Secretary of ~~Commerce, or a designee.~~Commerce.

(4) The Secretary of Transportation.

(5) The Secretary of the Department of Environment and Natural Resources.

~~(3)~~(6) Commanding General 18th Airborne Corps, Fort Bragg.
~~(4)~~(7) Commanding General Marine Corps Base, Camp Lejeune.
~~(5)~~(8) Commanding General Marine Corps Air Station, Cherry Point.
~~(6)~~(9) Commander 4th FW, Seymour Johnson Air Force Base.
~~(7)~~(10) Commander 43rd Airlift Wing, Pope Air Force Base.
~~(8)~~(11) Commander of the U.S. Coast Guard Support Center, Elizabeth City.
~~(9)~~(12) Adjutant General of the North Carolina National Guard.
(13) The Executive Director of the North Carolina League of Municipalities.
(14) The Executive Director of the North Carolina Association of County Commissioners.
(15) The Assistant Secretary for Veterans Affairs, Department of Administration."

(d) The Governor shall designate one member of the Executive Committee appointed pursuant to subsection (b) of this section to serve as chair. The Executive Committee shall elect four persons from amongst its membership to serve as vice-chairs.

(e) The terms of the members of the Executive Committee shall be as follows:
(1) The members initially appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall serve terms ending on December 31, 2003.
(2) Seven of the members appointed by the Governor shall serve initial terms ending on December 31, 2002.
(3) Eight of the members appointed by the Governor shall serve initial terms ending on December 31, 2003.

Thereafter, all members shall serve two-year terms."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1159*

Short Title:	Military Affairs Comm. Membership.	(Public)
Sponsors:	Senators Hargett; Dorsett, Kerr, Lucas, Moore, and Thomas.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 127C-2(c) reads as rewritten:

"(c) The following ~~members~~members, or their designee, shall serve ex officio:

(1) The Lieutenant Governor.

~~(1)~~(2) Secretary of Crime Control and Public ~~Safety, or a designee.~~Safety.

~~(2)~~(3) Secretary of ~~Commerce, or a designee.~~Commerce.

(4) The Secretary of Transportation.

(5) The Secretary of the Department of Environment and Natural Resources.

~~(3)~~(6) Commanding General 18th Airborne Corps, Fort Bragg.

~~(4)~~(7) Commanding General Marine Corps Base, Camp Lejeune.

~~(5)~~(8) Commanding General Marine Corps Air Station, Cherry Point.

~~(6)~~(9) Commander 4th FW, Seymour Johnson Air Force Base.

~~(7)~~(10) Commander 43rd Airlift Wing, Pope Air Force Base.

~~(8)~~(11) Commander of the U.S. Coast Guard Support Center, Elizabeth City.

~~(9)~~(12) Adjutant General of the North Carolina National Guard.

(13) The Executive Director of the North Carolina League of Municipalities.

(14) The Executive Director of the North Carolina Association of County Commissioners.

(15) The Assistant Secretary for Veterans Affairs, Department of Administration."

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

SB 1159:
Military Affairs Commission Membership.

BILL ANALYSIS

Committee:	Sen. State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Senator Hargett
Date:	June 1, 2004	**Summary by:**	Hal Pell Committee Co-Counsel
Version:	1st Edition		

*SUMMARY: **Senate Bill 1159 adds five members to the North Carolina Commission on Military Affairs. The act would be effective when it becomes law.***

BILL ANALYSIS:

The bill adds five members to the North Carolina Commission on Military Affairs. The additional members were recommended by the Commission. The new members would be:

- The Lieutenant Governor, or designee
- The Secretary of Transportation, or designee
- The Secretary of the Department of Environment and Natural Resources, or designee.
- The Executive Director of the North Carolina League of Municipalities, or designee
- The Executive Director of the North Carolina Association of County Commissioners, or designee.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 1161*

State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/9/04

Short Title: Military Planning Notices. (Public)

Sponsors:

Referred to:

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:

"**§ 153A-323. Procedure for adopting or amending ordinances under this Article and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the board of commissioners shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance."

SECTION 2. G.S. 160A-364 reads as rewritten:

"**§ 160A-364. Procedure for adopting or amending ordinances under Article.**

(a) Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be

given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the board of commissioners shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance."

SECTION 3. This act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1161*
PROPOSED COMMITTEE SUBSTITUTE S1161-CSRF-30 [v.2]

6/2/2004 11:00:33 AM

Short Title: Military Planning Notices. (Public)

Sponsors:

Referred to:

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:

"**§ 153A-323. Procedure for adopting or amending ordinances under this Article and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance changes or affects the permitted uses of property in the vicinity of a military base the board of commissioners shall provide written notice of the proposed changes by ~~first-class~~ mail to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military base' means land located five miles or less from the perimeter boundary of a military base."

SECTION 2. G.S. 160A-364 reads as rewritten:

"**§ 160A-364. Procedure for adopting or amending ordinances under Article.**

(a) Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance changes or affects the permitted uses of property in the vicinity of a military base the city council shall provide written notice to the commander of the military base by first class mail of the proposed changes not less than 10 days not more than 25 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the city council shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military base' means land located five miles or less from the perimeter boundary of a military base."

SECTION 3. This act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1161*

Short Title:	Military Planning Notices.	(Public)
Sponsors:	Senators Hargett; Kerr, Lucas, Moore, and Thomas.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:

"**§ 153A-323. Procedure for adopting or amending ordinances under this Article and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance will affect property in the vicinity of a military installation, the board of commissioners shall provide written notice of the proposed changes to the commander of the military installation at least 30 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the installation, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military installation' means land located five miles or less from the perimeter boundary of a military installation."

SECTION 2. G.S. 160A-364 reads as rewritten:

"**§ 160A-364. Procedure for adopting or amending ordinances under Article.**

(a) Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general

circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance will affect property in the vicinity of a military installation, the city council shall provide written notice to the commander of the military installation of the proposed changes at least 30 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the installation, the city council shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military installation' means land located five miles or less from the perimeter boundary of a military installation."

SECTION 3. This act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1161*
PROPOSED COMMITTEE SUBSTITUTE S1161-PCS75339-RF-30

Short Title: Military Planning Notices. (Public)

Sponsors:

Referred to:

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:

"**§ 153A-323. Procedure for adopting or amending ordinances under this Article and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the board of commissioners shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance."

SECTION 2. G.S. 160A-364 reads as rewritten:

"**§ 160A-364. Procedure for adopting or amending ordinances under Article.**

(a) Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be

given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the board of commissioners shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance."

SECTION 3. This act becomes effective July 1, 2004.

SB1161:
Military Planning Notice Required

BILL ANALYSIS

Committee:	Sen. State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Senator Hargett
		Summary by:	Barbara Riley Committee Counsel
Date:	June 1, 2004		
Version:	1st Edition		

SUMMARY:

Senate Bill 1161 would require counties and cities planning to adopt or amend land use ordinances affecting property in the vicinity of a military installation to provide notice of the proposed ordinance or change to the commander of the military installation at least 30 days prior to the public hearing required under G.S. 153A-323 and G.S. 160A-364.

BACKGROUND:

A serious issue facing both military installations and local governments is the increase in residential and commercial development of land surrounding military bases. Development that occurs near aircraft flight paths, artillery ranges, drop zones and other training facilities can present problems ranging from high levels of noise to risk of injury in accident hazard zones. Encroaching development around a military installation can lead to the curtailing of military training activities. In the upcoming round of base closures under the Base Realignment and Closure Act (BRAC), encroachment issues will be critical. The primary criterion listed by the Department of Defense for military installations is military value, which includes the present and future mission capability of a base and its impact on readiness of the total force.

BILL ANALYSIS:

G.S. 153A-323 and G.S. 160A-364 set forth the procedures for counties and cities, respectively, to adopt or amend land use ordinances. The statutes require that a public hearing be held and that notice of the hearing be published not less than 10 days or more than 25 days before the date of the hearing.

Sections 1 and 2 of the bill would require that when a proposed ordinance or amendment affects property in the vicinity of a military installation, the board of commissioners or city council must notify the commander of the nearby military installation at least 30 days prior to the public hearing. The board or council must take into consideration any comments made by the military regarding the compatibility of the proposed ordinance and military operations at the base. "Property in the vicinity of a military installation" is defined to mean land located 5 miles or less from the perimeter boundary of a military installation.

The act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1201

Short Title:	Robeson/No Hunting or Fishing from Roadways.	(Local)
Sponsors:	Senator Weinstein.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING AND FISHING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to hunt, take, or kill any wild animal or wild bird, or to attempt to hunt, take, or kill any wild animal or wild bird, with the use of a firearm or bow and arrow, from, on, across, or over the roadway or right-of-way of any public road, street, or highway.

SECTION 2. It is unlawful to fish in any body of water from the roadway or right-of-way of any public road, street, or highway.

SECTION 3. Violation of the provisions of this act is punishable as a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 15A-1340.23, violation of this act is punishable by a fine of up to three hundred dollars ($300.00). A second or subsequent violation of Section 1 of this act is punishable by a fine of at least three hundred dollars ($300.00) and the loss of hunting privileges for a period of 12 months from the date of the violation.

SECTION 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 5. This act applies only to Robeson County. This act becomes effective October 1, 2004, and applies to offenses committed on or after that date.

SB 1201:
Robeson/ No Hunting or Fishing from Roadways

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Senator Weinstein
		Summary by:	Barbara Riley Committee Counsel
Date:	June 1, 2004		
Version:	1st Edition		

SUMMARY:

Senate Bill 1201 would prohibit hunting from, on or across the roadway or right of way of any public road and would prohibit fishing in any body of water from the roadway or right of way of any public road.

CURRENT LAW:

Robeson County currently has local laws that prohibit the taking of deer through the use of a boat or floating device, S.L. 1979-1177 and that prohibit hunting with firearms or discharging a firearm from or across a State primary or secondary road, except that a person may hunt from or across a secondary road with the written permission of the person owning the abutting land. S.L. 1983-385.

BILL ANALYSIS:

Senate Bill 1201 would prohibit hunting from on or across the roadway or right of way of a public road. Section 2 of the bill would prohibit fishing in any body of water from the roadway or right of way of a public road. Violation of the act is a Class 3 misdemeanor punishable by a fine of up to $300 for a first offense. Subsequent offenses are punishable by a fine of at least $300 and loss of hunting privileges for 12 months.

The act becomes effective October 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1264*

Short Title:	Charlotte Regional Visitors Authority.	(Local)
Sponsors:	Senators Clodfelter, Dannelly, Pittenger, and Rucho.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 24, 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

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.

(6) 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 full 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.

"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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1386
Committee Substitute Favorable 5/20/04

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.

HOUSE BILL 1386:
Indian Trail Town Attorney

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs I	**Introduced by:**	Representative Blackwood
		Summary by:	R. Erika Churchill Committee Counsel
Date:	May 19, 2003		
Version:	2d edition		

SUMMARY: House Bill 1386 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 bill would remove the requirement that the Town Attorney attend all meetings of the Town Council. The act would become effective when it becomes law.

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 2, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert Dasenbrock	student
Joe Delk	Gov. Office
P.J. Simmons	NCDOT
Jeff Thordahl	CSX
Lesman Cooper	Counsel
Angie Harris	Maupin Taylor
Chuck Neely	Maupin Taylor
Kathy Hawkins	Progress Energy
[illegible]	NMRS
[illegible]	NMRS
Jim Blackburn	NC Assoc. County Commrs

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 2, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sandy Sands	UNC G/R
Brett Joyal	Retirement System Dept. State Treasurer
Pam Deardorff	-- -- -- --
Joe Milazzo II	Regional Transportation Alliance
Andy Romanet	NCLM
Sandra Long	Martin Marietta
Calvin Leggett	NCDOT
S. Coward	NCDOT
Bill Sloan	KCCH
Grady McMillin	NC Conservation Network.
Erin Kinney	NC Conservation Network

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 2, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Meyer	NCACC
Charlie Archer	NCCM
Lisa Martin	NC Home Builders Assoc.
Bruce Thompson	Parker Poe

Senate State Government, Local Government, and Veterans' Affairs Committee
Wednesday, June 9, 2004, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1386	Indian Trail Town Attorney.	Representative Blackwood, Jr.
SB 1209	Durham Housing Appeals Board.	Senator Lucas
SB 1233	Pinebluff Unopened Trolley Easements.	Senator Blake
SB 1238	Garner/Unsafe Residential Buildings.	Senator Stevens
SB 1250	Greensboro Ordinance Publication.	Senator Dorsett
SB 1252	Greensboro Claim Settlements.	Senator Dorsett
SB 1277	Madison Town Election.	Senator Berger
SB 1279	M & M Fire District Contracts.	Senator Berger
SB 1286	Elizabethtown Charter Amendments.	Senator Rand
SB 1288	Mooresville Streets and Sidewalks.	Senator Sloan
HB 1474	Yancey County Construction.	Representative Rapp
HB 1447	City of Greenville-Abandoned/Junked Vehicles.	Representative Warren

Presentations

Other Business

Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, JUNE 9, 2004

MINUTES

State Government and Local Government and Veteran Affairs committee met June 2, 2004 at 12:00 noon in Room 1124 of the Legislative Building. Thirteen members were present, including Senator Ellie Kinnaird, who presided.

SB 1209 Durham Housing Appeals Board was removed from the agenda.

SB 1286 Elizabethtown Charter Amendments was removed from the agenda. The House companion bill HB 1619 will be on the June 19, 2004 agenda.

HB 1447 City of Greenville-Abandoned/Junked Vehicles was explained by Representative Warren. Senator Weinstein moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1474 Yancey County Construction, was explained by Representative Rapp. Senator Garwood moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1233 Pinebluff Unopened Trolley Easements, was explained by Senator Blake. Senator Horton moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1608 Greensboro Claim Settlements was considered instead of the Senate Companion Bill SB 1250, it was explained by Senator Dorsett. Senator Dorsett offered a Proposed Committee Substitute and moved to adopt it. The motion carried unanimously. Linda Miles, City of Greensboro, expressed the city supports the bill. Senator Berger moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report**

HB1386 Indian Trail Town Attorney was explained by Representative Black. Senator Soles made a motion to reconsider the bill. Senator Berger offered a Proposed Committee Substitute and moved to adopt it. The motion carried unanimously. Senator Horton moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report**

SB 1252 Greensboro Claim Settlement was considered instead of the house companion bill HB 1604, Senator Dorsett explained the bill. Senator Berger moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1277 Madison Town Elections, was explained by Senator Berger. Senator Berger offered a Proposed Committee Substitute and moved to adopt it. The motion carried unanimously. Senator Stevens moved a favorable report of the Proposed Committee Substitute. The motion

carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Report**

SB 1279 M & M Fire District Contracts, was explained by Senator Berger. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1286, Elizabethtown Charter Amendments was removed from the June 9 Agenda.

SB 1288, Mooresville Streets and Sidewalks, was explained by Senator Sloan. Senator Clodfelter moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1238 Garner/Unsafe Residential Buildings was replaced with the House companion bill HB 1666, was explained by Representative Ross. Andy Romanet, NC League of Municipalities, spoke for the bill. Sen. Clodfelter recommends the issue be studied and that a State bill be offered in the 2005 session. Senator Stevens moved a favorable report of the bill. The motion carried. **Favorable Report**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 09, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	**1233**	Pinebluff Unopened Trolley Easements.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1279**	M & M Fire District Contracts.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1288**	Mooresville Streets and Sidewalks.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**1447**	City of Greenville-Abandoned/Junked Vehicles.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**1474**	Yancey County Construction.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**1604**	Greensboro Claim Settlements.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**1666**	Garner/Unsafe Residential Buildings.	
		Sequential Referral:	None
		Recommended Referral:	None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1161** Military Planning Notices.

Draft Number:	PCS 75339
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 8

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair
Thursday, June 10, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1277** Madison Town Election.

Draft Number:	PCS 85355
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1386** Indian Trail Town Attorney.

Draft Number:	PCS 30553
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1608** Greensboro Ordinance Publication.

Draft Number:	PCS 50421
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1209

Short Title:	Durham Housing Appeals Board.	(Local)
Sponsors:	Senator Lucas.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 20, 2004

A BILL TO BE ENTITLED

AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 102(b) of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws as amended by Section 1 of Chapter 756 of the 1987 Session Laws and by S.L. 2003-51, reads as rewritten:

"(b) The city council may, by ordinance, also authorize the Housing Appeals Board to hear and decide, without the necessity of further action by the council, any other cases under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes, ~~Article 11~~ Articles 3 and 11 of Chapter VI of this Charter, and G.S. 160A-193 which, in the absence of such ordinance, would or may reach the council for action or decision. If a case is heard by the Housing Appeals Board, the same procedures for the hearing of appeals under subsection (a) herein shall apply, and the decision of the board shall be reviewable in the same manner as decisions under subsection (a) herein."

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

SENATE BILL 1209:
Durham Housing Appeals Board

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Lucas
		Summary by:	Theresa Matula Committee Staff
Date:	June 4, 2004		
Version:	First Edition		

SUMMARY: ***Senate Bill 1209 allows the Durham city council, by ordinance, to authorize the Housing Appeals Board to hear and decide cases involving shade tree protection, use of public property, suppression of nuisances, fireworks and firearms, Sunday observance, regulation of trash and weeds.***

CURRENT LAW:

S.L. 2003-51 amended Section 102(b) of the Charter of the City of Durham to authorize the Housing Appeals Board to hear and decide cases under G.S. 160A-193. G.S. 160A-193 pertains to the abatement of public health nuisances and a city's authority to summarily remove, abate, or remedy everything in the city limits or within one mile thereof, that is dangerous or prejudicial to the public health or public safety.

BILL ANALYSIS:

Senate Bill 1209 allows the Durham city council by ordinance to authorize the Housing Appeals Board to hear and decide cases under Article 3 of Chapter VI of the City of Durham Charter.

Article 3 of Chapter VI pertains to Police Power and authorizes the city council to regulate the following: shade tree protection, use of public property, suppression of nuisances, fireworks and firearms, Sunday observance, regulation of trash and weeds.

This bill is effective when it becomes law.

S1209-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1286*

Short Title:	Elizabethtown Charter Amendments.	(Local)
Sponsors:	Senator Rand.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

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 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."

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

SENATE BILL 1286:
Elizabethtown Charter Amendments.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Senator Rand.
Date:	June 9, 2004	**Summary by:**	
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill would amend the Town Charter of Elizabethtown to specify the form of government, and provide for new town officials.***

CURRENT LAW: The Elizabethtown Charter was last revised in 1901. Under generally applicable State law, municipalities are required to have a city clerk, but there is no requirement that the clerk is appointed by the local governing body. Typically, the police officers are hired and managed by the police chief, who is supervised by the city manager.

BILL ANALYSIS: The bill would change the charter to provide that the Town operate under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes. In addition, the following positions would be added: Town Manager, Town Clerk, Finance Director, Tax Collector, and Town Attorney. The council would have the authority to authorize other positions, to be filled by the Town Manager.

BACKGROUND: The companion to this bill, H1619 (Second Edition) increases the council from three members to six members.

S1286-smrk-01
Summary contribution by Erika Churchill, Staff Attorney.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H **2**

HOUSE BILL 1447*
Second Edition Engrossed 5/25/04

Short Title:	City of Greenville-Abandoned/Junked Vehicles.	(Local)
Sponsors:	Representatives Warren; C. Johnson and McLawhorn.	
Referred to:	Local Government I.	

May 13, 2004

A BILL TO BE ENTITLED

AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE AND THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-303.2(a) reads as rewritten:

"(a) A municipality may by ordinance regulate, restrain or prohibit the abandonment of junked motor vehicles on public grounds and on private property within the municipality's ordinance-making jurisdiction upon a finding that such regulation, restraint or prohibition is necessary and desirable to promote or enhance community, neighborhood or area appearance, and may enforce any such ordinance by removing or disposing of junked motor vehicles subject to the ordinance according to the procedures prescribed in this section. The authority granted by this section shall be supplemental to any other authority conferred upon municipalities. Nothing in this section shall be construed to authorize a municipality to require the removal or disposal of a motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in G.S. 136-143.

For purposes of this section, the term "junked motor vehicle" means a vehicle that does not display a current license plate and that:

(1) Is partially dismantled or wrecked; or

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or

(3) Is more than five years old and appears to be worth less than ~~one hundred dollars ($100.00).~~five hundred dollars ($500.00)."

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

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

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

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	June 8, 2004		
Version:	First Edition		

SUMMARY: ***House Bill 1447 amends the definition of "junked motor vehicle," for any City of Greenville ordinance regulating abandoned junked vehicles, to include a vehicle that is more than five years old and appears to be worth less than $500.00.***

CURRENT LAW:

Under G.S. 160A-303.2(a), a municipality may by ordinance regulate, restrain or prohibit the abandonment of junked motor vehicles on public grounds and on private property within the municipality's ordinance-making jurisdiction upon a finding that such regulation, restraint or prohibition is necessary and desirable to promote or enhance community, neighborhood or area appearance. The municipality may enforce such ordinance by removing or disposing of junked motor vehicles subject to the ordinance and prescribed procedures.

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

BILL ANALYSIS:

House Bill 1447 amends the definition of a "junked motor vehicle" that is more than five years old to increase it from a vehicle that appears to be less than $100.00, to a vehicle that appears to be less than $500.00.

House Bill 1447 is effective when it becomes law and applies only to the City of Greenville.

Erika Churchill contributed to this summary.

H1447-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 1474

Committee Substitute Favorable 5/27/04

Third Edition Engrossed 6/1/04

Short Title: Yancey County Construction. (Local)

Sponsors:

Referred to:

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE.

The General Assembly of North Carolina enacts:

SECTION 1. Yancey County may, for purposes of the development of a consolidated health care facility in a public-private initiative involving the county and a private health care provider, directly or indirectly, contract for, construct, or acquire title to improvements located on real property more particularly described in Deed Book 451, page 474, Yancey County Registry, and for that project is exempt from the provisions of Chapter 143, Article 8 of the General Statutes.

SECTION 2. This act applies only to Yancey County and the premises described by reference in Section 1 of this act.

SECTION 3. This act is effective when it becomes law and expires January 1, 2008.

HB 1474:
Yancey County Construction

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs I	**Introduced by:**	Representative Rapp
		Summary by:	Barbara Riley Committee Counsel
Date:	June 8, 2004		
Version:	2nd edition		

SUMMARY:

House Bill 1474 would allow Yancey County to contract for, construct, or acquire title to real property for purposes of creating a consolidated health care facility in a public private partnership with a private health care provider. The bill would also exempt the project from the provisions of Article 8 of Chapter 143 regarding public contracts.

CURRENT LAW: Article 8 of Chapter 143 sets out the procedures that State agencies and units of local government must use when entering into construction contracts. These statutes include public bidding procedures and govern the types of construction contracts that may be utilized.

The act is effective when it becomes law and expires January 1, 2010.

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: 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.

BILL ANALYSIS: Rockingham County wants to contract with 2 existing local fire departments, the 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1233

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 trolley easements, 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.

SB 1233:
Pinebluff Unopened Trolley Easements

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Senator Blake
		Summary by:	Barbara Riley Committee Counsel
Date:	June 7, 2004		
Version:	1st Edition		

SUMMARY: ***Senate Bill 1233 allows the Town of Pinebluff to convey by private negotiated sale, certain areas of land that were reserved at the creation of the town for trolley lines.***

BACKGROUND:

The Town of Pinebluff was originally developed by a private corporation. The development plan 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. In addition to the center courts and alleys, there are a number of areas that were reserved for the installation of trolley lines. The installation never occurred. In 2003, at the Town's request, the General Assembly passed local legislation (S.L. 2003-48, HB 750) that permitted the Town to convey at private sale, the center courts and unopened alleys to the surrounding landowners. The bill also validated earlier conveyances of some of these areas by the Town. That legislation, however, did not provide for the conveyance of the areas reserved for the trolley lines

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:

Senate Bill 1233 would add the trolley easements to the land that the Town of Pinebluff may convey at private sale. It would also validate any earlier conveyances of the trolley easements.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 1608

Committee Substitute Favorable 6/2/04

Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/10/04

Short Title: Greensboro Ordinance Publication. (Local)

Sponsors:

Referred to:

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.42(c) of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, is repealed.

SECTION 2. This act is effective when it becomes law and applies to ordinances adopted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1608

Committee Substitute Favorable 6/2/04

PROPOSED SENATE COMMITTEE SUBSTITUTE H1608-PCS50421-SH-24

Short Title: Greensboro Ordinance Publication. (Local)

Sponsors:

Referred to:

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.42(c) of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, is repealed.

SECTION 2. This act is effective when it becomes law and applies to ordinances adopted on or after that date.

Sen. PCS to HCS Bill

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1608

Committee Substitute Favorable 6/2/04

PROPOSED SENATE COMMITTEE SUBSTITUTE H1608-CSSH-24 [v.1]

6/9/2004 8:29:43 AM

Short Title: Greensboro Ordinance Publication. (Local)

Sponsors:

Referred to:

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.42(c) of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, is repealed.

SECTION 2. This act is effective when it becomes law and applies to ordinances adopted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1608

Committee Substitute Favorable 6/2/04

Short Title: Greensboro Ordinance Publication. (Local)

Sponsors:

Referred to:

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.42(c) of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Section 7 of Chapter 686 of the 1961 Session Laws, is repealed.

SECTION 2. This act is effective when it becomes law and applies to ordinances adopted on or after that date.

HOUSE BILL 1608:
Greensboro Ordinance Publication

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	June 9, 2004		
Version:	PCS H1608-CSSH-24		

SUMMARY: ***House Bill 1608 amends the Greensboro City Charter by repealing the subsection of the Charter requiring certain city ordinances to be published in their entirety, and providing that they become effective upon publication.***

CURRENT LAW:

Section 3.42 of the Charter of the City of Greensboro provides for the Publication of Ordinances.

Section 3.42(a) provides that any compilation or codification of the city ordinances adopted by the city council, and ordered printed, may be published by publication of the ordinance adopting the compilation or codification, and the ordinances included shall be effective not less than 20 days after publication of the adopting ordinance.

Section 3.42(b) provides that any new Chapter of the city code may be published in its entirety or a notice may be published stating the title of the Chapter, the date of its adoption, and that it will be effective 20 days after publication of the notice.

Section 3.42(c) provides that all other ordinances shall be published in their entirety and become effective upon publication,* unless the ordinance expressly provides for a different effective date.

> *Section 3.42(d) of the Charter provides that the term "publication" means publication once in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper by posting in three public places in the city.

BILL ANALYSIS:

House Bill 1608 repeals the section of the Charter of the City of Greensboro requiring all other city ordinances to be published in their entity in a newspaper, and providing that they become effective upon publication.

The Proposed Committee Substitute for HB 1608 (PCS H1608-CSSH-24) makes a technical correction to delete an incorrect reference to Section 7 of Chapter 686 of the 1961 Session Laws in Section 1 of the bill.

The act is effective when it becomes law and it applies to ordinances adopted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1250*

Short Title:	Greensboro Ordinance Publication.	(Local)
Sponsors:	Senators Dorsett, Hagan; Berger, and Bingham.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 24, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.42(c) of the Charter of the City of Greensboro, being Chapter 1137 of the 1959 Session Laws, as amended by Section 7 of Chapter 686 of the 1961 Session Laws, is repealed.

SECTION 2. This act is effective with respect to ordinances adopted on or after the date this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1386

Committee Substitute Favorable 5/20/04

PROPOSED SENATE COMMITTEE SUBSTITUTE H1386-PCS30553-RF-37

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.~~ 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 as required by law or as the Council may prescribe."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 1386
Committee Substitute Favorable 5/20/04

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.

(5)

HOUSE BILL 1386:
Indian Trail Town Attorney

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs I	**Introduced by:**	Representative Blackwood
Date:	May 19, 2003	**Summary by:**	R. Erika Churchill Committee Counsel
Version:	2d edition		

SUMMARY: House Bill 1386 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 bill would remove the requirement that the Town Attorney attend all meetings of the Town Council. The act would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1604

Short Title:	Greensboro Claim Settlements.	(Local)
Sponsors:	Representatives Bowie; Adams, Jones, Jeffus, Blust, and Wood.	
Referred to:	Local Government II.	

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7.03 of the Charter of the City of Greensboro, being Section 1 of Chapter 1137 of the 1959 Session Laws, as amended by Chapter 686 of the 1961 Session Laws, Chapter 55 of the 1963 Session Laws, Chapter 213 of the 1973 Session Laws, Chapter 159 of the 1981 Session Laws, Chapter 4 of the 1991 Session Laws, and Chapter 680 of the 1995 Session Laws, is rewritten to read:

"**Sec. 7.03. Settlement of claims by city manager.**

The city manager may settle claims against the city for: (i) personal injury or for damages to property when the amount involved does not exceed the sum of three hundred thousand dollars ($300,000) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred, and (ii) the taking of property for rights-of-way in connection with public improvements which the city is authorized by law to make, when the amount involved in any such settlement does not exceed the sum of three hundred thousand dollars ($300,000) 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 accident, occasion, or taking complained of. All such releases shall be subject to the approval of the city attorney."

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

HOUSE BILL 1604:
Greensboro Claim Settlements

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	June 8, 2004		
Version:	First Edition		

SUMMARY: ***House Bill 1604 amends the Charter of the City of Greensboro to authorize the city manager to settle claims of up to $300,000 against the City, subject to the approval of the city attorney.***

CURRENT LAW:

Currently, subject to the approval of the city attorney, the Greensboro city manager is authorized to settle claims of up to $50,000 against the City.

BILL ANALYSIS:

House Bill 1604 amends Section 7.03 of the Charter of the City of Greensboro. This section of the Charter pertains to the settlement of claims by the city manager. The amendment authorizes the city manager to settle claims of up to $300,000 against the City, subject to the approval of the city attorney.

House Bill 1604 would become effective when it becomes law.

Giles Perry contributed to this summary.

H1604-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1252*

Short Title:	Greensboro Claim Settlements.	(Local)
Sponsors:	Senators Dorsett, Hagan; Berger, and Bingham.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 24, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7.03 of the Charter of the City of Greensboro, being Section 1 of Chapter 1137 of the 1959 Session Laws, as amended by Chapter 686 of the 1961 Session Laws, Chapter 55 of the 1963 Session Laws, Chapter 213 of the 1973 Session Laws, Chapter 159 of the 1981 Session Laws, Chapter 4 of the 1991 Session Laws, and Chapter 680 of the 1995 Session Laws, is rewritten to read:

"**Sec. 7.03. Settlement of claims by city manager.**

The city manager may settle claims against the city for: (i) personal injury or for damages to property when the amount involved does not exceed the sum of three hundred thousand dollars ($300,000) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred, and (ii) the taking of property for rights-of-way in connection with public improvements which the city is authorized by law to make, when the amount involved in any such settlement does not exceed the sum of three hundred thousand dollars ($300,000) 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 accident, occasion, or taking complained of. All such releases shall be subject to the approval of the city attorney."

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

SENATE BILL 1252:
Greensboro Claim Settlements

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senators Dorsett and Hagan
Date:	June 8, 2004	**Summary by:**	Theresa Matula Committee Staff
Version:	First Edition		

SUMMARY: ***Senate Bill 1252 amends the Charter of the City of Greensboro to authorize the city manager to settle claims of up to $300,000 against the City, subject to the approval of the city attorney.***

CURRENT LAW:

Currently, subject to the approval of the city attorney, the Greensboro city manager is authorized to settle claims of up to $50,000 against the City.

BILL ANALYSIS:

Senate Bill 1252 amends Section 7.03 of the Charter of the City of Greensboro. This section of the Charter pertains to the settlement of claims by the city manager. The amendment authorizes the city manager to settle claims of up to $300,000 against the City, subject to the approval of the city attorney.

Senate Bill 1252 would become effective when it becomes law.

Giles Perry contributed to this summary.

S1252-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1277
PROPOSED COMMITTEE SUBSTITUTE S1277-PCS85355-RK-81

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 BOARD 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 Madison, being Chapter 289 of the 1973 Session Laws, reads as rewritten:

"(a) The members of the Board of Aldermen shall serve for terms of ~~two~~ four years, and the Mayor shall ~~also~~ serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify. In the 2005 municipal election, six members shall be elected. The three persons receiving the highest numbers of votes shall receive four-year terms, and the three persons receiving the next highest numbers of votes shall receive two-year terms. In 2007 and biennially thereafter, three members shall be elected for 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1277
PROPOSED COMMITTEE SUBSTITUTE S1277-CSRK-81 [v.1]

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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 BOARD 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 Madison, being Chapter 289 of the 1973 Session Laws, reads as rewritten:

"(a) The members of the Board of Aldermen shall serve for terms of ~~two~~ four years, and the Mayor shall ~~also~~ serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify. In the 2005 municipal election, six members shall be elected. The three persons receiving the highest numbers of votes shall receive four-year terms, and the three persons receiving the next highest numbers of votes shall receive two-year terms. In 2007 and biennially thereafter, three members shall be elected for 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1277

Short Title:	Madison Town Election.	(Local)
Sponsors:	Senator Berger.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 24, 2004

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD 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 Madison, being Chapter 289 of the 1973 Session Laws, reads as rewritten:

"(a) The members of the Board of Aldermen shall serve for terms of ~~two~~ four years, and the Mayor shall also serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify. In the 2005 municipal election, six members shall be elected. The three persons receiving the highest numbers of votes shall receive four-year terms, and the three persons receiving the next highest numbers of votes shall receive two-year terms. In 2007 and biennially thereafter, three members shall be elected for 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:	Senate State and Local Govt.	**Introduced by:**	
Date:	June 9, 2004	**Summary by:**	
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill would increase the term of Madison Town aldermen from two to four years, beginning in 2005.***

CURRENT LAW: The Madison Mayor and the six Town aldermen serve for two year periods.

BILL ANALYSIS: Starting in 2005, of the six persons receiving the most votes for aldermen, the three persons with the most votes would serve four-year terms, and the three with the lowest vote totals would serve two-year terms. In 2007, and biennially thereafter, three members would be elected for four-year terms. The Mayor's term would remain at two years.

S1277-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1279

Short Title:	M & M Fire District Contracts.	(Local)
Sponsors:	Senator Berger.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 24, 2004

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.

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.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Senator Berger
Date:	June 8, 2004	**Summary by:**	Barbara R iley
Version:	First Edition		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.

BILL ANALYSIS: Rockingham County wants to contract with 2 existing local fire departments, the 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1288*

Short Title:	Mooresville Streets and Sidewalks.	(Local)
Sponsors:	Senator Sloan.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 24, 2004

A BILL TO BE ENTITLED

AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY.

The General Assembly of North Carolina enacts:

SECTION 1. Article VIII of the Charter of the Town of Mooresville, as enacted by Section 1 of S.L. 1975-239, entitled "Street and Sidewalk Improvements", is repealed in its entirety.

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

SENATE BILL 1288:
Mooresville Streets and Sidewalks.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Senator Sloan
Date:	June 9, 2004	**Summary by:**	Hal Pell
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill would repeal the special provisions in the Mooresville Town Charter that apply to street and sidewalk improvements.***

CURRENT LAW: The current town charter provides specific measures for the Board of Commissioners, under certain circumstances, to order street improvements and to assess property owners.

BILL ANALYSIS: This bill would repeal the special provisions, and the law would default to the provisions contained within Chapter 160A of the General Statutes. Article 10 of Chapter 160A provides for special assessments for street and sidewalk improvement, and Article 15 of Chapter 160A provides for the general authority and control of the streets and sidewalks by the local government.

S1288-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

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 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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2002-118, as amended by S.L. 2003-23 and S.L. 2003-42, reads as rewritten:

"**SECTION 4.** Sections 1 and 2 of this act apply to the Cities of Clinton, Durham, Fayetteville, Goldsboro, High Point, and Lumberton, and the Towns of Garner, Franklin, Hope Mills and Spring Lake only."

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

HOUSE BILL 1666:
Garner/Unsafe Residential Buildings

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	June 8, 2004		
Version:	First Edition		

SUMMARY: ***House Bill 1666 adds the Town of Garner to the list of municipalities that may 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 S.L. 2000-164 authorizing cities to condemn, demolish, and place a lien on vacant and dilapidated non-residential property in a community development target area.

G.S. 160A-426(b) provides that a *nonresidential* building or structure within a community development target area may be declared unsafe if it is both of the following:

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

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

BILL ANALYSIS:

House Bill 1666 amends the provisions of G.S. 160A-426(b) to also provide that *residential* buildings within community development target areas that may be declared unsafe in the Town of Garner.

The act becomes effective when it becomes law.

BACKGROUND:

Legislation for residential buildings within community development target areas was enacted in 2002 (S.L.2002-118) and 2003 (S.L. 2003-23 and S.L. 2003-42) for the following municipalities: Clinton, Durham, Fayetteville, Goldsboro, High Point, Lumberton, Franklin, Hope Mills and Spring Lake.

Erika Churchill contributed to this summary.

H1666-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1238

Short Title:	Garner/Unsafe Residential Buildings.	(Local)
Sponsors:	Senators Stevens; and Malone.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 24, 2004

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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2002-118, as amended by S.L. 2003-23 and S.L. 2003-42, reads as rewritten:

"**SECTION 4.** Sections 1 and 2 of this act apply to the Cities of Clinton, Durham, Fayetteville, Goldsboro, High Point, and Lumberton, and the Towns of Garner, Franklin, Hope Mills and Spring Lake only."

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

SENATE BILL 1238:
Garner/Unsafe Residential Buildings

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Stevens
		Summary by:	Theresa Matula Committee Staff
Date:	June 8, 2004		
Version:	First Edition		

SUMMARY: ***Senate Bill 1238 adds the Town of Garner to the list of municipalities that may 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 S.L. 2000-164 authorizing cities to condemn, demolish, and place a lien on vacant and dilapidated non-residential property in a community development target area.

G.S. 160A-426(b) provides that a *nonresidential* building or structure within a community development target area may be declared unsafe if it is both of the following:

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

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

BILL ANALYSIS:

Senate Bill 1238 amends the provisions of G.S. 160A-426(b) to also provide that *residential* buildings within community development target areas that may be declared unsafe in the Town of Garner.

The act becomes effective when it becomes law.

BACKGROUND:

Legislation for residential buildings within community development target areas was enacted in 2002 (S.L.2002-118) and 2003 (S.L. 2003-23 and S.L. 2003-42) for the following municipalities: Clinton, Durham, Fayetteville, Goldsboro, High Point, Lumberton, Franklin, Hope Mills and Spring Lake.

Erika Churchill contributed to this summary.
S1238-SMSH-001

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 9, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ray Rapp	House District 118
Jim Blackburn	Association of County Commissioners
Rick O'Brien	PFFPNC
Nick Tennyson	HBA of Durham & Orange Cos.
R. Paul Wilms	NCHBA
Ed Kitchen	City of Greensboro
Linda Miles	City of Greensboro
Sandy Carmany	Greensboro City Council
Elizabeth Self	House Intern
Pat Clancy	Speaker Black's Office
Marvin Davis	City of Greenville, N.C.
David Holec	

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 9, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ben Warren	Town of Elizabethtown
David Smitherman	Town of Elizabethtown
Lisa Martin	NC Home Builders Assoc.

Senate State Government, Local Government, and Veterans' Affairs Committee
Wednesday, June 16, 2004, 10:00 AM
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1136	Durham Protest Petition.	Senator Hunt
SB 1209	Durham Housing Appeals Board.	Senator Lucas
SB 1315	Cabarrus Board of Equalization and Review.	Senator Hartsell
SB 1347	Kannapolis ABC Store Election.	Senator Hartsell
SB 1327	Non-State Entities Reporting Requirements.	Senator Kerr
SB 1355	Goldsboro Notice/Ordinance Violation.	Senator Kerr
SB 1370	Goldsboro Surplus Lot Disposition.	Senator Kerr
SB 1359	Durham/25-Year LEO Retirement.	Senator Lucas
SB 1353	Monroe Claims Settlement.	Senator Shubert
HB 1363	Lake Toxaway Motor Vehicle Regulation.	Representative Walend
HB 1401	Wilkes Visitor Center.	Representative Walker
HB 1426	Greenville Parking Deck Projects.	Representative Warren Representative McLawhorn
HB 1433	Wake Cty Historic Preservation Comm.	Representative Ross
HB 1543	Asheville ABC Board Membership Increased.	Representative Goforth Representative Fisher Representative Sherrill
HB 1640	Dare Affordable Housing for Teachers.	Representative Culpepper, III
HB 1454	Chocowinity Staggered Terms.	Representative Williams
HB 1551	Asheville Civil Service Board.	Representative Goforth Representative Fisher Representative Sherrill
HB 1564	Charlotte Regional Visitors Authority.	Representative Earle

Other Business

Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, JUNE 16, 2004

MINUTES

State Government and Local Government and Veteran Affairs committee met June 16, 2004 at 12:00 noon in Room 1124 of the Legislative Building. Fourteen members were present, including Senator Ellie Kinnaird, who presided

SB 1136 Durham Protest Petition, was explained by Senator Hunt. Senator Weinstein offered a Proposed Committee Substitute and moved to adopt it. The motion carried unanimously. Ted Voorhees, Assistant Manager City of Durham, spoke in favor of the bill. Senator Weinstein moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Bill**

SB 1209 Durham Housing Appeals Board, was explained by Senator Lucas. Senator Malone moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1588 Monroe Claims Settlement, replaced the companion bill SB 1353, was explained by Senator Shubert. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1363 Lake Toxaway Motor Vehicle Regulation, was explained by Representative Walend. Senator Malone offered a Proposed Committee Substitute and moved to adopt it. Senator Garwood moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Bill**

HB 1433 Wake Cty Historic Preservation Comm was explained by Representative Ross. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1543 Asheville ABC Board Membership Increased, was explained by Representative Goforth. Senator Clodfelter offered a Proposed Committee Substitute and moved to adopt it. Senator Weinstein moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Bill**

HB 1551 Asheville Civil Service Board was explained by Representative Goforth. Senator Dorsett moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1640 Dare Affordable Housing for Teachers was explained by Representative Culpepper. Senator Dorsett moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1315 Cabarrus Board of Equalization and Review was explained by Senator Hartsell. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1347 Kannapolis ABC Store Election was explained by Senator Hartsell. Senator Garwood moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1564 Charlotte Regional Visitors Authority was explained by Sent Clodfelter. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1426 Greenville Parking Deck Project was explained by Senator Jenkins. Dave Holec, Greenville city attorney, spoke. Senator Malone moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**
Adjournment

SB 1327 Non-State Entities Reporting Requirements was explained by Steve Rose, Research Division NCGA. The bill was displaced until the June 23, 2004 committee meeting.

HB 1454 Chocowinity Staggered Terms was explained by Hal Pal, Research Division. Senator Dorsett moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1401 Wilkes Visitor Center was removed from the agenda.

SB 1355 Goldsboro Notice/Ordinance Violation was explained by Theresa Matula, Research Division. Senator Hargett moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

SB 1370 Goldsboro Surplus Lot Disposition, was explained by Hal Pal, Research Division. Senator Soles offered a Proposed Committee Substitute and moved to adopt it. Senator Soles moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to bill, but favorable as to Committee Substitute Bill**

SB 1359 Durham/25-Year LEO Retirement was removed from the agenda.

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 16, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	**1209**	Durham Housing Appeals Board.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1315**	Cabarrus Board of Equalization and Review.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1347**	Kannapolis ABC Store Election.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1355**	Goldsboro Notice/Ordinance Violation.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**1426**	Greenville Parking Deck Projects.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**1433**	Wake Cty Historic Preservation Comm.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**1454**	Chocowinity Staggered Terms.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**1551**	Asheville Civil Service Board.	
		Sequential Referral:	None
		Recommended Referral:	None

H.B. **1564** Charlotte Regional Visitors Authority.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1588** Monroe Claims Settlement.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1640** Dare Affordable Housing for Teachers.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1370** Goldsboro Surplus Lot Disposition.
Draft Number: PCS 55299
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 12

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Thursday, June 17, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1136** Durham Protest Petition.

Draft Number:	PCS 55301
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **1363** Lake Toxaway Motor Vehicle Regulation.

Draft Number:	PCS 60506
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1543** Asheville ABC Board Membership Increased.

Draft Number:	PCS 10322
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 1136

State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 6/17/04

Short Title: Durham Protest Petition. (Local)

Sponsors:

Referred to:

May 18, 2004

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 94.4 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as enacted by Chapter 452 of the 1997 Session Laws and recodified as Section 94.5 by the codifier of the Charter of the City of Durham, is amended by placing the letter (a) before the existing paragraph and adding a new subsection to read:

"(b) In addition to the authority given in G.S. 160A-386 to adopt ordinances regarding the submission of protest petitions, the City may adopt ordinances and guidelines to implement the provisions of G.S. 160A-385. Those ordinances and guidelines may define the manner of calculating the number and configuration of the sides of the tract(s) under consideration for rezoning, the method of calculating the area eligible to protest under the 100-foot standard provided in G.S. 160A-385, and the manner and procedures by which signers must execute a protest petition and withdraw their signatures from a protest petition. In addition, the City may adopt ordinances and guidelines to allow proposed development plan rezoning to be treated in the same manner as proposed rezoning to special use or conditional use districts under G.S. 160A-385, and to exclude from consideration as "opposite" lots those lots that are separated from the tract(s) proposed for rezoning by designated State or federal multilane limited access highways."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1136
PROPOSED COMMITTEE SUBSTITUTE S1136-PCS55301-RF-32

Short Title: Durham Protest Petition. (Local)

Sponsors:

Referred to:

May 18, 2004

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 94.4 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as enacted by Chapter 452 of the 1997 Session Laws and recodified as Section 94.5 by the codifier of the Charter of the City of Durham, is amended by placing the letter (a) before the existing paragraph and adding a new subsection to read:

"(b) In addition to the authority given in G.S. 160A-386 to adopt ordinances regarding the submission of protest petitions, the City may adopt ordinances and guidelines to implement the provisions of G.S. 160A-385. Those ordinances and guidelines may define the manner of calculating the number and configuration of the sides of the tract(s) under consideration for rezoning, the method of calculating the area eligible to protest under the 100-foot standard provided in G.S. 160A-385, and the manner and procedures by which signers must execute a protest petition and withdraw their signatures from a protest petition. In addition, the City may adopt ordinances and guidelines to allow proposed development plan rezoning to be treated in the same manner as proposed rezoning to special use or conditional use districts under G.S. 160A-385, and to exclude from consideration as "opposite" lots those lots that are separated from the tract(s) proposed for rezoning by designated State or federal multilane limited access highways."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1136
PROPOSED COMMITTEE SUBSTITUTE S1136-CSRF-32 [v.1]

6/1/2004 5:06:00 PM

Short Title: Durham Protest Petition. (Local)

Sponsors:

Referred to:

May 18, 2004

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 94.4 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as enacted by Chapter 452 of the 1997 Session Laws and recodified as Section 94.5 by the codifier of the Charter of the City of Durham, is amended by placing the letter (a) before the existing paragraph and adding a new subsection to read:

"(b) In addition to the authority given in G.S. 160A-386 to adopt ordinances regarding the submission of protest petitions, the City may adopt ordinances and guidelines to implement the provisions of G.S. 160A-385. Those ordinances and guidelines may define the manner of calculating the number and configuration of the sides of the tract(s) under consideration for rezoning, the method of calculating the area eligible to protest under the 100-foot standard provided in G.S. 160A-385, and the manner and procedures by which signers must execute a protest petition and withdraw their signatures from a protest petition. In addition, the City may adopt ordinances and guidelines to allow proposed development plan rezoning to be treated in the same manner as proposed rezoning to special use or conditional use districts under G.S. 160A-385, and to exclude from consideration as "opposite" lots those lots that are separated from the tract(s) proposed for rezoning by designated State or federal multilane limited access highways."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1136

Short Title:	Durham Protest Petition.	(Local)
Sponsors:	Senator Hunt.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 18, 2004

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 94.5 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is further amended by placing the letter (a) before the existing paragraph and adding a new subsection to read:

"(b) In addition to the authority given in G.S. 160A-386 to adopt ordinances regarding the submission of protest petitions, the City may adopt ordinances and guidelines to implement the provisions of G.S. 160A-385. Those ordinances and guidelines may define the manner of calculating the number and configuration of the sides of the tract(s) under consideration for rezoning, the method of calculating the area eligible to protest under the 100-foot standard provided in G.S. 160A-385, and the manner and procedures by which signers must execute a protest petition and withdraw their signatures on a protest petition. In addition, the City may adopt ordinances and guidelines to allow proposed development plan rezoning to be treated in the same manner as proposed rezoning to special use or conditional use districts under G.S. 160A-385, and to exclude from consideration as "opposite" lots those lots that are separated from the tract(s) proposed for rezoning by designated State or federal multilane limited access highways."

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

SB 1136:
Durham Protest Petitions

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Senator Hunt
		Summary by:	Barbara Riley Committee Counsel
Date:	June 1, 2004		
Version:	1st Edition		

SUMMARY:

Senate Bill 1136 amends the charter of the City of Durham to allow the City to adopt ordinances and guidelines to implement the provisions of G.S. 160A-385 which provides for rezoning of land by municipalities and allows for protest against such rezoning by owners of the lots being rezoned or those adjacent to the area.

CURRENT LAW:

G.S. 160A-385 provides for zoning changes and the right to protest those changes. If a protest petition is filed and signed by (1) the owners of 20% of the area of the lots included in the rezoning, or (2) the owners of 20% of the area of the lots immediately adjacent to the rezoned area extending 100' from the rear and sides or directly opposite extending 100' from the street frontage of the opposite lots, then the rezoning shall not become effective except upon the favorable vote of three-fourths if the members of the city council. The protest provisions do not apply to initial zoning. They also do not apply to rezoning for a special use or conditional use district where the amendment does not change the types of uses permitted, increase the approved density of a residential area, increase the total approved size of nonresidential development or reduce required buffer or screening requirements.

BILL ANALYSIS:

Senate Bill 1136 would allow the City of Durham to adopt ordinances and guidelines under G.S. 160A-385 that define:

1. The manner of calculating the number and configuration of the sides of the tracts under consideration for rezoning.

2. The method of calculating the area eligible to protest under the 100' standard.

3. The manner and procedures by which signers may execute a protest petition or withdraw their name from a protest petition.

The bill would also allow the City to adopt ordinances and guidelines to allow a proposed development plan rezoning to be treated as a proposed rezoning for a special use or conditional use district under G.S. 160A-385. Further the City may exclude from consideration as "opposite" lots, those lots that a separated from the area proposed for rezoning by a State or federal multilane limited access highway.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1209

Short Title:	Durham Housing Appeals Board.	(Local)
Sponsors:	Senator Lucas.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 20, 2004

A BILL TO BE ENTITLED

AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 102(b) of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws as amended by Section 1 of Chapter 756 of the 1987 Session Laws and by S.L. 2003-51, reads as rewritten:

"(b) The city council may, by ordinance, also authorize the Housing Appeals Board to hear and decide, without the necessity of further action by the council, any other cases under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes, ~~Article 11~~ Articles 3 and 11 of Chapter VI of this Charter, and G.S. 160A-193 which, in the absence of such ordinance, would or may reach the council for action or decision. If a case is heard by the Housing Appeals Board, the same procedures for the hearing of appeals under subsection (a) herein shall apply, and the decision of the board shall be reviewable in the same manner as decisions under subsection (a) herein."

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

SENATE BILL 1209:
Durham Housing Appeals Board

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Lucas
		Summary by:	Theresa Matula Committee Staff
Date:	June 4, 2004		
Version:	First Edition		

SUMMARY: ***Senate Bill 1209 allows the Durham city council, by ordinance, to authorize the Housing Appeals Board to hear and decide cases involving shade tree protection, use of public property, suppression of nuisances, fireworks and firearms, Sunday observance, regulation of trash and weeds.***

CURRENT LAW:

S.L. 2003-51 amended Section 102(b) of the Charter of the City of Durham to authorize the Housing Appeals Board to hear and decide cases under G.S. 160A-193. G.S. 160A-193 pertains to the abatement of public health nuisances and a city's authority to summarily remove, abate, or remedy everything in the city limits or within one mile thereof, that is dangerous or prejudicial to the public health or public safety.

BILL ANALYSIS:

Senate Bill 1209 allows the Durham city council by ordinance to authorize the Housing Appeals Board to hear and decide cases under Article 3 of Chapter VI of the City of Durham Charter.

Article 3 of Chapter VI pertains to Police Power and authorizes the city council to regulate the following: shade tree protection, use of public property, suppression of nuisances, fireworks and firearms, Sunday observance, regulation of trash and weeds.

This bill is effective when it becomes law.

S1209-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 1588
Committee Substitute Favorable 6/3/04

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 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."

SECTION 2. This act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1353

Short Title:	Monroe Claims Settlement.	(Local)
Sponsors:	Senator Shubert.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 27, 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

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."

SECTION 2. This act becomes effective July 1, 2004.

SENATE BILL 1353:
Monroe Claims Settlement.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Sen. Shubert
Date:	June 16, 2004	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***This bill amends the Charter of the City of Monroe to allow the City Council to delegate claim settlement authority to the City Manager. The act is effective on July 1, 2004.***

BILL ANALYSIS:

This bill would amend the City of Monroe's Charter to allow the Town Council to adopt an ordinance that delegates claim settlement authority to the City Manager. The City Manager would be authorized to settle any type of claim brought against the City of Monroe. The Council would be required to set forth a maximum monetary amount in the ordinance to limit the authority of the City Manager. Settlements must be reported to the City Council in a timely manner, and would be subject to the applicable provisions of the Public Records law.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 1363*

Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/17/04

Short Title: Lake Toxaway Motor Vehicle Regulation. (Local)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. With the exception of any provisions prohibiting or regulating the operation of private golf carts, the provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles are applicable to the streets, roadways, and alleys on the properties owned by or under the control of the Lake Toxaway Property Owners' Association, Inc., or the members of the Lake Toxaway Property Owners' Association, Inc. For purposes of this act, streets, roadways, and alleys in the Lake Toxaway Community shall have the same meaning as highways and public vehicular areas pursuant to G.S. 20-4.01.

SECTION 2. This act is enforceable by any law enforcement officer acting within his territorial jurisdiction.

SECTION 3. This act shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Lake Toxaway Property Owners' Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Lake Toxaway Community shall be the same as those in effect at the time of ratification of this act. Any proposed change in the speed limit shall be submitted to and approved by the Board of Commissioners of Transylvania County. Pursuant to G.S. 20-141, the Transylvania County Board of Commissioners may authorize by ordinance higher or lower speeds.

SECTION 4. This act applies to Transylvania County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1363*
PROPOSED SENATE COMMITTEE SUBSTITUTE H1363-CSSQ-2 [v.1]

6/14/2004 8:42:06 AM

Short Title: Lake Toxaway Motor Vehicle Regulation. (Local)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. With the exception of any provisions prohibiting or regulating the operation of private golf carts the provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles are applicable to the streets, roadways, and alleys on the properties owned by or under the control of the Lake Toxaway Property Owners' Association, Inc. or the members of the Lake Toxaway Property Owners' Association, Inc. For purposes of this act, streets, roadways, and alleys in the Lake Toxaway Community shall have the same meaning as highways and public vehicular areas pursuant to G.S. 20-4.01.

SECTION 2. This act is enforceable by any law enforcement officer acting within his territorial jurisdiction.

SECTION 3. This act shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Lake Toxaway Property Owners' Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Lake Toxaway Community shall be the same as those in effect at the time of ratification of this act. Any proposed change in the speed limit shall be submitted to and approved by the Board of Commissioners of Transylvania County. Pursuant to G.S. 20-141, the Transylvania County Board of Commissioners may authorize by ordinance higher or lower speeds.

SECTION 4. This act applies to Transylvania County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 1363*

Short Title:	Lake Toxaway Motor Vehicle Regulation.	(Local)
Sponsors:	Representative Walend.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. With the exception of any provisions prohibiting or regulating the operation of private golf carts the provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles are applicable to the streets, roadways, and alleys on the properties owned by or under the control of the Lake Toxaway Property Owners' Association, Inc. or the members of the Lake Toxaway Property Owners' Association, Inc. For purposes of this act, streets, roadways, and alleys in the Lake Toxaway Community shall have the same meaning as highways and public vehicular areas pursuant to G.S. 20-4.01.

SECTION 2. This section is enforceable by any law enforcement officer acting within his territorial jurisdiction.

SECTION 3. This act shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Lake Toxaway Property Owners' Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Lake Toxaway Community shall be the same as those in effect at the time of ratification of this act. Any proposed change in the speed limit shall be submitted to and approved by the Board of Commissioners of Transylvania County. Pursuant to G.S. 20-141, the Transylvania County Board of Commissioners may authorize by ordinance higher or lower speeds.

SECTION 4. This act applies to Transylvania County only.

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

HOUSE BILL 1363:
Lake Toxaway Motor Vehicle Regulation

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Representative Walend
		Summary by:	Theresa Matula Committee Staff
Date:	June 14, 2004		
Version:	PCS (H1363-CSSQ-2)		

SUMMARY: ***House Bill 1363 provides that, with the exception of provisions prohibiting or regulating golf carts, the motor vehicle laws of the State apply to the privately owned streets, roadways and alleys on the properties owned by members, or owned by or under the control of the Lake Toxaway Property Owners' Association.***

CURRENT LAW:

Under current law, the motor vehicle laws of the State apply only to public streets and highways, and in some cases to public vehicular areas.

BILL ANALYSIS:

House Bill 1363 extends the applicability and enforceability of the motor vehicle laws of the State to the private streets, roadways, and alleys on the properties owned or controlled by the Lake Toxaway Property Owners' Association, Inc or owned by members of the Association. The bill specifies that streets, roadways, and alleys in the Lake Toxaway community shall have the same meaning as highways and public vehicular areas pursuant to G.S. 20-4.01. Additionally, the bill specifically exempts the private roads in Lake Toxaway from any State law prohibiting or regulating private golf carts.

The Proposed Committee Substitute, PCS H1363-CSSQ-2, makes a technical correction in Section 2 of House Bill 1363. The PCS changes the reference from "This section" to "This act." Section 2 of the PCS provides that the act is enforceable by any law enforcement officer acting within his territorial jurisdiction. House Bill 1363 also provides that the current speed limits on the streets in the Lake Toxaway community shall remain in effect, unless a change is approved by the Transylvania County Commissioners.

The act applies to Transylvania County only and would become effective when it becomes law.

BACKGROUND:

The General Assembly has previously enacted local legislation making the motor vehicle laws of the State applicable in the following communities: Seven Lakes in Moore County (S.L. 1991-597, 1995-13), Carolina Trace in Lee County (S.L. 1995-96), Colington Harbour in Dare County (S.L. 1995-196), Lake Royale in Franklin and Nash Counties (S.L. 1997-294), West Side in Moore County (S.L. 2001-132), and Sanders Forest and Bent Tree in Brunswick County (S.L. 2002-128).

Giles Perry contributed to this summary.

H1363-SMSH-001-PCS

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1433
Committee Substitute Favorable 5/20/04

Short Title: Wake Cty Historic Preservation Comm. (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 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.

HOUSE BILL 1433:
Wake Cty Historic Preservation Comm.

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	June 14, 2004		
Version:	Second Edition		

SUMMARY: ***House Bill 1433 allows members of a historic preservation commission in Wake County to live within the corporate boundaries of a municipality located within the county, and within the territorial jurisdiction of the municipality.***

CURRENT LAW:

G.S. 160A-400.7 specifies the criteria for the establishment of a historic preservation commission for the designation of landmarks or historic districts. 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. The section further provides that all members shall reside within the territorial jurisdiction of the municipality as established pursuant to G.S. 160A-360.

Additionally, G.S. 160A-400.7 provides that 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.

BILL ANALYSIS:

House Bill 1433 amends G.S. 160A-400.7 to provide that all members of a historic preservation commission in Wake County 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.

The provisions of House Bill 1433 apply only to Wake County, and the act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1543
Committee Substitute Favorable 5/27/04
PROPOSED SENATE COMMITTEE SUBSTITUTE H1543-CSSQ-4 [v.2]

6/14/2004 4:28:56 PM

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

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."

SECTION 3. Section 2 of this act applies to the City of Asheville only.

SECTION 4. The Mayor and City Council shall appoint additional members authorized by this act to serve one-year or two-year initial terms and then for three-year terms thereafter. Members currently appointed to the board shall continue to serve their term until it expires.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1543

Committee Substitute Favorable 5/27/04

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."

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"(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 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."

SECTION 2. Section 2 of this act applies to the City of Asheville only.

SECTION 3. The Mayor and City Council shall appoint additional members authorized by this act to serve one-year or two-year initial terms and then for three-year terms thereafter. Members currently appointed to the board shall continue to serve their term until it expires.

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

HOUSE BILL 1543:
Asheville ABC Board Membership Increased

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	June 14, 2004		
Version:	PCS (H1543-CSSQ-4)		

SUMMARY: ***House Bill 1543 increases the membership of The City of Asheville Board of Alcoholic Control from a total of three (3) members to a total of five (5) members.***

CURRENT LAW:

Section 4 of Chapter 1083 of the 1947 Session Laws provides for a total of three (3) members (a chair and two members) on The City of Asheville Board of Alcoholic Control.

G.S. 18B-700(a) provides that a local ABC board shall consist of three 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.

BILL ANALYSIS:

House Bill 1543 increases the membership of The City of Asheville Board of Alcoholic Control from three (3) to five (5) members. The bill amends:

- Section 4 of Chapter 1083 of the 1947 Session Laws to provide that The City of Asheville Board of Alcoholic Control shall be composed of a chairman and four other members. The chair is designated by the mayor and governing body of the city and serves the first term for a period of three years, two members shall serve for their first term a period of two years, and the other two members shall serve for a period of one year. After the initial terms have expired, successors serve for a period of three years.
- G.S. 18B-700(a) to provide that a local ABC board shall consist of five members appointed for three-year terms. Section 3 provides that the amendment in Section 2 applies only to the City of Asheville.

The bill provides that members currently appointed to the Board shall continue to serve until their term expires. The Mayor and City Council shall appoint the additional members to serve one-year or two-year terms and then for three year terms thereafter.

The act is effective when it becomes law.

The Proposed Committee Substitute PCS (H1543-CSSQ-4) makes a technical change to correct the duplication of Section numbers in the bill.

BACKGROUND:

The following county ABC Boards have more than three (3) members: Mecklenburg, Cumberland, Wayne, Catawba, Moore, Wake, Edecombe, Martin, Bertie, and Nash. The following cities or towns have more than three (3) members: Angier, Greensboro, Lumberton, Maxton, and Kings Mountain.

Erika Churchill contributed to this summary
H1543-SMSH-002-PCS

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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

whom is to be chosen, and in the manner herein provided for the selection of such member."

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

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

HOUSE BILL 1551:
Asheville Civil Service Board

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Representatives Sherrill, Goforth & Fisher
Date:	June 14, 2004	**Summary by:**	Theresa Matula Committee Staff
Version:	First Edition		

SUMMARY: ***House Bill 1551 specifies that the members of the Civil Service Board in the City of Asheville shall serve two-year terms.***

BILL ANALYSIS:

House Bill 1551 amends Section 2 of Chapter 757 of the 1953 Session Laws, as amended by Section 1 of S.L. 1999-303, to provide that the Members of the Civil Service Board shall serve two-year terms.

The bill provides that the act applies only to the City of Asheville and is effective when it becomes law.

BACKGROUND:

The Civil Service Board is a part of government in the City of Asheville and is responsible for making and amending rules for promoting efficiency in the classified service of the City. The rules may provide for: standardization and classification of positions; temporary or part-time employment; the establishment of a probationary period; disciplinary suspensions, discharge or reduction; and investigation and keeping a record of the efficiency of officers and employees in the classified service. The rules are submitted to the Council for approval. The City Council, after giving members of the classified service and citizens of Asheville an opportunity to be heard at a public hearing, acts on the proposed rules and amendments.

Chapter 757 of the 1953 Session Laws provided that three of the five members of the Civil Service Board served for a term of two years and until the election of their successors. The initial provision was then amended by Section 1 of S.L. 1999-303 which provided that all members of the Board shall be eligible for successive terms, but did not specify the term.

Erika Churchill contributed to this summary
H1551-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1640

Committee Substitute Favorable 5/26/04

Short Title: Dare Affordable Housing for Teachers. (Local)

Sponsors:

Referred to:

May 25, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 66-58, G.S. 115C-518, or any other provision of law, the Dare County Board of Education may enter into a lease, partnership, joint venture, or similar arrangement with the Outer Banks Community Development Corporation, Inc., The Affordable Housing Group of North Carolina, Inc., and/or other governmental and nonprofit entities interested in providing affordable housing, to construct and provide affordable housing on property owned or leased by the Dare County Board of Education. The affordable housing program shall include a priority for teachers. The projects may contain a mixture of below-market and at-market rental units.

SECTION 2. This act shall not exempt any affordable housing project constructed pursuant to this act from compliance with applicable building codes, zoning ordinances, and other health and safety statutes, rules, and regulations.

SECTION 3. This act authorizes up to three affordable housing projects, one on the beach area of Dare County north of Oregon Inlet, one on Hatteras Island, and one on the Roanoke Island/mainland section of Dare County.

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

HOUSE BILL 1640:
Dare Affordable Housing for Teachers

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	June 14, 2004		
Version:	Second Edition		

SUMMARY: ***House Bill 1640 authorizes the Dare County Board of Education to construct and provide affordable rental housing for teachers and other local government employees.***

CURRENT LAW:

G.S. 66-58 pertains to the sale of merchandise or services by governmental units, including a list of 28 entities that are exempt from the provision, and 23 activities that are specifically not prohibited. G.S. 66-58 provides that it is unlawful for any unit, department or agency of the State government, or any division or subdivision, or any individual employee or employees, to: sell goods, operate restaurants, render services, provide transportation services, or to purchase/sell merchandise in competition with private enterprise. Additionally, the leasing or subleasing of space in any building owned, leased or operated by any unit, department or agency or division or subdivision of the State for the purpose of operating or rendering of any of the businesses or services is prohibited.

G.S. 115C-518 provides for the disposition of school property; easements and rights-of-way.

BILL ANALYSIS:

House Bill 1640 provides that the Dare County Board of Education may enter into a lease, partnership, joint venture, or similar arrangement with the Outer Banks Community Development Corporation, Inc., the Affordable Housing Group of North Carolina, Inc., and/or other governmental and nonprofit entities interested in providing affordable housing, to construct and provide affordable housing on property owned or leased by the Dare County Board of Education. The bill specifies that the affordable housing program shall include a priority for teachers and may contain a mixture of below-market and at-market rental units.

The bill authorizes up to three (3) affordable housing projects for teachers and other local governmental employees in the following three areas:

One (1) on the beach area of Dare County, north of Oregon Inlet;
One (1) on Hatteras Island; and
One (1) on the Roanoke Island/mainland section of Dare County.

House Bill 1640 provides that projects constructed under this act are not exempt from compliance with applicable building codes, zoning ordinances, and other health and safety statutes, rules, and regulations.

The act is effective when it becomes law.

H1640-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1315*

Short Title:	Cabarrus Board of Equalization and Review.	(Local)
Sponsors:	Senator Hartsell.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 25, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-322(g) reads as rewritten:

"(g) Powers and Duties. – The board of equalization and review has the following powers and duties:

...

(3) Powers in Carrying Out Duties. – In the performance of its duties under subdivisions (g)(1) and (g)(2), above, the board of equalization and review may exercise the following powers:

a. It may appoint committees composed of its own members or other persons to assist it in making investigations necessary to its work. It may also employ expert appraisers in its discretion. The expense of the employment of committees or appraisers shall be borne by the county. The board may, in its discretion, require the taxpayer to reimburse the county for the cost of any appraisal by experts demanded by the taxpayer if the appraisal does not result in material reduction of the valuation of the property appraised and if the appraisal is not subsequently reduced materially by the board or by the Department of Revenue.

b. The board, in its discretion, may examine any witnesses and documents. It may place any witnesses under oath administered by any member of the board. It may subpoena witnesses or documents on its own motion, and it must do so when a request is made under the provisions of subdivision (g)(2)c, above.

A subpoena issued by the board shall be signed by the 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. This act applies to Cabarrus County only.

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

SENATE BILL 1315:
Cabarrus Board of Equalization and Review.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Sen. Hartsell
Date:	June 16, 2004	**Summary by:**	Hal Pell
Version:	First Edition		Committee Counsel

SUMMARY: ***This act would amend the law providing for county boards of equalization and review. The changes would apply only to Cabarrus County, and would be effective when the act became law.***

CURRENT LAW: The General Statutes provide that the board of county commissioners may appoint a special board of equalization and review. The board of equalization and review is responsible for reviewing tax listings and appraisals of property, and making any necessary corrections. The board may also increase or reduce the appraised value of property.

BILL ANALYSIS: The act would allow the chair of the board to divide the board into two or more panels, with a minimum of three members each. The board members on each panel could be interchanged during the year, and a decision by a panel has the same effect as a board decision.

The bill would allow the board to hear any appeal based upon discovered property; to accept applications filed after the statutory deadline; and to make changes to abstracts and tax records that the board of commissioners is authorized to make by statute.

The act applies only to Cabarrus County, and is effective when it becomes law.

S1315-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1347

Short Title:	Kannapolis ABC Store Election.	(Local)
Sponsors:	Senator Hartsell.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 27, 2004

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, the City of Kannapolis may hold an election on the establishment of ABC stores pursuant to G.S. 18B-600(d). The call for the election, and the procedure for conducting it, shall be in accordance with G.S. 18B-601. All registered voters in the City of Kannapolis shall be eligible to vote in the election.

SECTION 2. If an election is called, the ballot shall state the proposition as follows:

"[ ] FOR [ ] AGAINST

To permit the operation of ABC stores throughout Kannapolis by the Rowan County ABC system."

SECTION 3. If an election is held pursuant to this act, and if a majority of the voters voting in the election vote in favor of the operation of ABC stores in the City of Kannapolis, then the stores shall be established and operated by the Rowan/Kannapolis ABC Board as provided in Section 4 of this act.

SECTION 4. If an election is held pursuant to this act and the operation of ABC stores in the City of Kannapolis is approved, the Rowan County ABC Board shall be renamed the Rowan/Kannapolis ABC Board. The terms of the current members of the Rowan County ABC Board shall not be affected by this act, and the Rowan County Board of Commissioners shall continue to appoint three members for staggered, three-year terms on the same schedule as is now followed.

SECTION 5. After the distribution of the portion of the gross receipts required by G.S. 18B-805(a) through (d), the Rowan/Kannapolis ABC Board shall distribute the remaining receipts as follows:

(1) Forty percent (40%) shall be paid to Rowan County.
(2) Twenty-two and one-half percent (22½%) shall be paid to the City of Salisbury.
(3) Twenty-two and one-half percent (22½%) shall be paid to the City of Kannapolis.
(4) The remaining fifteen percent (15%) shall be distributed to the other incorporated municipalities in Rowan County with each municipality receiving a percentage equal to the proportion of its census population to the total census population of all of the municipalities receiving funds under this subdivision.

SECTION 6. As provided in G.S. 18B-805(e), the governing bodies of the entities receiving revenue from the Rowan/Kannapolis ABC Board may agree upon a different distribution of those funds, subject to the following:

(1) If all the affected governmental entities agree, the distribution may be altered in any manner they choose.
(2) Rowan County, the City of Salisbury, and the City of Kannapolis may agree by themselves to a different division of eighty-five percent (85%) of the distribution which goes to those three local governments.

SECTION 7.(a) If the operation of ABC stores in Kannapolis is approved pursuant to this act, and the Rowan/Kannapolis ABC Board is established but subsequently the City of Kannapolis votes against the operation of ABC stores, the board shall be renamed the Rowan County ABC Board and shall operate ABC stores in Rowan County, including the Rowan County portion of the City of Kannapolis, as it did before the establishment of the additional stores in the City of Kannapolis started pursuant to this act. Should that occur, the gross receipts from the operation of the ABC stores, after the distributions required by G.S. 18B-805(a) through (d) shall be as follows:

(1) Fifty percent (50%) shall be paid to Rowan County.
(2) Thirty percent (30%) shall be paid to the City of Salisbury.
(3) The remaining twenty percent (20%) shall be distributed to the other incorporated municipalities in Rowan County with each municipality receiving a percentage equal to the proportion of its census population to the total census population of all of the municipalities receiving funds under this subdivision.

SECTION 7.(b) The governmental entities receiving revenue from the Rowan County ABC Board may spend those funds for any proper governmental function. As provided in G.S. 18B-805(e), the governing bodies of those entities may agree to a different distribution of the revenues.

SECTION 8. If the operation of ABC stores in the City of Kannapolis is approved pursuant to this act, but subsequently Rowan County votes against the operation of ABC stores, the board shall be renamed the Kannapolis ABC Board. The Kannapolis ABC Board shall be appointed and shall operate as provided in Chapter 18B of the General Statues and shall be authorized to operate ABC stores in the entire City of Kannapolis.

SECTION 9. Notwithstanding the provisions of G.S. 18B-603(c)(3) and any similar provision of the General Statutes, a vote in favor of ABC stores in the City of Kannapolis pursuant to this act shall not affect the issuance of ABC permits in any other portion of Cabarrus or Rowan counties.

SECTION 10. Except as otherwise provided in this act, the operation of ABC stores in Rowan County and the City of Kannapolis shall be governed by the provisions of Chapter 18B of the General Statutes.

SECTION 11. The following acts are repealed:

(1) Chapter 585 of the Public-Local Laws of 1937.
(2) Chapter 650 of the Session Laws of 1947.
(3) Chapter 461 of the Session Laws of 1951.
(4) Chapter 830 of the Session Laws of 1955.
(5) Chapter 1093 of the Session Laws of 1959.

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

SENATE BILL 1347:
Kannapolis ABC Store Election

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Senator Hartsell
Date:	June 15, 2004	**Summary by:**	Barbara R iley
Version:	First Edition		Committee Counsel

SUMMARY:

Senate Bill 1347 allows the City of Kannapolis to hold an election on the establishment of ABC stores in the City and, if the establishment of ABC stores is approves, renames the Rowan County ABC Board the Rowan/Kannapolis ABC Board. The bill also provides for the distribution of funds and for changes in the redistribution should either Rowan County or Kannapolis subsequently vote against the operation of ABC stores.

BILL ANALYSIS:

The City of Kannapolis is located in two counties, Rowan and Cabarrus. Cabarrus County is dry. Rowan County operates ABC stores. As a result, there are ABC stores located in that portion of Kannapolis that lies in Rowan County.

G.S. 18B-601 provides for those places eligible to hold alcoholic beverage elections. Subsection (e4) deals with multicounty/city elections. That subsection, however, only provides for malt beverage and unfortified wine elections or mixed beverage elections. It does not provide for ABC store elections.

Sections 1, 2 and 3 of the bill provide for the referendum on the operation of ABC stores. Section 4 provides for the renaming of the board as the Rowan/Kannapolis ABC Board and provides that the terms of the current members of the Board shall not be affected by the act. Rowan County shall continue to appoint 3 members under the current schedule.

Section 5 provides for the distribution of the receipts after the statutory distributions required by G.S. 18B-805 (a) through (d) are made: 40% to Rowan County, 22 1/2% to Salisbury, 22 ½% to Kannapolis and 15% to the other municipalities in Rowan County. Section 6 provides that the governing bodies of the units receiving revenue from the Board may vote to alter the distribution of the revenue. If Rowan County, Salisbury and Kannapolis agree, they may alter the distribution of 85 % of the revenues. Section 7b allows the use of the funds for any proper governmental function.

Sections 7a and 8 provide for distributions of the funds should either Kannapolis or Rowan County elect not to operate ABC stores. Section 9 provides that the act shall not affect the issuance of ABC permits in other portions of Cabarrus or Rowan counties. Section 10 provides that, except for the provisions of the act, Chapter 18B applies to the operation of ABC stores in Rowan County and Kannapolis. Section 11 repeals a number of older local laws dealing with the distribution of ABC revenues in Rowan County.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1564

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

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.

(6) 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 full 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.

"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.

HOUSE BILL 1564:
Charlotte Regional Visitors Authority.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Rep. Earle (primary).
Date:	June 16, 2004	**Summary by:**	Hal Pell
Version:	First Edition		Committee Counsel

SUMMARY: House Bill 1564 amends the provisions of the Charter of the City of Charlotte governing the Charlotte Regional Visitors Authority.

CURRENT LAW: Under the current Charter of the City of Charlotte, the "Auditorium Coliseum Convention Center Authority" controls and manages any auditorium, coliseum civic center, and baseball stadium of the City. The Mayor and the City Council jointly appoint the Authority, which consists of seven to nine members. Only one member may not be an elected official.

BILL ANALYSIS:

House Bill 1564 changes makes the following changes to the Charter of the City of Charlotte:

- Changes the name of the Authority to the "Charlotte Regional Visitors Authority".
- Expands the membership of the Authority to 13 members. Four members appointed by the Mayor, and nine by the City Council. The members serve staggered terms, and includes representatives from the hotel, restaurant, and travel industry, as well as elected officials.
- Requires the authority to "engage in activities and programs aiding and encouraging convention and visitor promotion.".

House Bill 1564 would become effective July 1, 2004.

H1564-smrk-01

Summary contribution by Giles Perry, Staff Attorney.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 1426*
Committee Substitute Favorable 5/20/04

Short Title: Greenville Parking Deck Projects. (Local)

Sponsors:

Referred to:

May 13, 2004

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.

The General Assembly of North Carolina enacts:

SECTION 1. Except for G.S. 143-128.2 and G.S. 143-128.3, 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 and expires January 1, 2010.

HOUSE BILL 1426:
Greenville Parking Deck Projects

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov and Veterans Affairs	**Introduced by:**	Reps. McLawhorn & Warren
		Summary by:	R. Erika Churchill & Barbara Riley
Date:	June 15, 2004		Committee Counsel
Version:	2d Edition		

SUMMARY:

House Bill 1426 would exempt the City of Greenville from the purchase and contract provisions of Article 8 of Chapter 143 for the construction of parking structure projects in the central business district of Greenville. G.S. 143-128.2 and 143-128.3 providing for minority business participation goals and administration would still apply to the project.

The act is effective when it becomes law and expires January 1, 2010.

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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1327
PROPOSED COMMITTEE SUBSTITUTE S1327-CSSP-19 [v.6]

6/16/2004 9:58:43 AM

Short Title: Non-State Entities Reporting Requirements. (Public)

Sponsors:

Referred to:

May 26, 2004

BILL TO BE ENTITLED

AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-6.1 is repealed.

SECTION 2. Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-6.2. Use of State funds by non-State entities.**

(a) Disbursement and Use of State Funds. – Every non-State entity that receives, uses, or expends any State funds designated in an act by the General Assembly shall use or expend the funds only for the purposes designated by the State. State funds include federal funds that flow through the State. For the purposes of this section the term "non-State entity" means a firm, corporation, partnership, association, unit of local government, or any other person, organization or group that is not a State agency, department, or institution.

(b) For the purposes of this section, the term "grantee" means a non-State entity other than a unit of local government that receives a grant of State funds from a State agency, department, or institution. The term "subgrantee" means a non-State entity other than a unit of local government that receives a grant of State funds from a grantee or from another subgrantee.

(c) Compliance by Non-State Entities. – If the Director of the Budget finds that a non-State entity has spent or encumbered State funds for an unauthorized purpose, the Director shall take appropriate administrative action to ensure that no further irregularities occur and shall report to the Attorney General any facts that pertain to an apparent violation of a criminal law or an apparent instance of malfeasance, misfeasance, or nonfeasance in connection with the use of State funds.

(d) The Office of State Budget and Management shall adopt rules to ensure the uniform administration of State grants by all grantor State agencies and grantees or

subgrantees. The rules shall establish policies and procedures for disbursements of grants and for State agency oversight, monitoring, and evaluation of grantees and subgrantees. Such policies and procedures shall:

(1) Ensure that the purpose of each grant is specified to the grantee.

(2) Ensure that funds are spent in accordance with the purposes for which they were granted.

(3) Hold the grantees and subgrantees accountable for the legal and appropriate expenditure of State grant funds.

(4) Provide for adequate oversight and monitoring to prevent the misuse of State funds.

(5) Establish mandatory periodic reporting requirements for grantees and subgrantees, including methods of reporting, to provide financial and program performance information. The mandatory periodic reporting requirements shall require grantees and subgrantees to file with the State Auditor copies of reports and statements that are filed with State agencies pursuant to this subsection.

(6) Require grantees and subgrantees to maintain reports, records, and other information to properly account for the expenditure of all State grant funds and to make such reports, records, and other information available to the grantor State agency for oversight, monitoring, and evaluation purposes.

(7) Require grantees and subgrantees to ensure that work papers in the possession of their auditors are available to the State Auditor for the purposes set out in subsection (h) of this section.

(8) Require grantees to be responsible for managing and monitoring each project, program, or activity supported by State grant funds, and each subgrantee project, program, or activity supported by State grant funds.

(9) Provide procedures for the suspension of further disbursements or use of State funds for noncompliance with these rules or other inappropriate use of the funds.

(e) Notwithstanding the provisions of G.S. 150B-2(8a)b, rules adopted pursuant to subsection (d) of this section are subject to the provisions of Chapter 150B of the General Statutes.

(f) The Office of State Budget and Management shall consult with the Office of the State Auditor in establishing the rules required by subsection (d) of this section.

(g) The Office of State Budget and Management shall have the power to suspend disbursement of State funds to grantees or subgrantees and prevent further use of funds already disbursed for noncompliance with rules adopted pursuant to subsection (d) of this section or for other inappropriate use of State funds.

(h) Audit Oversight. – The State Auditor has audit oversight, pursuant to Article 5A of Chapter 147 of the General Statutes, of every grantee or subgrantee that receives, uses, or expends State funds. A grantee or subgrantee must, upon request, furnish to the State Auditor for audit all books, records, and other information necessary for the State

Auditor to account fully for the use and expenditure of State funds. The grantee or subgrantee must furnish any additional financial or budgetary information requested by the State Auditor including audit work papers in the possession of any auditor of a grantee or subgrantee.

(i) Not later than May 1, 2007, and by May 1 of every succeeding year, the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on all grantees or subgrantees that failed to comply with this section during the prior fiscal year, including the amount of State funds that were disbursed to each of those grantees or subgrantees during that fiscal year and the amount of State funds that were withheld.

(j) Grantor State agencies shall submit a list to the State Auditor by October 31 each year of every grantee to which the agency disbursed State funds in the prior fiscal year, the amount disbursed, the amount disbursed to each grantee, and other such information as required by the State Auditor to comply with the requirements set forth in this section.

(k) The Attorney General is authorized to bring a civil action in the Superior Court of Wake County to enforce the provisions of subsections (a) or (g) of this section and to recover any State funds expended in violation of subsections (a) or (g), or rules adopted pursuant to subsection (d) of this section."

SECTION 3. G.S. 147-86.35(b) reads as rewritten:

"(b) Any non-State ~~corporation, organization, or institution~~ entity as that term is defined in G.S. 143-6.2 that receives, uses, or expends any funds from the Commission is subject to the applicable reporting requirements of ~~G.S. 143-6.1.~~G.S. 143-6.2."

SECTION 4. G.S. 143-722(b) reads as rewritten:

"(b) Any non-State ~~corporation, organization, or institution~~ entity as that term is defined in G.S. 143-6.2 that receives, uses, or expends any funds from the Commission is subject to the applicable reporting requirements of ~~G.S 143-6.1.~~G.S. 143-6.2."

SECTION 5. There is appropriated from the General Fund the sum of twenty-five thousand dollars ($25,000) for the 2004-2005 fiscal year to the Office of State Budget and Management for the purpose of developing the rules and policies required by this act, including a review of the practices of other states in the management of grants of State funds made to non-State entities.

SECTION 6. G.S. 143-6.2(d), (e), and (f), as enacted by this act, are effective when they become law. The remainder of this act becomes effective July 1, 2005, and applies to appropriations and grants made for fiscal years beginning on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1327
PROPOSED COMMITTEE SUBSTITUTE S1327-CSSP-19 [v.4]

6/15/2004 9:31:35 PM

Short Title: Non-State Entities Reporting Requirements. (Public)

Sponsors:

Referred to:

May 26, 2004

BILL TO BE ENTITLED

AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-6.1 is repealed.

SECTION 2. Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-6.2. Use of State funds by non-State entities.**

(a) Disbursement and Use of State Funds. – Every non-State entity that receives, uses, or expends any State funds shall use or expend the funds only for the purposes for which they were appropriated by the General Assembly or collected by the State. State funds include federal funds that flow through the State. For the purposes of this section the term "non-State entity" means a firm, corporation, partnership, association, unit of local government, or any other organization or group acting as a unit that is not a State agency, department, or institution.

(b) For the purposes of this section, the term "grantee" means a non-State entity other than a unit of local government that receives a grant of State funds from a State agency, department, or institution. The term "subgrantee" means a non-State entity other than a unit of local government that receives a grant of State funds from a grantee or from another subgrantee.

(c) Compliance by Non-State Entities. – If the Director of the Budget finds that a non-State entity has spent or encumbered State funds for an unauthorized purpose, the Director shall take appropriate administrative action to ensure that no further irregularities occur and shall report to the Attorney General any facts that pertain to an apparent violation of a criminal law or an apparent instance of malfeasance, misfeasance, or nonfeasance in connection with the use of State funds.

(d) The Office of State Budget and Management shall adopt rules to ensure the uniform administration of State grants by all grantor State agencies and grantees or

subgrantees. The rules shall establish policies and procedures for disbursements of grants and for State agency oversight, monitoring, and evaluation of grantees and subgrantees. Such policies and procedures shall:

(1) Ensure that the purpose of each grant is specified to the grantee.

(2) Ensure that funds are spent in accordance with the purposes for which they were granted.

(3) Hold the grantees and subgrantees accountable for the legal and appropriate expenditure of State grant funds.

(4) Provide for adequate oversight and monitoring to prevent the misuse of State funds.

(5) Establish mandatory periodic reporting requirements for grantees and subgrantees, including methods of reporting, to provide financial and program performance information. The mandatory periodic reporting requirements shall require grantees and subgrantees to file with the State Auditor copies of reports and statements that are filed with State agencies pursuant to this subsection.

(6) Require grantees and subgrantees to maintain reports, records, and other information to properly account for the expenditure of all State grant funds and to make such reports, records, and other information available to the grantor State agency for oversight, monitoring, and evaluation purposes.

(7) Require grantees and subgrantees to ensure that work papers in the possession of their auditors are available to the grantor State agency for the purpose of ensuring compliance with the rules adopted pursuant to this subsection, and to ensure that the work papers are available to the State Auditor for the purposes set out in subsection (h) of this section.

(8) Require grantees to be responsible for managing and monitoring each project, program, or activity supported by State grant funds, and each subgrantee project, program, or activity supported by State grant funds.

(9) Provide procedures for the suspension of further disbursements or use of State funds for noncompliance with these rules or other inappropriate use of the funds.

(e) Notwithstanding the provisions of G.S. 150B-2(8a)b, rules adopted pursuant to subsection (d) of this section are subject to the provisions of Chapter 150B of the General Statutes.

(f) The Office of State Budget and Management shall consult with the Office of the State Auditor in establishing the rules required by subsection (d) of this section.

(g) The Office of State Budget and Management shall have the power to suspend disbursement of State funds to grantees or subgrantees and prevent further use of funds already disbursed for noncompliance with rules adopted pursuant to subsection (d) of this section or for other inappropriate use of State funds.

(h) Audit Oversight. – The State Auditor has audit oversight, pursuant to Article 5A of Chapter 147 of the General Statutes, of every grantee or subgrantee that receives, uses, or expends State funds. A grantee or subgrantee must, upon request, furnish to the State Auditor for audit all books, records, and other information necessary for the State Auditor to account fully for the use and expenditure of State funds. The grantee or subgrantee must furnish any additional financial or budgetary information requested by the State Auditor including audit work papers in the possession of any auditor of a grantee or subgrantee.

(i) Not later than May 1, 2007, and by May 1 of every succeeding year, the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on all grantees or subgrantees that failed to comply with this section during the prior fiscal year, including the amount of State funds that were disbursed to each of those grantees or subgrantees during that fiscal year and the amount of State funds that were withheld.

(j) Grantor State agencies shall submit a list to the State Auditor by October 31 each year of every grantee to which the agency disbursed State funds in the prior fiscal year, the amount disbursed, the amount disbursed to each grantee, and other such information as required by the State Auditor to comply with the requirements set forth in this section.

(k) The Attorney General is authorized to bring a civil action in the Superior Court of Wake County to enforce the provisions of subsections (a) or (g) of this section and to recover any State funds expended in violation of subsections (a) or (g), or rules adopted pursuant to subsection (d) of this section."

SECTION 3. G.S. 147-86.35(b) reads as rewritten:

"(b) Any non-State ~~corporation, organization, or institution~~ entity as that term is defined in G.S. 143-6.2 that receives, uses, or expends any funds from the Commission is subject to the applicable reporting requirements of ~~G.S. 143-6.1.~~G.S. 143-6.2."

SECTION 4. G.S. 143-722(b) reads as rewritten:

"(b) Any non-State ~~corporation, organization, or institution~~ entity as that term is defined in G.S. 143-6.2 that receives, uses, or expends any funds from the Commission is subject to the applicable reporting requirements of ~~G.S 143-6.1.~~G.S. 143-6.2."

SECTION 5. There is appropriated from the General Fund the sum of twenty-five thousand dollars ($25,000) for the 2004-2005 fiscal year to the Office of State Budget and Management for the purpose of developing the rules and policies required by this act, including a review of the practices of other states in the management of grants of State funds made to non-State entities.

SECTION 6. G.S. 143-6.2(d), (e), and (f), as enacted by this act, are effective when they become law. The remainder of this act becomes effective July 1, 2005, and applies to appropriations and grants made for fiscal years beginning on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1327

Short Title:	Non-State Entities Reporting Requirements.	(Public)
Sponsors:	Senator Kerr.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 26, 2004

BILL TO BE ENTITLED

AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-6.1 is repealed.

SECTION 2. Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-6.2. Use of State funds by non-State entities.**

(a) Disbursement and Use of State Funds. – Every non-State entity that receives, uses, or expends any State funds shall use or expend the funds only for the purposes for which they were appropriated by the General Assembly or collected by the State. State funds include federal funds that flow through the State. For the purposes of this section the term "non-State entity" means a firm, corporation, partnership, association, unit of local government, or any other organization or group acting as a unit that is not a State agency, department, or institution.

(b) For the purposes of this section, the term "grantee" means a non-State entity other than a unit of local government that receives a grant of State funds from a State agency, department, or institution. The term "subgrantee" means a non-State entity other than a unit of local government that receives a grant of State funds from a grantee or from another subgrantee.

(c) Compliance by Non-State Entities. – If the Director of the Budget finds that a non-State entity has spent or encumbered State funds for an unauthorized purpose, the Director shall take appropriate administrative action to ensure that no further irregularities occur and shall report to the Attorney General any facts that pertain to an apparent violation of a criminal law or an apparent instance of malfeasance, misfeasance, or nonfeasance in connection with the use of State funds.

(d) The Office of State Budget and Management shall adopt rules to ensure the uniform administration of State grants by all grantor State agencies and grantees or subgrantees. The rules shall establish policies and procedures for disbursements of

grants and for State agency oversight, monitoring, and evaluation of grantees and subgrantees. Such policies and procedures shall:

(1) Ensure funds are spent in accordance with the purposes for which they were granted and hold the grantees and subgrantees accountable for the legal and appropriate expenditure of State grant funds.

(2) Provide for adequate oversight and monitoring to prevent the misuse of State funds.

(3) Establish mandatory periodic reporting requirements for grantees and subgrantees, including methods of reporting, to provide financial and program performance information.

(4) Require grantees and subgrantees to maintain reports, records, and other information to properly account for the expenditure of all State grant funds and to make such reports, records, and other information available to the grantor State agency for oversight, monitoring, and evaluation purposes.

(5) Require grantees and subgrantees to ensure that work papers in the possession of their auditors are available to the grantor State agency for the purpose of ensuring compliance with the rules adopted pursuant to this subsection, and to ensure that the work papers are available to the State Auditor for the purposes set out in subsection (h) of this section.

(6) Require grantees to be responsible for managing and monitoring each project, program, or activity supported by State grant funds, and each subgrantee project, program, or activity supported by State grant funds.

(7) Provide procedures for the suspension of further disbursements or use of State funds for noncompliance with these rules or other inappropriate use of the funds.

(e) Notwithstanding the provisions of G.S. 150B-2(8a)b, rules adopted pursuant to subsection (d) of this section are subject to the provisions of Chapter 150B of the General Statutes.

(f) The Office of State Budget and Management shall consult with the Office of the State Auditor in establishing the rules required by subsection (d) of this section.

(g) The Office of State Budget and Management shall have the power to suspend disbursement of State funds to grantees or subgrantees and prevent further use of funds already disbursed for noncompliance with rules adopted pursuant to subsection (d) of this section or for other inappropriate use of State funds.

(h) Audit Oversight. – The State Auditor has audit oversight, pursuant to Article 5A of Chapter 147 of the General Statutes, of every grantee or subgrantee that receives, uses, or expends State funds. A grantee or subgrantee must, upon request, furnish to the State Auditor for audit all books, records, and other information necessary for the State Auditor to account fully for the use and expenditure of State funds. The grantee or subgrantee must furnish any additional financial or budgetary information requested by

the State Auditor including audit work papers in the possession of any auditor of a grantee or subgrantee.

(i) Not later than May 1, 2007, and by May 1 of every succeeding year, the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on all grantees or subgrantees that failed to comply with this section during the prior fiscal year, including the amount of State funds that were disbursed to each of those grantees or subgrantees during that fiscal year and the amount of State funds that were withheld.

(j) All reports, records, financial statements, and other information furnished to the State Auditor pursuant to this section, and any audits or reports prepared by the State Auditor pursuant to this section, are public records pursuant to G.S. 132.1 except audit work papers furnished by an auditor of a grantee or subgrantee.

(k) All reports, records, financial statements, and other information furnished to a grantor State agency pursuant to this section, and any audits or reports prepared by a grantor State agency pursuant to this section, are public records pursuant to G.S. 132.1 except audit work papers furnished by an auditor of a grantee or subgrantee.

(l) The Attorney General is authorized to bring a civil action in the Superior Court of Wake County to enforce the provisions of subsections (a) or (g) of this section and to recover any State funds expended in violation of subsections (a) or (g), or rules adopted pursuant to subsection (d) of this section."

SECTION 3. G.S. 147-86.35(b) reads as rewritten:

"(b) Any non-State ~~corporation, organization, or institution~~ entity as that term is defined in G.S. 143-6.2 that receives, uses, or expends any funds from the Commission is subject to the applicable reporting requirements of ~~G.S. 143-6.1.~~G.S. 143-6.2."

SECTION 4. G.S. 143-722(b) reads as rewritten:

"(b) Any non-State ~~corporation, organization, or institution~~ entity as that term is defined in G.S. 143-6.2 that receives, uses, or expends any funds from the Commission is subject to the applicable reporting requirements of ~~G.S 143-6.1.~~G.S. 143-6.2."

SECTION 5. There is appropriated from the General Fund the sum of twenty-five thousand dollars ($25,000) for the 2004-2005 fiscal year to the Office of State Budget and Management for the purpose of developing the rules and policies required by this act, including a review of the practices of other states in the management of grants of State funds made to non-State entities.

SECTION 6. G.S. 143-6.2(d), (e), and (f), as enacted by this act, are effective when they become law. The remainder of this act becomes effective July 1, 2005, and applies to appropriations and grants made for fiscal years beginning on or after that date.

SENATE BILL 1327:
Non-State Entities Reporting.

BILL ANALYSIS

Committee:	Senate State and Local Government.	**Introduced by:**	Sen. Kerr
Date:	June 16, 2004	**Summary by:**	Hal Pell Committee Co-Counsel
Version:	PCS		

SUMMARY: The act repeals and replaces the statute that establishes the procedures for the oversight of State grants to non-profit entities.

BILL ANALYSIS:

Section One:
Repeals the current reporting statute, G.S. 143-6.1.

Section Two:

Enacts a new reporting and oversight statute, G.S. 143-6.2:

Subsection (a) requires non-State entities receiving State funds to use them only for the purposes for which the General Assembly appropriated them. Defines "non-State entity."

Subsection (b) defines "grantee" as a non-State entity receiving a grant of State funds, and "subgrantee" as a non-State entity receiving a grant of State funds from a grantee or another subgrantee.

Subsection (c) requires the Director of the Budget to take appropriate administrative action upon a finding of inappropriate use of State funds by a non-State entity, and requires the director to report unlawful or improper actions by a non-State entity to the Attorney General.

Subsection (d) requires the Office of State Budget and Management to adopt rules ensuring uniform administration of grants to non-State entities by grantor State agencies. This includes disbursements, oversight, monitoring, and evaluation of grantees and subgrantees. The rules must carry out and enforce specific policies and procedures that:

(1) Ensure that the purposes of the fund are specified.
(2) Ensure that funds are used for the purposes of the grant.
(3) Hold grantees responsible for the legal and appropriate use of the funds.
(4) Provide adequate oversight and monitoring to prevent misuse by grantees and subgrantees.
(5) Establish mandatory periodic reporting requirements with specific reporting methods for grantees and subgrantees, and requires them to file copies of reports with the State Auditor in addition to filing with State agencies.
(6) Require documentation to account for all expenditures by grantees and subgrantees.

(7) Require grantees and subgrantees to ensure that all work papers of their auditors are available for inspection by grantor State agencies and the Auditor.
(8) Require grantees to be responsible to monitor all programs supported by State grants, whether executed by them or by subgrantees..
(9) Provide procedures for suspension of funds for non-compliance with the rules or other inappropriate use of grant funds.

Subsection (e) specifies that the rules are adopted pursuant to the APA.

Subsection (f) requires Budget and Management to consult with the Auditor in establishing the rules.

Subsection (g) gives Budget and Management the power to suspend disbursement of funds to grantees and subgrantees and prevent use of already disbursed funds for non-compliance with the rules or other inappropriate use of funds.

Subsection (h) gives the State Auditor specific audit oversight of every grantee or subgrantee that receives State funds and includes a requirement to produce work papers in possession of an auditor upon request of the State Auditor.

Subsection (i) requires the Office of State Budget and Management to report annually to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on all grantees and subgrantees that failed to comply with this act during the prior fiscal year, the amount of State funds disbursed to those entities and the amount withheld.

Subsection (j) requires that granting agencies submit, on an annual basis, a list of every grantee receiving State funds during the prior fiscal year, to include the amount and any other information required by the State Auditor.

Subsection (k) gives enforcement authority to the Attorney General to bring a civil action in the Superior Court of Wake County, to include recovery of funds expended in violation of the rules adopted under the act.

Sections Three and Four make conforming changes to the reporting requirements of non-State entities receiving funds from the Health and Wellness Trust Fund and the Tobacco Trust Fund, respectively.

Section Five appropriates $25, 000 from the General Fund to the Office of State Budget and Management for the purpose of developing the rules required by the act including a review of practices of other states.

Section Six makes the subsections of new G.S. 143-6.2 that apply to the adoption of the new rules effective when they become law. The rest of the act is effective July 1, 2005 and applies to appropriations and grants made on or after that date.

S1327-smrk-01
Summary Contribution by Steve Rose, Staff Attorney.

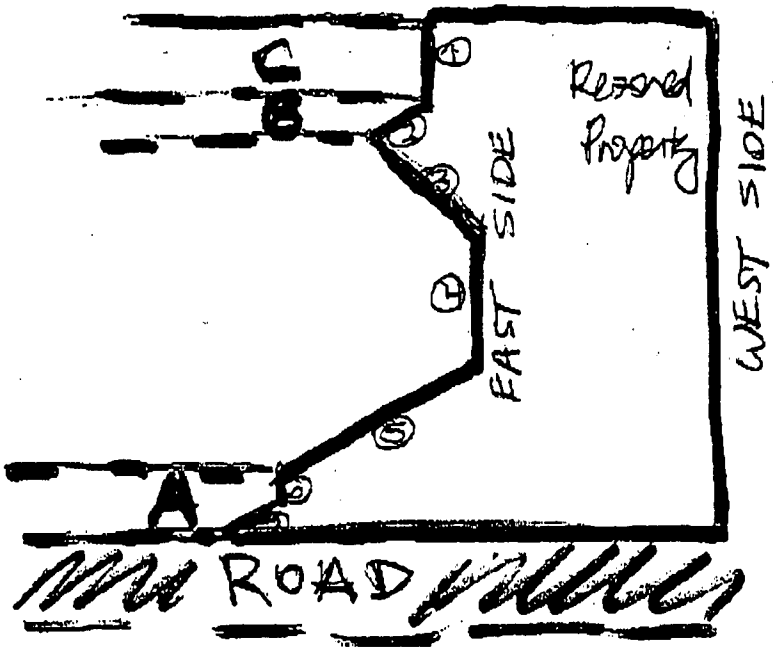
2004 Durham Legislative Program
Protest Petition Legislation

The purpose of this bill is to clarify the City's authority to adopt ordinances and guidelines to implement state law regarding protest petitions. State statute, G.S. 160A-385, allows properties involved in rezonings, and property within 100 feet of a rezoning to "protest" the rezoning. If a protest that meets the statute's requirements is filed, then the Council must approve the rezoning by a ¾ majority instead of just a simple majority for it to pass. The statute is ambiguous in many areas, and it doesn't clearly delegate to the City the authority to adopt implementing ordinances and guidelines that would clarify these ambiguities. The City has wrestled with many issues over the years, including:

- How to calculate what is a "side" under the statute
- Whether a protest petition can be withdrawn. (Case law generally allows for withdrawals of most petitions, but the statute is silent on withdrawals of protests.)
- Whether the special rules for protests regarding "conditional use" and "special use" "rezonings are applicable to Durham's equivalent type of rezoning which is called a "development plan rezoning";
- Whether the City can consider areas that are across multi-lane interstate highways to be outside the "zone" of eligible properties affected by a rezoning

The proposed legislation allows the City to adopt ordinances and guidelines that implement the state statute. The proposed special legislation is on the next page.

An example of the ambiguities created by the statute follows. This example illustrates the difficulty of calculating which how many "sides" a property being rezoned has. Under one theory, each of the parcels A, B, and C could submit a valid protest petition if each "angle change" is considered a "side." Under a different theory, the entire east side of the property is the "side" and a number of properties adjacent to that "side" would have to protest for a petition to be valid.



Question:
Is each angle change - segments 1, 2, 3, etc - a "side" or are all segments on the east side one "side" together?

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 1454
Committee Substitute Favorable 5/27/04

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 the Town.

"**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 G.S. 163-292."

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

HOUSE BILL 1454:
Chocowinity Staggered Terms.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Rep. A. Williams.
Date:	June 16, 2004	**Summary by:**	Hal Pell
Version:	Second Edition		Committee Counsel

*SUMMARY: **The proposed committee substitute would create staggered terms for the 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.

BILL ANALYSIS: The proposed committee substitute would create staggered four (4) year 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 bill also amends the 1959 charter of the Town of Chocowinity to remove sections that are now addressed by the General Statutes.

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

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

H1454-smrk-01

Summary contribution by Erika Churchill, Staff Attorney.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1355

Short Title:	Goldsboro Notice/Ordinance Violation.	(Local)
Sponsors:	Senator Kerr.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 27, 2004

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2003-133 reads as rewritten:

"**SECTION 2.** Section 1 of this act applies to the ~~City of Durham~~ Cities of Durham and Goldsboro only."

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

SENATE BILL 1355:
Goldsboro Notice/Ordinance Violation

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Kerr
		Summary by:	Theresa Matula Committee Staff
Date:	June 14, 2004		
Version:	First Edition		

SUMMARY: ***Senate Bill 1355 allows the City of Goldsboro to remove refuse and debris from a landowner's property where the city has notified the landowner at least three times in the prior year that the owner is in violation of Goldsboro's refuse and debris ordinance. The cost of the action becomes a lien against the property and is collected as unpaid taxes.***

CURRENT LAW:

G.S. 160A-193 grants to cities the authority to remove or otherwise remedy situations that are dangerous or prejudicial to the public health or public safety. The expense of removal is paid by the property owner or becomes a lien against the property that is collected as unpaid ad valorem taxes.

S.L. 2003-133, Section 1, provides that a municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation.

- The expense of the action becomes a lien upon the violator's property and will be collected as unpaid taxes.
- The initial annual notice is served by registered or certified mail.
- Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

Section 2 of S.L. 2003-133 provides that the act applies only to the City of Durham.

(Note: S.L. 2003-133 has been provided on the reverse side.)

BILL ANALYSIS:

Senate Bill 1355 amends Section 2 of S.L. 2003-133 to provide that the act also applies to the City of Goldsboro.

The act is effective when it becomes law.

S1355-SMSH-001

S.L. 2003-133
HB 735

AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's refuse and debris ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the refuse and debris ordinance.

SECTION 2. Section 1 of this act applies to the City of Durham only.

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

In the General Assembly read three times and ratified this the 4th day of June, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1370
PROPOSED COMMITTEE SUBSTITUTE S1370-PCS55299-LB-106

Short Title: Goldsboro Surplus Lot Disposition. (Local)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, the following procedures may be utilized by the City of Goldsboro relative to the sale of surplus real property owned alone by the City or jointly owned by the City and by Wayne County.

SECTION 1.(b) Substandard surplus real property may be disposed of under the following procedures:

(1) The City Clerk will notify the Planning and Community Development Department of the City's receipt of substandard surplus property.

(2) The Planning and Community Development Department will identify all contiguous property owners.

(3) The Planning and Community Development Department will determine if any of the adjoining parcels are substandard.

(4) If only one of the adjacent lots is substandard, the owner of that lot will be deeded the City's surplus lot if the owner elects in writing to receive title to the property in return for one dollar ($1.00).

(5) If more than one adjoining parcel to the surplus property is substandard, the Planning and Community Development Department will contact these property owners to determine their interest in receiving the substandard lot. If more than one adjoining property owner elects in writing to receive title to a portion of the substandard lot, the property will be divided in order to create two standard adjoining lots.

(6) If dividing the substandard lot among adjoining property owners does not create two standard lots, ownership of the entire lot will be awarded to the owner of the adjoining lot with the greater degree of a substandard condition. If not accepted by this adjoining owner, then the lot will be awarded to the other adjoining owner.

(7) If the property adjacent to a substandard lot is standard in nature, the property will be divided among the adjoining property owners. If only one adjoining standard property owner shows interest in the standard lot, full property ownership will be awarded to this owner.

SECTION 1.(c) Standard surplus real property may be disposed of under the following procedures:

(1) The City Clerk will notify the Planning and Community Development Department of the City's receipt of standard real surplus property.

(2) The Planning and Community Development Department will identify all contiguous property owners.

(3) The Planning and Community Development Department will determine if any of the adjoining parcels are substandard.

(4) If a substandard lot adjoins a standard City surplus lot and the property owner agrees to pay fifty percent (50%) of the tax value of the surplus lot, this lot will be sold to the owner of the substandard lot at this price without soliciting further additional bids.

(5) If more than one adjoining property is substandard and both property owners are willing to share in the minimum asking price of fifty percent (50%) of the total property tax value of the standard lot, the lot in question will then be subdivided between the two adjoining property owners of substandard lots without soliciting further bids provided this division creates two standard lots. If not accepted by this adjoining owner, then the lot will be awarded to the other adjoining owner.

(6) When all adjacent lots are standard in nature, the Finance Department will conduct the sale of the standard surplus lot. Standard surplus lots will be offered for sale in accordance with the provisions of G.S. 160A-266, provided however, the minimum sales price will be at least fifty percent (50%) of the property's tax value. No bid for the lot under fifty percent (50%) of the property's tax value may be accepted by the City council.

SECTION 2. When selling standard properties, the City of Goldsboro will at a minimum:

(1) Notify the adjacent property owners and individuals and entities who have bid on surplus property in the past as well as all local real estate firms.

(2) Place upon the property a "For Sale" sign.

(3) Place a nonlegal advertisement in a local newspaper.

(4) Arrange for the broadcast of at least one public service announcement on a local radio station and PACC 10 TV.

SECTION 3. The City of Goldsboro will contact the County of Wayne for its concurrence prior to beginning the sale of substandard and standard lots which are jointly owned by both governmental entities.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1370

Short Title:	Goldsboro Surplus Lot Disposition.	(Local)
Sponsors:	Senator Kerr.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, the following procedures may be utilized by the City of Goldsboro relative to the sale of surplus real property.

SECTION 1.(b) Substandard surplus real property may be disposed of under the following procedures:

(1) The City Clerk will notify the Planning and Community Development Department of receipt of substandard surplus property.

(2) The Planning and Community Development Department will identify all contiguous property owners.

(3) The Planning and Community Development Department will determine if any of the adjoining parcels are substandard.

(4) If only one of the adjacent lots is substandard, the owner of that lot will be deeded the City's surplus lot if the owner so desires.

(5) If more than one adjoining parcel to the surplus property is substandard, the Planning and Community Development Department will contact these property owners to determine their interest in receiving the substandard lot. If more than one adjoining property owner expresses interest in the substandard lot, the property will be divided in order to create two standard adjoining lots.

(6) If dividing the substandard lot among adjoining property owners does not create two standard lots, ownership of the entire lot will be awarded to the highest contiguous bidder as a result of a sealed bid process.

(7) If the property adjacent to a substandard lot is standard in nature, the property will be divided among the adjoining property owners. If only

one adjoining standard property owner shows interest in the standard lot, full property ownership will be awarded to this owner.

SECTION 1.(c) Standard surplus real property may be disposed of under the following procedures:

(1) The City Clerk will notify the Planning and Community Development Department of receipt of standard real surplus property.

(2) The Planning and Community Development Department will identify all contiguous property owners.

(3) The Planning and Community Development Department will determine if any of the adjoining parcels are substandard.

(4) If a substandard lot adjoins a standard City surplus lot and the property owner is willing to pay fifty percent (50%) of the tax value of the surplus lot, this lot will be sold to the owner of the substandard lot at this price without further attempt to secure bidders.

(5) If more than one adjoining property is substandard and both property owners are willing to share the minimum asking price of fifty percent (50%) of the total property tax value, the lot in question will then be subdivided between the two adjoining property owners of substandard lots without soliciting further bids.

(6) When all adjacent lots are standard in nature, the Finance Department will conduct the sale of the standard surplus lot. Standard surplus lots will be offered for sale under the "Negotiated Offer, Advertisement and Upset Bid" procedure. The minimum sale price will be set at fifty percent (50%) of the property's tax value.

SECTION 2. When selling standard properties, the City of Goldsboro will at a minimum:

(1) Notify the adjacent property owners of persons who have bid on surplus property in the past and real estate firms.

(2) A "For Sale" sign will be placed upon the property and a nonlegal advertisement will be printed in the local newspaper. Public service advertisements will be broadcast on local radio and cable television. Information will also be placed on the City of Goldsboro's on-hold telephone message recording and on the City's Web site.

SECTION 3. The City of Goldsboro will contact the County of Wayne for their concurrence prior to beginning the sale of substandard and standard lots jointly owned by both governmental entities.

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

SENATE BILL 1370:
Goldsboro Surplus Lot Disposition.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Sen. Kerr
Date:	June 16, 2004	**Summary by:**	Hal Pell
Version:	PCS		Committee Counsel

SUMMARY: This act would provide procedures for the sale of surplus property by the City of Goldsboro or Wayne County.

CURRENT LAW: The procedures for the sale and disposition of real property is set forth in the General Statutes (Article 12 of Chapter 160A).

BILL ANALYSIS: This bill would provides specific procedures for the sale of surplus real property by the City of Goldsboro and Wayne County. The act would apply to both standard or substandard real property. The determination of "standard" or "substandard" would be made by the Planning and Commuity Development Department. Depending on the classification, different notice, sale, and tax provisions would apply.

The City would be required to do the following when selling standard property:

- Notify adjacent property owners who have bid on surplus property in the past
- Notify all local real estate firms
- Place a "for sale" sign on the property
- Place an advertisement in a local newspaper
- Arrange for the broadcast of at least one public service announcement on a local radio station and a designated TV station.

The city must get the concurrence of Wayne County prior to the sale of any lot if the lot is jointly owned by the city and the county.

The act becomes effective on July 1, 2004.

S1370-smrk-01

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 16, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Rust	NCFPC
Tim Minton	NC Home Builders Association
R. Paul Wilms	NCHBA
Lori Ann Harris	L. AHA.
Jim Blackburn	Association of County Commissioners
JEFFREY SMITH	Professional firefighters & Paramedics
Richard O'brien	Professional firefighters + Paramedics
Pam Deardorff	Retirement/ DST
Colleen Kochanek	Hafer & Caldwell, P.A.
ANN LOWE	OUHS
Carol Lauler	EGHS
Jeff Cotton	Policy Office
FRANK W. FOLGER	NC DOJ

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 16, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MICHAEL CROWELL	LAWYER, RALEIGH
Jane Kendall	N.C. Center for Nonprofits
Anthony Petty	N.C. Center for Nonprofits
Boyd Gaddle	City of Charlotte
Rob Hillman	State Auditor
Elizabeth Self	Intern, Rep. Ross
DAVE HOLEC	City of GREENVILLE
Madison Osborne	
Terry Osborne	Rowan County ABC Board
BILL HESTER	Allied Domecq
LORIN Mueller	NC COALITION of Police

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 16, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Holden	Intern
Andy Romanet	NCLM
[signature]	NMRS

Senate State Government, Local Government, and Veterans' Affairs Committee
Wednesday, June 23, 2004, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1122	Chapel Hill School Sites.	Senator Kinnaird
SB 1205	46th Senatorial District Local Act-2.	Senator Dalton
SB 1286	Elizabethtown Charter Amendments.	Senator Rand
SB 1327	Non-State Entities Reporting Requirements.	Senator Kerr
HB 1364	Transylvania Land Acquisition/Conveyance.	Representative Walend
HB 1425	Morganton/Burke/Broughton Mutual Aid/WPCC	Representative Church, Sr.
HB 1484	Cleveland County Board of Education Elections.	Representative England Representative Clary Representative Moore
HB 1670	Newton Force Account.	Representative Setzer
HB 1722	Currituck ABC Board Membership Increased.	Representative Owens, Jr.
HB 1724	Harnett and Pitt Subdivisions.	Representative Lewis

Other Business

Adjournment

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, JUNE 23, 2004

MINUTES

Senate State Government, Local Government and Veteran Affairs Committee met June 23. 2004 at 12:00 noon, in Room 1124, of the Legislative Building. Twelve members were present, including Senator Ellie Kinnaird, who presided.

SB 1122 Chapel Hill School Sites, was explained by Senator Kinnaird. This was for concurrence, Senator Kinnaird moved for a favorable report . The motion carried unanimously. **FAVORABLE REPORT**

HB 1364 Transylvania Land Acquisition/conveyance, was explained by Representative Walend. Representative Sloan moved for a favorable report and the motion carried unanimously. **FAVORABLE REPORT**

HB 1425 Morganton/Burke/Broughton Mutual Aid/WPCC, was explained by Representative Church. Senator Stevens moved for a favorable report and the motion carried unanimously. **FAVORABLE REPORT**

HB 1484 Cleveland County Board of Education Elections, was explained by Representative Moore. Senator Hartsell moved for a favorable report and the motion carried unanimously. **FAVORABLE REPORT**

HB 1670 Newton Force Account, was explained by Representative Setzer. Senator Garwood moved for a favorable report and the motion carried unanimously. **FAVORABLE REPORT**

SB 1327 Non-State Entities Reporting Requirements, was presented by Senator Kerr. Senator Kerr requested the original bill be replaced by a Committee Substitute. Senator Hargett made the motion for the Committee Substitute to be explained and the motion carried unanimously. Senator Kerr introduced Mr. Steve Rose, Counsel, to explain the proposed committee substitute for SB 1327. Others who spoke in favor of the committee substitute for SB 1327, were Mr. John Stein, Consumer Protection with The Attorney General's Office; Mr. Ralph Campbell, State Auditor (remarks attached to minutes), and Mr. Anthony Petty with The N. C. Center For Non-Profits. Senator Hargett then moved to give an unfavorable report to the bill, but **FAVORABLE REPORT TO THE PROPOSED COMMITTEE SUBSTITUTE** with a recommended referral to the Appropriation Committee. The motion carried unanimously.

SB 1286 Elizabethtown Charter Amendments. Barbara Riley, Counsel, explained a proposed committee substitute for SB 1286. Senator Garwood moved adoption of the

committee substitute. The motion carried. Senator Stevens then moved to give an unfavorable report to the bill, but favorable report to the proposed committee substitute.

The meeting adjourned at 12:45 p.m.

Senator Eleanor Kinnaird, Chair

Sarah Murphy, Acting Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 23, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **1364** Transylvania Land Acquisition/Conveyance.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1425** Morganton/Burke/Broughton Mutual Aid/WPCC
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1619** Elizabethtown Charter Amendments.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1670** Newton Force Account.
Sequential Referral: None
Recommended Referral: None

FAVORABLE AS TO CONCURRENCE

S.B.(HCS #1) **1122** Chapel Hill School Sites.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 5

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Thursday, June 24, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1327** Non-State Entities Reporting Requirements.

Draft Number:	PCS 65463
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS
COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Monday, June 28, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **1484** Cleveland County Board of Education Elections.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 1122

House Committee Substitute Favorable 6/2/04

Short Title: Chapel Hill School Sites. (Local)

Sponsors:

Referred to:

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-381(d), as it applies under S.L. 2003-237 to the Town of Chapel Hill and that area where the Town of Chapel Hill exercises territorial planning jurisdiction, including any area under that Town's jurisdiction pursuant to a Joint Planning Agreement with Orange County, reads as rewritten:

"(d) An ordinance enacted under the authority of this Part may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning agency. In order for this authorization to become effective, before approving such plans the council or planning agency and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Prior to the adoption of such plans (or of any amendment to such plans) affecting areas reserved for schools, the owner of that parcel of land reserved for schools or proposed to be reserved for schools, or any portion thereof, as shown on the county tax records, and the owners of all parcels of land abutting that parcel, as shown on the county tax records, shall be mailed a notice of the proposed plans or amendment to plans by first class mail at the addresses shown on such county tax records. Whenever a special use permit or site plan development is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning agency shall immediately notify the board of education and the board shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning agency and no site shall be reserved. If the board does wish to reserve the site, the special use permit or site plan development shall not be approved without such

reservation. The board of education shall then have ~~12~~ 18 months beginning on the date of final approval of the special use permit or site plan development within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within ~~12~~ 18 months, the owner and applicant for the special use permit or site plan development may treat the land as freed of the reservation."

SECTION 2. This act is effective when it becomes law and applies to special use permits and site plan developments approved on or after that date.

BILL NUMBER S1122:
Chapel Hill School Sites.

BILL ANALYSIS

Committee:	Senate State and Local Government.	**Introduced by:**	Sen. Kinnaird
		Summary by:	Hal Pell Committee Counsel
Date:	June 23, 2004		
Version:	Second Edition		

SUMMARY: ***The bill extends the period of time for the board of education's determination whether to acquire, by purchase or condemnation, a school site that had been reserved by the Town of Chapel Hill's comprehensive land-use plan. The bill is effective when it becomes law.***

The Second Edition clarifies that the changes in the bill apply to special use permits and site plan developments adopted on or after the date the bill becomes law.

CURRENT LAW: If an ordinance provides for the reservation of school sites under the comprehensive land use plan, an applicant for a special use permit that includes part of a reserved school site may obtain a permit subject to the reservation. The board of education must indicate that it still wishes to reserve the site at the time of the application for the special use permit. However, the board of education has 12 months, beginning on the date of the final approval of the special use permit, to acquire the site by purchase or to initiate condemnation proceedings.

BILL ANALYSIS: This bill would extend the period of time from 12 to 18 months in which the board of education must purchase, or initiate condemnation proceedings on, a reserved school site.

Summary contribution by Kory Goldsmith, Staff Attorney
S1122-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1364*

Short Title:	Transylvania Land Acquisition/Conveyance.	(Local)
Sponsors:	Representatives Walend; and Rayfield.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(a) of Chapter 600 of the 1995 Session Laws, as amended by S.L. 2000-31 and S.L. 2002-85 reads as rewritten:

"Section 1.(a) The Counties of Alexander, Anson, Bertie, Columbus, Greene, Scotland, ~~and Stanly~~ Stanly, and Transylvania have power under general law to acquire real and personal property and convey it to the State under G.S. 160A-274 or other applicable law for use as correctional facilities."

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

HOUSE BILL 1364:
Transylvania Land Acquisition/Conveyance.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Rep. Walend
Date:	June 23, 2004	**Summary by:**	Hal Pell
Version:	First Edition		Committee Counsel

SUMMARY: ***This bill would authorize Transylvania County to acquire property and convey it to the State for use as correctional facilities. There would be no limitation on the terms of the acquisition or conveyance; it may be with or without consideration. The county is authorized to use the power of eminent domain for such purpose.***

The act is effective when it becomes law.

BACKGROUND: In Carter v. Stanly County, 125 N.C. App. 628 (1997), the Court of Appeals reviewed a case in which the plaintiffs had sued Stanly County and its Board of Commissioners to prevent the acquisition of private property, and its conveyance to the State for use as a correctional facility. The court reviewed the statutes in effect at the time of the action, and found that the Commissioners had exceeded their authority under the applicable statutes, G.S. 153A-158 and G.S. 160A-274(b) as limited by Dillon's Rule. However, the court noted that after the filing of the lawsuit, the General Assembly had enacted a local law specifically authorizing Stanley County to acquire real and personal property and convey it to the State. Based upon the act, the court held that the Commissioners acted within their authority. The bill amends the same local law relied upon by the court in *Carter v. Stanly County*.

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

From original summary by Kory Goldsmith, Staff Attorney.
H1364-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 1425
Committee Substitute Favorable 5/27/04

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 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.

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

BILL ANALYSIS

Committee:	Senate State and Local Govt; Vet. Affairs	**Introduced by:**	Rep. Church
		Summary by:	Hal Pell Committee Counsel
Date:	June 23, 2004		
Version:	Second Edition		

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

CURRENT LAW: Law enforcement officers must exercise their police powers within their 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.

BILL ANALYSIS: The bill:

- Defines 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.
- Allows 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 is effective when it becomes law.

H1425-smrk-01

Original summary by Erika Churchill, Staff Attorney.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1484

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.

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

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Reps. Moore, Clary & England
Date:	June 23, 2004	**Summary by:**	R. Erika Churchill Committee Counsel
Version:	1st Edition		

SUMMARY: House Bill would amend the Plan for the Merger of the Cleveland County, Kings Mountain District, and Shelby City Schools to provide for the 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 the subsequent election, beginning in 2001, of the newly merged board of education. The planned merger of the schools did not take effect until January 13, 2004 due to litigation of the merger plan.

The merger plan provided for a nine (9) member 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:

1. Provides that the election scheduled for 2001 of three (3) at-large members of the merged board of education would take place in 2005;
2. Provides that the election scheduled for 2003 of the six (6) previously serving members of the merged board of education would take place in 2007;
3. Allows 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 to serve for the remainder of that seat's unexpired term.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1670

Committee Substitute Favorable 6/3/04

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.

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

HOUSE BILL 1670:
Newton Force Account

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Representative Setzer
		Summary by:	Theresa Matula Committee Staff
Date:	June 22, 2004		
Version:	Second Edition		

SUMMARY: ***House Bill 1670 allows the City of Newton and the County of Catawba to use qualified labor on the permanent payroll for a park construction project not to exceed eight hundred sixty thousand dollars ($860,000) in total cost.***

CURRENT LAW:

Article 8 of Chapter 143 of the General Statutes sets out requirements for 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 allows the City of Newton and Catawba County to use qualified labor on the permanent payroll for a park construction project not to exceed $860,000 in total cost. This bill applies to the construction of a park on Highway 10 West.

The act becomes effective when it becomes law and expires 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.

Erika Churchill contributed to this summary.

H1670-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1327
PROPOSED COMMITTEE SUBSTITUTE S1327-PCS65463-RL-46

Short Title: Non-State Entities Reporting Requirements. (Public)

Sponsors:

Referred to:

May 26, 2004

A BILL TO BE ENTITLED

AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-6.1 is repealed.

SECTION 2. Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-6.2. Use of State funds by non-State entities.**

(a) Disbursement and Use of State Funds. – Every non-State entity that receives, uses, or expends any State funds shall use or expend the funds only for the purposes for which they were appropriated by the General Assembly. State funds include federal funds that flow through the State. For the purposes of this section, the term "non-State entity" means a firm, corporation, partnership, association, unit of local government, public authority, or any other person, organization, group, or governmental entity that is not a State agency, department, or institution. For the purposes of this section, "unit of local government" has the meaning set out in G.S. 159-7(15) and "public authority" has the meaning set out in G.S. 159.7(10).

(b) For the purposes of this section, the term "grantee" means a non-State entity that receives a grant of State funds from a State agency, department, or institution but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. The term "subgrantee" means a non-State entity that receives a grant of State funds from a grantee or from another subgrantee but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.

(c) Compliance by Non-State Entities. – If the Director of the Budget finds that a non-State entity has spent or encumbered State funds for an unauthorized purpose, the Director shall take appropriate administrative action to ensure that no further irregularities occur and shall report to the Attorney General any facts that pertain to an

apparent violation of a criminal law or an apparent instance of malfeasance, misfeasance, or nonfeasance in connection with the use of State funds.

(d) The Office of State Budget and Management shall adopt rules to ensure the uniform administration of State grants by all grantor State agencies and grantees or subgrantees. The rules shall establish policies and procedures for disbursements of grants and for State agency oversight, monitoring, and evaluation of grantees and subgrantees. Such policies and procedures shall:

(1) Ensure that the purpose and reporting requirements of each grant are specified to the grantee.

(2) Ensure that grantees specify the purpose and reporting requirements for grants made to subgrantees.

(3) Ensure that funds are spent in accordance with the purposes for which they were granted.

(4) Hold the grantees and subgrantees accountable for the legal and appropriate expenditure of State grant funds.

(5) Provide for adequate oversight and monitoring to prevent the misuse of State funds.

(6) Establish mandatory periodic reporting requirements for grantees and subgrantees, including methods of reporting, to provide financial and program performance information. The mandatory periodic reporting requirements shall require grantees and subgrantees to file with the State Auditor copies of reports and statements that are filed with State agencies pursuant to this subsection.

(7) Require grantees and subgrantees to maintain reports, records, and other information to properly account for the expenditure of all State grant funds and to make such reports, records, and other information available to the grantor State agency for oversight, monitoring, and evaluation purposes.

(8) Require grantees and subgrantees to ensure that work papers in the possession of their auditors are available to the State Auditor for the purposes set out in subsection (h) of this section.

(9) Require grantees to be responsible for managing and monitoring each project, program, or activity supported by State grant funds and each subgrantee project, program, or activity supported by State grant funds.

(10) Provide procedures for the suspension of further disbursements or use of State grant funds for noncompliance with these rules or other inappropriate use of the funds.

(11) Provide procedures for use in appropriate circumstances for reinstatement of disbursements that have been suspended for noncompliance with these rules or other inappropriate use of State grant funds.

(12) Provide procedures for the recovery and return to the grantor State agency of unexpended State grant funds from a grantee or subgrantee

if the grantee or subgrantee is unable to fulfill the purposes of the grant.

(e) Notwithstanding the provisions of G.S. 150B-2(8a)b, rules adopted pursuant to subsection (d) of this section are subject to the provisions of Chapter 150B of the General Statutes.

(f) The Office of State Budget and Management shall consult with the Office of the State Auditor and the Attorney General in establishing the rules required by subsection (d) of this section.

(g) The Office of State Budget and Management shall have the power to suspend disbursement of State grant funds to grantees or subgrantees, to prevent further use of State grant funds already disbursed, and to recover State grant funds already disbursed for noncompliance with rules adopted pursuant to subsection (d) of this section or for other inappropriate use of State funds. If the grant funds are a pass-through of funds granted by an agency of the United States, then the Office of State Budget and Management must consult with the granting agency of the United States prior to taking the actions authorized by this subsection.

(h) Audit Oversight. – The State Auditor has audit oversight, pursuant to Article 5A of Chapter 147 of the General Statutes, of every grantee or subgrantee that receives, uses, or expends State funds. A grantee or subgrantee must, upon request, furnish to the State Auditor for audit all books, records, and other information necessary for the State Auditor to account fully for the use and expenditure of State funds. The grantee or subgrantee must furnish any additional financial or budgetary information requested by the State Auditor, including audit work papers in the possession of any auditor of a grantee or subgrantee.

(i) Not later than May 1, 2007, and by May 1 of every succeeding year, the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on all grantees or subgrantees that failed to comply with this section during the prior fiscal year, including the amount of State funds that were disbursed to each of those grantees or subgrantees during that fiscal year and the amount of State funds that were withheld.

(j) Grantor State agencies shall submit a list to the State Auditor, in the format prescribed by the State Auditor, by October 31 each year of every grantee to which the agency disbursed State funds in the prior fiscal year, the amount disbursed, the amount disbursed to each grantee, and other such information as required by the State Auditor to comply with the requirements set forth in this section.

(k) Civil Actions. – Civil actions to recover State funds or to obtain other mandatory orders in the name of the State on relation of the Attorney General, or in the name of the Office of State Budget and Management, shall be filed in the General Court of Justice in Wake County."

SECTION 3. G.S. 147-86.35(b) reads as rewritten:

"(b) Any non-State ~~corporation, organization, or institution~~ entity as that term is defined in G.S. 143-6.2 that receives, uses, or expends any funds from the Commission is subject to the applicable reporting requirements of ~~G.S. 143-6.1.~~G.S. 143-6.2."

SECTION 4. G.S. 143-722(b) reads as rewritten:

"(b) Any non-State ~~corporation, organization, or institution~~ entity as that term is defined in G.S. 143-6.2 that receives, uses, or expends any funds from the Commission is subject to the applicable reporting requirements of ~~G.S 143-6.1.~~G.S. 143-6.2."

SECTION 5. There is appropriated from the General Fund the sum of twenty-five thousand dollars ($25,000) for the 2004-2005 fiscal year to the Office of State Budget and Management for the purpose of developing the rules and policies required by this act, including a review of the practices of other states in the management of grants of State funds made to non-State entities.

SECTION 6. G.S. 143-6.2(d), (e), and (f), as enacted by this act, are effective when they become law. The remainder of this act becomes effective July 1, 2005, and applies to appropriations and grants made for fiscal years beginning on or after that date.

SENATE BILL 1327:
Non-State Entities Reporting.

BILL ANALYSIS

Committee:	Senate State and Local Government.	**Introduced by:**	Sen. Kerr
		Summary by:	Hal Pell
Date:	June 23, 2004		Committee Co-Counsel
Version:	PCS		

SUMMARY: The act repeals and replaces the statute that establishes the procedures for the oversight of State grants to non-profit entities.

BILL ANALYSIS:

Section One: Repeals the current reporting statute, G.S. 143-6.1.

Section Two: Enacts a new reporting and oversight statute, G.S. 143-6.2:

Subsection (a) requires non-State entities receiving State funds to use them only for the purposes for which the General Assembly appropriated them. Defines "non-State entity," "unit of local government," and "public authority."

Subsection (b) defines "grantee" as a non-State entity receiving a grant of State funds, and "subgrantee" as a non-State entity receiving a grant of State funds from a grantee or another subgrantee.

Subsection (c) requires the Director of the Budget to take appropriate administrative action upon a finding of inappropriate use of State funds by a non-State entity, and requires the director to report unlawful or improper actions by a non-State entity to the Attorney General.

Subsection (d) requires the Office of State Budget and Management to adopt rules ensuring uniform administration of grants to non-State entities by grantor State agencies. This includes disbursements, oversight, monitoring, and evaluation of grantees and subgrantees. The rules must carry out and enforce specific policies and procedures that:

(1) Ensure that the purposes of the fund are specified.
(2) Ensure that funds are used for the purposes of the grant.
(3) Hold grantees responsible for the legal and appropriate use of the funds.
(4) Provide adequate oversight and monitoring to prevent misuse by grantees and subgrantees.
(5) Establish mandatory periodic reporting requirements with specific reporting methods for grantees and subgrantees, and requires them to file copies of reports with the State Auditor in addition to filing with State agencies.
(6) Require documentation to account for all expenditures by grantees and subgrantees.
(7) Require grantees and subgrantees to ensure that all work papers of their auditors are available for inspection by grantor State agencies and the Auditor.
(8) Require grantees to be responsible to monitor all programs supported by State grants, whether executed by them or by subgrantees..

(9) Provide procedures for suspension of funds for non-compliance with the rules or other inappropriate use of grant funds.
(10) Provides procedures for use in appropriate circumstances for reinstatement of suspended disbursements.
(11) Provide procedures for the recovery of unexpended State grant funds.

Subsection (e) specifies that the rules are adopted pursuant to the APA.

Subsection (f) requires Budget and Management to consult with the Auditor and the Attorney General in establishing the rules.

Subsection (g) gives Budget and Management the power to suspend disbursement of funds to grantees and subgrantees and prevent use of already disbursed funds for non-compliance with the rules or other inappropriate use of funds.

Subsection (h) gives the State Auditor specific audit oversight of every grantee or subgrantee that receives State funds and includes a requirement to produce work papers in possession of an auditor upon request of the State Auditor.

Subsection (i) requires the Office of State Budget and Management to report annually to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on all grantees and subgrantees that failed to comply with this act during the prior fiscal year, the amount of State funds disbursed to those entities and the amount withheld.

Subsection (j) requires that granting agencies submit, on an annual basis, a list of every grantee receiving State funds during the prior fiscal year, to include the amount and any other information required by the State Auditor.

Subsection (k) authorizes the Attorney General to file actions in the Superior Court of Wake County to recover funds.

Sections Three and Four make conforming changes to the reporting requirements of non-State entities receiving funds from the Health and Wellness Trust Fund and the Tobacco Trust Fund, respectively.

Section Five appropriates $25, 000 from the General Fund to the Office of State Budget and Management for the purpose of developing the rules required by the act including a review of practices of other states.

Section Six makes the subsections of new G.S. 143-6.2 that apply to the adoption of the new rules effective when they become law. The rest of the act is effective July 1, 2005 and applies to appropriations and grants made on or after that date.

S1327-smrk-01b
Summary Contribution by Steve Rose, Staff Attorney.

STATE OF NORTH CAROLINA
Office of the State Auditor

RALPH CAMPBELL, JR.
STATE AUDITOR

2 S. Salisbury Street
20601 Mail Service Center
Raleigh, NC 27699-0601
Telephone: (919) 807-7500
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Internet http://www.osa.state.nc.us

June 22, 2004

The Honorable John H. Kerr, III
North Carolina General Assembly
526 Legislative Office Building
Raleigh, North Carolina 27603-5925

Dear Senator Kerr:

After carefully reviewing the committee substitute for Senate Bill 1327, I am proposing the following amendments for your consideration.

- The first and second amendments are intended to ensure that both grantees and subgrantees are aware of the purpose and reporting requirements associated with the receipt of state funds. In the course of auditing some nonprofits this office has encountered instances where recipients, particularly in the case of subgrantees, have stated that they were not aware that they were receiving state funds. Recipients also have stated they were unaware of any reporting requirements or limitations on how the funds could be used. The proposed amendments to Senate Bill 1327 are intended to correct those deficiencies.

- The third amendment would require the Office of State Budget and Management to include procedures for reinstating disbursements of funds that had been suspended for noncompliance with the policies and procedures adopted by OSBM.

- The fourth amendment is intended to maintain the viability of the State Auditor's Nongovernmental Database. This database allows citizens to search for grants made in past and current fiscal years. In order to maintain the database, particularly for current grants, it is essential that state agencies provide the information in the prescribed electronic format. The proposed amendment would make it clear that not only do state agencies have to provide this office with the necessary information, but also they would have to do so in the required format.

- The fifth amendment is intended to assure that unexpended grant funds are returned to the State if the grantee or subgrantee cease operations.

Thank you for your consideration of these recommendations. Please do not hesitate to call if you have any questions or need any additional information.

Respectfully,

Ralph Campbell, Jr.
State Auditor

Enclosure

cc: Senator Eleanor Kinnaird
Senator Kay Hagan
Members of the Committee on State Government, Local Government and Veterans' Affairs

Senate Bill 1327 is amended on page 2, page 4 by inserting the following words immediately after "purpose"

And reporting requirements

Senate Bill 1327 is amended on page 2, line 4 by inserting the following words immediately after "grantee":

And subgrantee

Senate Bill 1327 is amended on page 2, line 31 by adding the following sentence:

The policies and procedures shall also provide procedures for lifting the suspension of further disbursements when grantees have complied with these rules or provided satisfactory evidence that any inappropriate use of funds has ceased and will not resume.

Senate Bill 1327 is amended on page page 3, line 11 by inserting the following immediately after the words "State Auditor"

, in the format prescribed by the State Auditor,

Senate Bill 1327 is amended on page 3, line 19 by adding a new subsection (l) to G.S. 143-6.2 to read as follows:

(l) The Office of State Budget and Management shall adopt policies and procedures to ensure that the grantees and subgrantees which cease operations return unexpended State funds to the entities that disbursed the state funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1286*
PROPOSED COMMITTEE SUBSTITUTE S1286-CSRF-35 [v.3]

6/22/2004 3:58:43 PM

Short Title: Elizabethtown Charter Amendments. (Local)

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 and 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 3. 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 Chapter 99, Private Laws of 1901, 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."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1286*

Short Title:	Elizabethtown Charter Amendments.	(Local)
Sponsors:	Senator Rand.	
Referred to:	State Government, Local Government, and Veterans' Affairs.	

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 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."

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

Bryan (Hyatt)

adopt proposed committee substitute

~~SENATE BILL 1286:~~ HB1619 Elizabethtown Charter Amendments.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	Senator Rand.
Date:	June 9, 2004	**Summary by:**	Erika Churchill and Barbara Riley Committee Counsel
Version:	PCS		

SUMMARY:

This bill would amend the Town Charter of Elizabethtown to specify the form of government, and provide for new town officials.

CURRENT LAW:

The Elizabethtown Charter was last revised in 1901. Under the 1901 charter the town had 3 commissioners. The charter also provided for a Constable, Treasurer, Clerk and regular policemen, all elected by the Town Commissioners.

Under generally applicable State law, municipalities are required to have a city clerk. G.S. 160A-171. The statute does not provide a method for the selection of the city clerk. Typically, the police officers are hired and managed by the police chief, who is supervised by the city manager.

BILL ANALYSIS:

Section 1 of the bill, added in the proposed committee substitute, rewrites Section 2 of the Elizabethtown charter increasing the number of town commissioners to 6, which reflects the current size of the town board. Section 1 also removes the outdated names of the town positions and replaces them with current titles.

Section 2 of the bill repeals Sec. 3 of the Charter that provided for the election of the various officers of the town and the regular policemen by the town commissioners.

Section 3 of the bill adds new sections to the charter to provide that the Town operate under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes. In addition, the following positions would be added: Town Manager, Town Clerk, Finance Director, Tax Collector, and Town Attorney. The council may authorize other positions to be filled by the Town Manager.

The act is effective when it becomes law.

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 23, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jeremy Smith	Sen. Atherton's office
Anthony Petty	N.C. Center for Nonprofits
MICHAEL CROWELL	LAWYER, RALEIGH
Ralph Campbell	OSA
[illegible]	T JERRY Inc
Bill Hester	Allied Omega
Rob Hillman	OSA
[illegible]	DOJ
Josh Stein	DOJ
ANN LORE	OUNS
John Phelps	NCLM

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — June 23, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Eric Johnson	Z. Smith Reynolds Fdn.
Sally Wade	Assoc. of Fundraising Professionals, RTP Chapter
Lor. Ann Homes	L.A.H.A.
Shawer Walker	Statewatch
R. Paul Wilms	NCHBA
Hugh Tilson	NCHA
Brad Thompson	OSA

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS' AFFAIRS COMMITTEE
Thursday, June 24, 2004 at 10:45 a.m.
Senate Chamber, Legislative Building

MINUTES

The Senate Commerce Committee met at 10:45 a.m. on Thursday, June 24, 2004, in the Senate Chamber. Twelve members of the committee were present. Senator Eleanor Kinnaird presided.

Senator Kinnaird introduced Mr. Hal Pell, Counsel, to explain a proposed committee substitute for SB 1265, Orange Campus Precincts. Senator Fred Smith moved adoption of the committee substitute. The motion carried. Senator Smith then moved to give an unfavorable report to the bill, but favorable report to the proposed committee substitute with a recommended referral to the Finance Committee.

The meeting adjourned at 10:55 a.m.

Senator Eleanor Kinnaird, Chair

Dot Waugaman, Acting Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Thursday, June 24, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1265** Orange Campus Precincts.

Draft Number:	PCS 55304
Sequential Referral:	None
Recommended Referral:	Finance
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1265
PROPOSED COMMITTEE SUBSTITUTE S1265-PCS55304-LBx-110

Short Title: Orange/Chatham Boundary. (Local)

Sponsors:

Referred to:

May 24, 2004

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Chapter 27, Laws of 1770, the boundary line between Chatham County and Orange County shall be as follows:

Beginning at an existing point, the Southeast corner of Orange County and the Southwest corner of Durham County, said point being in the Northern line of Chatham County said point being a concrete post with a copper disk, stamped "CO. LINE, DURHAM CO., NO. 1 1968, ORANGE CO. MONUMENT", having a coordinate value of N 234,423.870 meters (m) E 608,128.788 meters. (m) as designated to be the corner of Durham and Orange Counties, and the northern line of Chatham County, by the courts of North Carolina. Thence S 86° 56' 43.24" W 925.452 meters (m) to a concrete monument set with aluminum disk (#3) East of Mt Carmel Church Road (SR 1008 and SR 1003) having a coordinate value of N 234,374.554m E 607,204.651m, said point being designated as NCGS station, County Line 3, PID AB2055. Thence S 87° 40' 19.44" W 1,690.615m to a concrete monument set with aluminum disk (#4) East of Clearwater Lake Drive (SR 1918 and SR 1780) having a coordinate value of N 234,305.883m E 605,515.431m, said point being designated as NCGS station, County Line 4, PID AB2056. Thence S 87° 19' 01.23" W 1,763.003m to a concrete monument set with aluminum disk (#5) East of Old Lystra Road (SR 1915 and SR 1724) having a coordinate value of N 234,223.357m E 603,754.361m, said point being designated as NCGS station, County Line 5, PID AB2057. Thence S 87° 33' 27.40" W 1,563.940m to an aluminum Disk set (#6) in the East end of an asphalt traffic island at the intersection of Smith Level Road (SR 1919) with US 15-501 having a coordinate value of N 234,156.710m E 602,191.842m, said point being designated as NCGS station County

Line 6, PID AB2058. Thence S 87° 47' 41.52" W 37.347m to a concrete monument set with aluminum disk (#7) West of Smith Level Road (SR 1919) having a coordinate value of N 234,155.273m E 602,154.523m, said point being designated as NCGS station County Line 7, PID AB2059. Thence N 83° 36' 42.54" W 2299.666m to a Berntsen aluminum monument set with brass disk (#8) in the Margaret Daniel Property (Orange County PIN 9766-99-1332) having a coordinate value of N 234,411.143m E 599,869.136 said point being designated as County Line 8. Thence N 83° 13' 04.69" W 1214.099m to a concrete monument set with aluminum disk (#9) East of Poythress Road (SR 1939 and SR 1534) having a coordinate value of N 234,554.519m E 598,663.533m, said point being designated as NCGS station County Line 9, PID AB2061. Thence S 39° 39' 39.13" W 50.139m to a concrete monument set with aluminum disk (#10) East of Poythress Road (SR 1939 and SR 1534) having a coordinate value of N 234,515.920m E 598,631.532m, said point being designated as NCGS station County Line 10, PID AB2062. Thence N 84° 54' 42.26" W 246.205m to Existing Rebar in a concrete post (#11) the Southeast corner of lot 5, Section 2, Wolfs Pond Subdivision, (Plat Book 19 Page 149 OCR) having a coordinate value of N 234,537.756m E 598,386.297m, said point being designated as County Line 11. Thence N 84° 31' 30.43" W 690.729m to Feno monument set with brass disk replacing an existing iron pipe (#12) the Southwest corner of Lot 5, Section 4, Wolfs Pond Subdivision, (Plat Book 22 Page 59 OCR) having a coordinate value of N 234,603.658m E 597,698.719m said point being designated as County Line 12. Thence N 03° 32' 14.02" W 60.959m to a Feno monument set with brass disk (#13) in the line of said Lot 5 having a coordinate value of N 234,664.501m E 597,694.958m said point being designated as County Line 13. Thence N 83° 16' 04.99" W 2422.591m to a concrete monument set with aluminum disk (#14) South of Jones Ferry Road (SR 1942 and SR 1540) having a coordinate value of N 234,948.488m E 595,289.070m, said point being designated as NCGS station County Line 14, PID AB2063.

Thence N 83° 15' 33.17" W 2231.659m to a concrete monument set with aluminum disk (#15) to a point in the Walter Braxton Durham Et Al property (Orange County PIN 9747-62-6596) having a coordinate value of N 235,210.435m E 593,072.838m, said point being designated as County Line 15. Thence N 82° 55' 46.72" W 1587.051m to a concrete monument set with aluminum disk (#16) East of White Cross Road (SR 1951 and SR 1541) having a coordinate value of N 235,405.782m E 591,497.855m, said point being designated as NCGS station County Line 16, PID AB2064. Thence N 82° 53' 40.81" W 1668.976m to a Feno monument set with brass disk (#17) in the Walter Atwater property (Orange PIN 9737-43-8522) having a coordinate value of N 235,612.224m E 589,841.696m, said point being designated as County Line 17. Thence N 00° 03' 37.30" E 169.913m to a Feno monument set with brass disk (#18) in the said Walter Atwater property having a coordinate value of N 235,782.137m E 589,841.875m, said point being designated as County Line 18. Thence N 84° 25' 40.82" W 246.394m crossing Collins Mt. Road (SR 1954 and SR 1542) to a Feno monument set with brass disk (#19) in the said Walter Atwater property having a coordinate value of N 235,806.061m E 589,596.645m, said point being designated as County Line 19. Thence S 12° 42' 08.03" W 161.903m to a Feno monument set with brass disk (#20) in

the said Walter Atwater property having a coordinate value of N 235,648.120m E 589,561.045m, said point being designated as County Line 20. Thence N 83° 04' 05.12" W 1544.721m to a concrete monument set with aluminum disk (#21) East of Crawford Dairy Road (SR 1956 and SR 1539) having a coordinate value of N 235,834.552m E 588,027.615m, said point being designated as NCGS station County Line 21, PID AB2066. Thence N 82° 29' 19.27" W 967.680m to a computed point in the Haw River (#22) having a coordinate value of N 235,961.049m E 587,068.239m, said point being designated as NCGS station County Line 22, PID AB2077. Also being the ending point, the Southwest corner of Orange County, the Northern boundary line of Chatham County and in the East line of Alamance County.

All coordinates and bearings are based on the North American Datum of 1983/86. All coordinates and distances are in meter units. All pertinent information used in describing this boundary was obtained from the October 2002 plat titled "Resurvey of The CHATHAM-ORANGE COUNTY LINE," Page 1 of 2 and Page 2 of 2, a North Carolina Geodetic Survey prepared by Gary W. Thompson, PLS 2694.

SECTION 2.(a) As to any territory that under Section 1 of this act is moved from Orange County to Chatham County, on and after January 1, 2005, all papers, documents, and instruments required or permitted to be filed or registered, involving residents and property in the area so transferred, which previously would have been recorded in Orange County, shall be recorded in Chatham County. As to any territory that under Section 1 of this act is moved from Chatham County to Orange County, on and after January 1, 2005, all papers, documents, and instruments required or permitted to be filed or registered, involving residents and property in the area so transferred, which previously would have been recorded in Chatham County, shall be recorded in Orange County.

SECTION 2.(b) All public records related to residents and property in any area that Section 1 of this act may have transferred to another county which were filed or recorded prior to January 1, 2005, shall remain in the county where filed or recorded, and such records shall be valid public records as to the property and persons involved even though they are recorded in a county where the property is no longer located.

SECTION 2.(c) In the case of any territory transferred from one county to another by Section 1 of this act, unpaid taxes or tax liens on property subject to taxation in the area transferred by Section 1 of this act shall continue to be valid and enforceable by the prior county, including the foreclosure remedies and the remedies of attachment and garnishment provided for by law.

SECTION 2.(d) No cause of action, including criminal actions, involving persons or property in any area transferred from one county to another under Section 1 of this act which is pending on January 1, 2005, shall be abated by virtue of this act, and such actions shall continue in the same county unless changed under some other provision of law.

SECTION 2.(e) The Board of Elections of Orange County shall immediately upon this act becoming law transfer to the Chatham County Board of Elections the voter registration records pertaining to persons residing in any area transferred to Chatham County by Section 1 of this act, and thereafter the registered voters so transferred shall

be validly registered to vote in Chatham County. The Board of Elections of Chatham County shall immediately upon this act becoming law transfer to the Orange County Board of Elections the voter registration records pertaining to persons residing in any area transferred to Orange County by Section 1 of this act, and thereafter the registered voters so transferred shall be validly registered to vote in Orange County.

SECTION 2.(f) The Jury Commissions of Orange and Chatham Counties shall revise their jury lists to add to or eliminate therefrom those persons subject to jury duty who reside in any area transferred from one county to another by Section 1 of this act, said revised jury lists to be effective January 1, 2005.

SECTION 3. This act becomes effective January 1, 2005, except it also applies as to the 2004 election cycle.

Senate State Government, Local Government, and Veterans' Affairs Committee
Monday, June 28, 2004, 6:00 PM
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1205	46th Senatorial District Local Act-2.	Senator Dalton
HB 1684	Vance Fox Seasons.	Representative Crawford, Jr. Representative Fox
HB 1722	Currituck ABC Board Membership Increased.	Representative Owens, Jr.
HB 1724	Harnett and Pitt Subdivisions.	Representative Lewis
HB 1671	Mooresville Streets and Sidewalks.	Representative Ray
HB 1732	Southport Ward Boundaries.	Representative Stiller

Other Business

Adjournment

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT AND VETERANS' AFFAIRS COMMITTEE
Monday, June 28, 2004 at 6:00 p.m.
Room 1027, Legislative Building

MINUTES

The Senate State Government, Local Government and Veterans' Affairs Committee met at 6:00 p.m. on Monday, June 28, 2004, in Room 1027 of the Legislative Building. Nine members of the committee were present. Senator Eleanor Kinnaird presided.

Senator Kinnaird introduced Representative Stan Fox to explain HB 1684, Vance Fox Seasons. Senator R.B. Sloan moved to give the bill a favorable report. The motion carried.

Representative Fox explained HB 1722, Currituck ABC Board Membership Increased, for Representative Bill Owens. Senator Cecil Hargett moved to give the bill a favorable report. The motion carried.

Senator Kinnaird introduced Representative David Lewis and Representative Marian McLawhorn to explain HB 1724, Harnett and Pitt Subdivisions. Senator Fred Smith moved to give the bill a favorable report. The motion carried.

Senator Kinnaird introduced Representative Bonner Stiller to explain HB 1732, Southport Ward Boundaries. Senator Richard Stevens moved to give the bill a favorable report. The motion carried.

Senator Kinnaird introduced Ms. Theresa Matula of the Research Division staff to explain SB 1205, 46th Senatorial District Local Act-2 for Senator Walter Dalton. Senator John Garwood moved the adoption of a proposed committee substitute for purposes of discussion. The motion carried. Senator Phil Berger then moved to give an unfavorable report to the bill, but favorable report to the proposed committee substitute. The motion carried.

Ms. Matula explained HB 1671, Mooresville Streets and Sidewalks in the absence of Representative Karen Ray. Senator Berger moved to give the bill a favorable report. The motion carried.

The meeting adjourned at 6:30 p.m.

Senator Eleanor Kinnaird, Chair

Dot Waugaman, Acting Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Monday, June 28, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **1684** Vance Fox Seasons.
Sequential Referral: None
Recommended Referral: None

H.B. **1722** Currituck ABC Board Membership Increased.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1724** Harnett and Pitt Subdivisions.
Sequential Referral: None
Recommended Referral: None

H.B. **1732** Southport Ward Boundaries.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1205** 46th Senatorial District Local Act-2.
Draft Number: PCS 75351
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 5

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Tuesday, June 29, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **1671** Mooresville Streets and Sidewalks.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 1684

Short Title:	Vance Fox Seasons.	(Local)
Sponsors:	Representatives Crawford and Fox (Primary Sponsors).	
Referred to:	Wildlife Resources.	

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 208 of the 1993 Session Laws reads as rewritten:

"Section 1. Notwithstanding any other provision of law, there is an open season for taking foxes with weapons in ~~Granville County and Franklin County~~ Franklin, Granville, and Vance Counties from October 1 through January 31 of each year."

SECTION 2. Section 2 of Chapter 208 of the 1993 Session Laws reads as rewritten:

"Sec. 2. Notwithstanding any other provision of law, there is an open season for taking foxes by trapping in ~~Granville County and Franklin County~~ Franklin, Granville, and Vance Counties from October 1 through January 31 of each year."

SECTION 3. Section 9 of Chapter 208 of the 1993 Session Laws reads as rewritten:

"Sec. 9. Sections 1 through 3 of this act apply only to ~~Granville and Franklin~~ Franklin, Granville, and Vance Counties. Sections 4 through 8 of this act apply only to Brunswick County."

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

HB 1684:
Vance Fox Seasons

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Representatives Crawford and Fox
Date:	June 25, 2004	**Summary by:**	Barbara Riley Committee Counsel
Version:	1st Edition		

SUMMARY:

House Bill 1684 would provide for an open season for taking fox with weapons and for trapping fox in Vance County from October 1 through January 31 each year.

CURRENT LAW:

G.S. 113-291.4A establishes an open season for taking fox with weapons in areas east of Interstate Highway 77 and in Mitchell and Caldwell Counties. The season runs from the beginning of the rabbit and quail season, currently November 22, through January 1 of each year. There is no season for trapping fox in Vance County.

BILL ANALYSIS:

House Bill 1684 would add Vance County to legislation enacted for Granville and Franklin Counties, S.L. 2003-208, that establishes an open season for taking fox with weapons and for trapping fox from October 1 through January 31 of each year.

The act becomes effective October 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1722

Short Title:	Currituck ABC Board Membership Increased.	(Local)
Sponsors:	Representative Owens.	
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:

"(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.~~ 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."

SECTION 2. The Board of Commissioners shall appoint additional 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.

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

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Representative Owens
		Summary by:	R. Erika Churchill Committee Counsel
Date:	June 23, 2004		
Version:	1st Edition		

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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1724

Committee Substitute Favorable 6/17/04

Short Title: Harnett and Pitt Subdivisions. (Local)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT AND PITT COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 1997-246 and S.L. 2001-50, as those acts amend G.S. 153A-335 and G.S. 160A-376 as applicable to Harnett County and the municipalities in Harnett County, are repealed.

SECTION 2. G.S. 153A-335, as it applies to Pitt County, reads as rewritten:

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

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

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

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

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

(5) 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; and

(6) The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees). For the purposes of this section, the term "immediate family" shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother)."

SECTION 3. Section 1 of this act applies to Harnett County and the municipalities in Harnett County only. Section 2 of this act applies to Pitt County only.

SECTION 4. Section 1 of this act becomes effective January 1, 2005. The remainder of this act is effective when it becomes law.

HOUSE BILL 1724:
Harnett and Pitt Subdivisions

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	June 23, 2004		
Version:	Second Edition		

SUMMARY: House Bill 1724 repeals two local acts regarding the definition of "subdivision" as it applies in all of Harnett County, including the municipalities, and applies the general law in that county; and the bill also amends the definition of subdivision as it applies to Pitt County to exempt additional tracts of land.

HARNETT COUNTY.

CURRENT LAW:

S.L. 1997-246, as amended by S.L. 2001-50, defined a subdivision of land in 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-376.***
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.

BILL ANALYSIS:

House Bill 1724 repeals S.L. 1997-246 and S.L. 2001-50 which are local acts creating exception #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:

House Bill 1724 adds the following two additional exceptions to the definition of subdivision included in G.S. 153A-335, but only as it applies in Pitt County:

5. 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.
6. 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).

EFFECTIVE DATE:

Section 1 of this act applies to Harnett County, and the municipalities in Harnett County, and becomes effective January 1, 2005. Section 2 applies to Pitt County and becomes effective when it becomes law.

Erika Churchill contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1732

Short Title:	Southport Ward Boundaries.	(Local)
Sponsors:	Representative Stiller.	
Referred to:	Finance.	

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.2 of the Charter of the City of Southport, being Chapter 659 of the 1983 Session Laws, reads as rewritten:

"Sec. 3.2. Wards. The City of Southport shall be divided into two wards as follows:

Ward No. 1 shall be that portion of the City lying to the eastward of the center line of Howe Street ~~from the point where this line, projected, intersects the channel of the Cape Fear River, to the intersection of said Howe Street with the northern line of the limits of the City of Southport.~~ and the Southport-Supply Road (also known as Highway 211), including any contiguous or noncontiguous areas.

Ward No. 2 shall be all that portion of the City lying to the westward of the ~~above described line.~~ centerline of Howe Street and the Southport-Supply Road (also known as Highway 211), including any contiguous or noncontiguous areas."

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

HB 1732:
Southport Ward Boundaries

BILL ANALYSIS

Committee:	Senate State Gov., Local Gov. & Veterans Affairs	**Introduced by:**	Rep. Stiller
		Summary by:	Barbara Riley Committee Counsel
Date:	June 28, 2004		
Version:	1st Edition		

SUMMARY:

The City of Southport is divided into 2 wards. House Bill 1732 rewrites Section 3.2 of the Southport Charter to clarify the ward boundaries for the city. As rewritten, the dividing line is the centerline of Howe Street and the Southport-Supply Road (aka Highway 211).

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1205

Short Title:	46th Senatorial District Local Act-2.	(Local)
Sponsors:	Senator Dalton.	
Referred to:	Rules and Operations of the Senate.	

May 20, 2004

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 46th Senatorial District.

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

PCS FOR SENATE BILL 1205: Rutherfordton ABC Distributions

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Senator Dalton
		Summary by:	Theresa Matula Committee Staff
Date:	June 28, 2004		
Version:	PCS (S1205-PCS75351-SH-31)		

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 1205 provides that the Rutherfordton Board of Alcoholic Beverage Control shall distribute net profits in accordance with a resolution adopted by the Town Council of Rutherfordton.***

CURRENT LAW:

S.L. 2002-65 amended the Charter of the Town of Rutherfordton to provide for the following distribution of net profits by the Rutherfordton Board of Alcoholic Beverage Control:

Rutherford County Department of Mental Health	5%
Rutherford County Board of Education for Rutherfordton-Spindale High School	11%
Rutherford County Board of Education for Rutherfordton Elementary School	5.5%
Rutherford County Board of Education for Rutherfordton-Spindale Middle School	5.5%
Rutherford County Board of Education for Rutherford Opportunity Center	3%
Town of Rutherfordton Parks and Recreation Commission	20%
Town Council of Rutherfordton for law enforcement	25%
Town Council of Rutherfordton for any lawful purpose	25%

G.S. 18B-701 outlines the powers of the local ABC boards.

G.S. 18B-805 provides for the distribution of revenue.

BILL ANALYSIS:

The Proposed Committee Substitute (S1205-PCS75351-SH-31) for Senate Bill 1205 amends Section 5.4 of the Charter of the Town of Rutherfordton as amended by Section 1 of S.L. 2002-65. The PCS requires the Rutherfordton Board of Alcoholic Beverage Control to distribute net profits from the operation of alcoholic beverage control store(s) in accordance with a resolution duly adopted by the Town Council of Rutherfordton. It further provides that copies of the governing body resolutions detailing the distribution formula be submitted to the NC Alcoholic Beverage Control Commission for review and audit purposes.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1205
PROPOSED COMMITTEE SUBSTITUTE S1205-PCS75351-SH-31

Short Title: Rutherfordton ABC Distributions. (Local)

Sponsors:

Referred to:

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5.4 of the Charter of the Town of Rutherfordton, as amended by Section 1 of S.L. 2002-65, reads as rewritten:

"Section 5.4. Alcoholic Beverage Control Stores. A. The governing body of the Town of Rutherfordton may, on its own motion, and shall, upon receipt of petition signed by qualified voters of the Town equal in number to fifteen percent (15%) of the votes cast for Mayor in the most recent regular town election, call and conduct a special election in the Town upon the question of whether Alcoholic Beverage Control stores shall be established in the Town and/or whether 'off-premises' sales of malt beverages shall be permitted. Such election or elections may be held notwithstanding the provisions of G.S. 18A-52(d)(h) and (i). No new registration of voters shall be necessary for such special election, and all qualified voters of the town who are registered prior to the registration period for such special election, and all who register during such period shall be eligible and entitled to vote in such special election. Except as otherwise provided herein, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town of Rutherfordton. The governing body shall cause public notice of any such special election to be posted at the Town Hall and published in a newspaper having general circulation in the town at least 15 days preceding the day of the election.

B. At such special election, ballots shall be provided which contain the words, 'For Town Alcoholic Beverage Control Stores' and 'Against Town Alcoholic Beverage Control Stores' and/or, 'For off-premises sales of malt beverages' and 'Against off-premises sales of malt beverages'. The Town Council shall determine whether both questions are to be included on the same ballot or separate ballots. Appropriate squares

shall be printed to the left of each phrase so that each voter may designate with an 'X' his preference. The cost of conducting the election shall be appropriated from the General Fund of the Town of Rutherfordton.

C. If a majority of the votes cast at any such special election authorized under this section shall be cast 'For Town Alcoholic Beverage Control Stores' then it shall thereafter be lawful for such store or stores to be established and operated within the town, and the Town Council will then immediately create and appoint the Town of Rutherfordton Alcoholic Beverage Control Board, to be composed of a chairman and two other members. The member designated chairman by the Town Council shall serve for a term of three years; one member for a term of two years; and one member for a term of one year. After serving the initial terms, successors shall be appointed for terms of three years. Any vacancy on such board shall be filled by the Town Council for the unexpired term. Compensation of the members of the Board shall be fixed by the Town Council. If a majority of the votes cast in any such election authorized under this section shall be cast 'For off-premises sales of malt beverages' then the off-premises sale of malt beverages shall thereafter be lawful in the Town of Rutherfordton.

D. The Town of Rutherfordton Alcoholic Beverage Control Board shall have all the powers granted to, and duties imposed upon, county alcoholic control boards by G.S. 18A-17, except that G.S. 18A-17 (14) shall not apply to the Rutherfordton Board of Alcoholic Beverage Control, and shall be subject to the powers and authority of the State Board of Alcoholic Beverage Control as granted by G.S. 18A-15; provided, however, that the location of stores and the purchase or lease of real property shall be subject to the approval of the Town Council.

The Rutherfordton Board of Alcoholic Beverage Control on a quarterly basis shall, after retaining a sufficient and proper working capital and making payment of salaries and expenses, distribute the net profits out of the operation of said alcoholic beverage control store(s) in accordance with a resolution duly adopted by the Town Council of Rutherfordton. ~~the following manner, and none other:~~

~~Five percent (5%) to the Rutherford County Department of Mental Health to be specifically used for alcohol and drug rehabilitation programs.~~

~~Eleven percent (11%) to the Rutherford County Board of Education for specific use in meeting capital outlay needs at Rutherfordton-Spindale High School.~~

~~Five and one-half percent (5.5%) to the Rutherford County Board of Education for specific use in meeting the capital outlay needs at Rutherfordton Elementary School.~~

~~Five and one-half percent (5.5%) to the Rutherford County Board of Education for specific use in meeting the capital outlay needs at Rutherfordton-Spindale Middle School.~~

~~Three percent (3%) to the Rutherford County Board of Education for specific use in meeting the capital outlay needs of Rutherford Opportunity Center.~~

~~Twenty percent (20%) to the Town of Rutherfordton Parks and Recreation Commission to be used for capital improvements, maintenance and programs in its Recreational activities.~~

~~Twenty-five percent (25%) to the Town Council of Rutherfordton for use in law enforcement through the Town Police Department.~~

~~Twenty-five percent (25%) to the Town Council of Rutherfordton to be used for any lawful purposes the board may deem necessary and essential.~~

Copies of the governing body resolutions detailing the distribution formula shall be submitted to the North Carolina Alcoholic Beverage Control Commission for review and audit purposes.

All agencies outside of the government of the Town of Rutherfordton which receive net proceeds from the Town Alcoholic Beverage Control Board, shall be required to file an annual report to the Town Council, specifying how all proceeds were expended.

E. Subsequent elections on Alcoholic Beverage Control stores or off-premises sales of malt beverages shall not be held within two years of any previous election on the question, provided an election on one question shall not prevent an election on the other question.

If a subsequent election is held and the majority of the votes are cast 'Against Town Alcoholic Beverage Control Stores' the Town of Rutherfordton Alcoholic Beverage Control Board shall, within three months of certification of such election, dispose of all alcoholic beverages on hand and all of the assets under the control of said board, and convert the same into cash and turn the same over to the Town Treasurer. If a subsequent election is held and the majority of the votes are cast 'Against off-premises sales of malt beverages' then the off-premises sale of malt beverages shall cease to be lawful in the Town of Rutherfordton."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1671*

Short Title:	Mooresville Streets and Sidewalks.	(Local)
Sponsors:	Representatives Ray; and Setzer.	
Referred to:	Finance.	

May 26, 2004

A BILL TO BE ENTITLED

AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY.

The General Assembly of North Carolina enacts:

SECTION 1. Article VIII of the Charter of the Town of Mooresville, as enacted by Section 1 of S.L. 1975-239, entitled "Street and Sidewalk Improvements", is repealed in its entirety.

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

HOUSE BILL 1671:
Mooresville Streets and Sidewalks

BILL ANALYSIS

Committee:	Senate State/Local Govt. & Veterans Affairs	**Introduced by:**	Representative Ray
		Summary by:	Theresa Matula Committee Staff
Date:	June 28, 2004		
Version:	1st Edition		

SUMMARY: ***House Bill 1671 would repeal the special provisions in the Mooresville Town Charter that apply to street and sidewalk improvements. With this repeal, the Town would be subject to the default provisions in Chapter 160A regarding street or sidewalk improvements.***

*****The companion bill, Senate Bill 1288, received a favorable report from the Senate State Government, Local Government and Veterans' Affairs Committee on June 6, 2004, it passed 2nd and 3rd reading in the Senate on June 10, 2004.***

CURRENT LAW:

The current town charter provides specific measures for the Board of Commissioners to order street improvements and to assess property owners. Under the charter, the Board of Commissioners has the authority, under certain circumstances, to assess the cost for improvements against the abutting property owners without a petition by those owners requesting the improvements.

BILL ANALYSIS:

House Bill 1671 would repeal the provisions relating to street and sidewalk improvements in the Town Charter, and the law would default to the provisions of Chapter 160A. Article 10 of Chapter 160A provides for special assessments for street and sidewalk improvements and Article 15 of Chapter 160A provides for the general authority and control of the streets and sidewalks by the local government.

Under Article 10, a city has no authority to levy special assessments for street or sidewalk improvements unless it receives a petition for the improvements signed by at least a majority of the property owners to be assessed, who must represent a majority of the lineal feet of frontage of lands abutting the street to be improved.

This bill would be effective when it becomes law.

BACKGROUND:

This bill was requested by the Board of Commissioners in Mooresville.

Trina Griffin substantially contributed to this summary.

H1671-SMSH-001

VISITOR REGISTRATION SHEET

State & Local Government & Veterans Affairs — June 28, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tim Minton	NC Home Builders
T Jay Williams	NCRA
Rick Zechini	NC Assn. of Realtors

2003-2004

SENATE
STATE GOVERNMENT, LOCAL GOVERNMENT & VETERANS AFFAIRS

COMMITTEE MINUTES

Senate State Government, Local Government, and Veterans' Affairs Committee
Wednesday, June 30, 2004, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1349	Columbus/Pitt Fox Hunting/Trapping.	Representative Hill
HB 1462	Seven Devils-Regulate Golf Carts/Util. Veh.	Representative Frye
HB 1589	Montgomery Commissioner Elections.	Representative Gibson, III
HB 1613	Chowan/Anson Hunting Laws.	Representative Culpepper, III
HB 1614	Lenoir ABC Profit Distributions to be Annual.	Representative LaRoque
HB 1659	Perquimans Hunting Stand Amendment.	Representative Culpepper, III
HB 1662	Cherokee/Clay/Shooting from Right-of-Way.	Representative West
HB 1674	Zebulon Charter Amendment.	Representative Eddins
HB 1728	Lake Royale Police Authority.	Representative Allen

Other Business

Adjournment

SENATE STATE GOVERNMENT, LOCAL GOVERNMENT
AND VETERANS' AFFAIRS COMMITTEE
Wednesday, June 30, 2004 at 12:00 p.m.
Room 1124, Legislative Building

MINUTES

The Senate State Government, Local Government and Veterans' Affairs Committee met at 12:00 noon on Wednesday, June 30, 2004, in Room 1124 of the Legislative Building. Eleven members of the committee were present. Senator Eleanor Kinnaird presided.

Senator Kinnaird introduced Representative Frye to explain HB 1462, Seven Devils-Regulate Golf Carts/Utility Veh. Senator Albertson moved to give the bill a favorable report. The motion carried.

Senator Kinnaird introduced Barbara Riley, Staff Counsel to explain HB 1589, Montgomery Commissioner Elections. Senator Berger moved to give the bill a favorable report. The motion carried.

Senator Kinnaird introduced Representative LaRoque to explain HB 1614 Lenoir ABC Profit Distributions to be Annual. Senator Stevens moved to give the bill a favorable report. The motion carried.

Senator Kinnaird introduced Senator Tillman to explain HB 1659 Perquimans Hunting Stand Amendment. Senator Berger moved to give the bill a favorable report. The motion carried.

Senator Kinnaird introduced Barbara Riley, Staff Counsel to explain HB 1613, Chowan/Anson Hunting Laws. Senator Berger moved to give the bill a favorable report. The motion carried.

Senator Kinnaird introduced Barbara Riley, Staff Counsel to explain HB 1662 Cherokee/Clay/Shooting from Right-of-Way. Senator Hartsell moved to give the bill a favorable report. The motion carried.

Representative Eddins was not present to explain HB 1674, Zebulon Charter Amendment. Senator Malone and Senator Stevens of Wake County were both present and said the bill was agreeable with them. Senator Stevens moved to give HB 1674 a favorable report. The motion carried. (Rep. Eddins was contacted after the meeting and he was in agreement with the vote on his bill.)

Senator Kinnaird introduced Representative Hill to explain HB 1349, Columbus/Pitt Fox Hunting/Trapping. Senator Moore requested Pitt County be

removed from the bill. Others from Pitt County were present and requested that Pitt County be removed from the bill. Barbara Riley, Staff Counsel presented a proposed Committee Substitute for HB 1349 leaving off Pitt County. Senator Horton moved for the adoption of the proposed committee substitute for purposes of discussion. The motion carried. Senator Horton moved to give an unfavorable report to the bill, but favorable report to the proposed committee substitute. The motion carried.

Senator Kinnaird introduced Representative Lucy Allen to explain HB 1728 Lake Royals Police Authority. Barbara Riley, Staff Counsel presented a proposed Committee Substitute. Senator Hartsell moved for the adoption of the proposed committee substitute for purposes of discussion. The motion carried. Senator Horton moved to give an unfavorable report to the bill, but favorable report to the proposed committee substitute. The motion carried.

Senator Eleanor Kinnaird, Chair

Sarah Murphy, Acting Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 30, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **1462** Seven Devils-Regulate Golf Carts/Util. Veh.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1589** Montgomery Commissioner Elections.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1613** Chowan/Anson Hunting Laws.
Sequential Referral: None
Recommended Referral: None

H.B. **1614** Lenoir ABC Profit Distributions to be Annual.
Sequential Referral: None
Recommended Referral: None

H.B. **1659** Perquimans Hunting Stand Amendment.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1662** Cherokee/Clay/Shooting from Right-of-Way.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1674** Zebulon Charter Amendment.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 7

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, June 30, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **1349** Columbus/Pitt Fox Hunting/Trapping.

Draft Number:	PCS 50439
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1728** Lake Royale Police Authority.

Draft Number:	PCS 70489
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 1462

Short Title:	Seven Devils – Regulate Golf Carts/Util. Veh.	(Local)
Sponsors:	Representative Frye.	
Referred to:	Local Government II.	

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-124 reads as rewritten:

"**SECTION 1.** Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Town of Beech Mountain and the Town of Seven Devils may, by ordinance, regulate the operation of golf carts and utility vehicles on any public street or road within the Town. By ordinance, the Town may require the registration of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles."

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

HOUSE BILL 1462:
Seven Devils - Regulate Golf Carts/Utility Veh.

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Representative Frye
		Summary by:	Theresa Matula Committee Staff
Date:	June 29, 2004		
Version:	First Edition		

SUMMARY: ***House Bill 1462 authorizes the Town of Seven Devils to regulate the operation of golf carts and utility vehicles on any public street or road within the Town.***

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 and utility vehicles may not be registered (G.S. 20-54), and therefore may not operate on the streets and highways.

Definitions:

Golf Cart - G.S. 20-4.01.(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Utility Vehicle - G.S. 20-4.01(48c) defines a utility vehicle as a vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes, but does not include vehicles designed and used primarily for the transportation of persons or property on a street or highway.

BILL ANALYSIS:

House Bill 1462 authorizes the Town of Seven Devils to enact an ordinance to authorize and regulate the operation of golf carts and utility vehicles on any public street or road within the Town. With regard to golf carts and utility vehicles, by ordinance, the Town may:

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

House Bill 1462 would become effective when it becomes law.

BACKGROUND:

The General Assembly has previously enacted similar legislation for golf carts in the following locations: Town of Cary (S.L. 2001-485), Town of Lake Waccamaw (S.L. 2001-356), the Village of Whispering Pines (S.L. 2002-82) and the Town of Beech Mountain (S.L. 2003-124).

H1462-SMSH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1589
Committee Substitute Favorable 6/3/04

Short Title: Montgomery Commissioner Elections. (Local)

Sponsors:

Referred to:

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

HOUSE BILL 1589:
Montgomery Commissioner Elections.

BILL ANALYSIS

Committee:	Senate State and Local Govt. and Veteran Affairs.	**Introduced by:**	
		Summary by:	Hal Pell
Date:	June 30, 2004		Committee Counsel
Version:	2nd Edition		

SUMMARY: ***This act provides the method for electing the Montgomery County Board of Commissioners. The act is intended to codify the provisions in a Consent Decree entered in a case heard in the federal District Court for the Middle District of North Carolina.***

BACKGROUND: The provisions of this act were set forth in Paragraph 13 of the Supplemental Order entered on July 2, 2003, in the case of Montgomery County Branch of the NAACP v. Montgomery County, et al., C-90-27-R (M.D.N.C.). The Order provides that the case 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.

BILL ANALYSIS: The provisions from the Order are set forth in the act. After July 2, 2008, unless a subsequent Order has been entered by the court, the method of electing the Board shall be as described in the act. The method may be subsequently altered pursuant to general State law and in compliance with the federal Voting Rights Act.

In Section 11 of the bill, the act provides that notwithstanding the provisions of G.S. 163-111, the candidate in a primary who receives the highest number of votes shall be the nominee. G.S. 163-111 provides that a candidate in a party primary with multiple candidates must have a "substantial plurality" to be the declared nominee. A "substantial plurality" is ascertained by multiplying the total vote cast for candidates by forty percent (40%).

EFFECTIVE DATE: Section 11 of the act is effective January 1, 2006. The remainder of the act is effective when it becomes law.

H1589-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1614

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

May 20, 2004

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.

The General Assembly of North Carolina enacts:

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

"(c) 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:

(1) 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.

(2) The local board shall spend for law enforcement an amount set by the 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.

(3) The local board shall spend, or pay to the county commissioners to 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.

HOUSE BILL 1614:
Lenior ABC Profit Distributions To Be Annual

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Representative LaRoque
		Summary by:	Theresa Matula Committee Staff
Date:	June 30, 2004		
Version:	First Edition		

SUMMARY: ***House Bill 1614 allows the Lenior County Alcoholic Beverage Control Board to make statutory distributions annually, rather than quarterly.***

CURRENT LAW:

G.S. 18B-702 addresses the financial operations of local ABC boards with regard to: borrowing money, audits, deposits and investments, compliance with NC ABC Commission rules, and applicability of criminal statutes. The section provides that a local board may transact business as a corporate body but shall not be considered a public authority under G.S. 159-7(b)(10) for purposes of The Local Government Budget and Fiscal Control Act.

G.S. 18B-805 provides for the distribution of revenue.

- G.S. 18B-805(b) provides that for local boards the primary distribution of gross receipts shall include payments to: the operating expenses of the local ABC system; the taxes; the Department of Health and Human Services for treatment, research, or education on alcoholism or substance abuse; and the county commissioners for treatment, education and research on alcoholism and substance abuse as prescribed in G.S. 18B-805(h).
- G.S. 18B-805(c) sets out the requirements for the local board to make other statutory distributions of quarterly gross receipts after the distributions required by subsection (b).
- G.S. 18B-805(e) provides that after making the distributions in (b), (c) and (d), the local board shall pay the remaining gross receipts to the general fund of the city or county, unless some other schedule is provided by law. If the governing body of each city or 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 any local act. Additionally, this subsection provides that copies of the governing body relations 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.
- G.S. 18B-805(g) provides that when this distributions are made quarterly, 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. Adjustments in the amount to be distributed resulting from the closing of the books and from audit shall be made with the next quarterly payment.

BILL ANALYSIS:

House Bill 1614 applies only to Lenior County and the Lenoir County Alcoholic Beverage Control Board. The bill amends G.S. 18B-805(c), (e) and (g) to change the references concerning the distribution of gross receipts from quarterly to annual. Thereby allowing the Lenior County ABC Board to make distributions on an annual basis.

The bill is effective when it becomes law.

H1614-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 1

HOUSE BILL 1659

Short Title:	Perquimans Hunting Stand Amendment.	(Local)
Sponsors:	Representatives Culpepper; and Hunter.	
Referred to:	Wildlife Resources.	

May 25, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2001-330 reads as rewritten:

"**SECTION 2.** It is unlawful to hunt with a center-fired rifle except from a stand at least ~~eight~~ five feet above ground level."

SECTION 2. This act applies only to Perquimans County.

SECTION 3. This act becomes effective October 1, 2004.

HB 1659:
Perquimans Hunting Stand Amendment

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Representatives Culpepper and Hunt
Date:	June 29, 2004	**Summary by:**	Barbara Riley Committee Counsel
Version:	1st Edition		

SUMMARY:

House Bill 1659 would lower the required height of hunting stands in Perquimans County.

BILL ANALYSIS:

S.L. 2001-330 made it unlawful to hunt in with a center-fire rifle in Perquimans County except from a stand at least 8 feet above ground level. House Bill 1659 would lower the height requirement to 5 feet above ground level.

The act becomes effective October 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1613
Committee Substitute Favorable 6/16/04

Short Title: Chowan/Anson Hunting Laws. (Local)

Sponsors:

Referred to:

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 868 of the 1986 Session Laws reads as rewritten:

"Sec. 2. It is unlawful to hunt with or possess any center-fire rifle on the land of another or to discharge any center-fire rifle on, over, or across the land of another unless the hunter has, on his person, the written permission of the owner or lessee of the land. The written permission shall be dated and may be valid for no more than one year.

~~This section shall not be interpreted to prohibit the mere transportation in or on a motor vehicle on the lands of another of an unloaded center-fire rifle.~~"

SECTION 2.(a) It is unlawful to hunt with a center-fire rifle unless the barrel of the rifle is at least eight feet above ground level.

SECTION 2.(b) Violation of this section is punishable as a Class 3 misdemeanor.

SECTION 2.(c) This section is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 3. G.S. 14-401.17 reads as rewritten:

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

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

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

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

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

SECTION 4. Sections 1 and 2 of this act apply only to Chowan County.

SECTION 5. Sections 2 and 3 of this act become effective October 1, 2004, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

HB 1613:
Chowan/Anson Hunting Laws

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Representative Culpepper
		Summary by:	Barbara Riley Committee Counsel
Date:	June 29, 2004		
Version:	2d Edition		

SUMMARY:

House Bill 1613 makes changes to the local laws for Chowan County regarding hunting with center-fire rifles. The bill also adds Chowan County and Anson County to the list of counties in which it is unlawful to remove or destroy an electronic dog collar.

BILL ANALYSIS:

Section 2 of S.L. 1986-868 makes it unlawful in Chowan County for a person to hunt with or possess a center-fire rifle on the land of another without having written permission on their person, provided that the mere transportation in or on a motor vehicle on the land of another is not prohibited. Section 1 of the bill removes the exemption for transportation of a center-fire rifle on or in a vehicle. Section 2 of the bill makes it unlawful in Chowan County to hunt with a center-fire rifle unless the barrel of the rifle is at least 8' above ground level. Violation is punishable as a Class 3 misdemeanor.

Section 3 of the bill adds Chowan and Anson Counties to the list of counties that prohibit the intentional removal or destruction of an electronic dog collar.

Section 1 of the act is effective when it becomes law. Sections 2 and 3 of the act become effective October 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **2**

HOUSE BILL 1662
Committee Substitute Favorable 6/16/04

Short Title: Cherokee/Clay/Shooting from Right-of-Way. (Local)

Sponsors:

Referred to:

May 26, 2004

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to take or kill any wild animal or wild bird with the use of a firearm or to discharge a firearm from, on, or across the right-of-way of a public road, street, highway, or other public vehicular area in Clay and Cherokee Counties.

SECTION 2. Violation of this act is a Class 3 misdemeanor.

SECTION 3. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 4. This act applies only to Cherokee and Clay Counties.

SECTION 5. This act becomes effective October 1, 2004, and applies to offenses committed on or after that date.

HB 1662:
Cherokee/Clay Shooting from Rt of Way

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Representative West
		Summary by:	Barbara Riley Committee Counsel
Date:	June 29, 2004		
Version:	1st Edition		

SUMMARY:

House Bill 1662 would make it unlawful in Cherokee and Clay counties to take a wild animal or bird from, on or across the right of way of a public road or other public vehicular area, or to discharge of a firearm from on or across the right of way of a public road or other public vehicular area. Violation of the act is a Class 3 misdemeanor.

The act becomes effective October 1, 2004 and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1674
Committee Substitute Favorable 6/3/04

Short Title: Zebulon Charter Amendment. (Local)

Sponsors:

Referred to:

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 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.

HOUSE BILL 1674:
Zebulon Charter Amendment.

BILL ANALYSIS

Committee:	Senate State and Local Govt. and Vet. Affairs	**Introduced by:**	
		Summary by:	Hal Pell Committee Counsel
Date:	June 30, 2004		
Version:	2nd Edition		

SUMMARY: ***The bill provides a method to fill vacancies on the board of commissioners for the Town of Zebulon.***

BILL ANALYSIS: The bill amends the Charter of the Town of Zebulon to provide for filling a vacancy on the Board of Commissioners. If a vacancy occurs, the board appoints a person to fill the vacancy until the next general election. At election, any seats would be filled as follows:

- The full term seats would be filled by those with the highest vote totals.
- Unexpired terms would be filled by those with the next highest vote totals.

The act is effective when it becomes law.

H1674-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1349

Second Edition Engrossed 6/24/04

PROPOSED SENATE COMMITTEE SUBSTITUTE H1349-CSRF-42 [v.1]

6/29/2004 3:54:16 PM

Short Title: Columbus/Pitt Fox Hunting/Trapping. (Local)

Sponsors:

Referred to:

May 10, 2004

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY AND FOR TRAPPING FOXES IN PITT COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of Chapter 208 of the 1993 Session Laws reads as rewritten:

"Sec. 5. Notwithstanding any other provision of law, there is an open season for taking foxes with weapons in Brunswick County and Columbus County from December 1 through January 1 of each year."

SECTION 2. Section 6 of Chapter 208 of the 1993 Session Laws reads as rewritten:

"Sec. 6. Notwithstanding any other provision of law, there is an open season for taking foxes by trapping in ~~Brunswick County~~ Brunswick County, Columbus County, and Pitt County from January 2 through January 31 of each year. During this season, all leghold traps set on dry land with solid anchor shall have at least three swivels in the trap chain and no leghold traps larger than size one and one-half may be used."

SECTION 3. Section 9 of Chapter 208 of the 1993 Session Laws reads as rewritten:

"Sec. 9. Sections 1 through 3 of this act apply only to Granville and Franklin Counties. Sections 4 ~~through 8 of this act apply only to Brunswick County~~ and 5 apply only to Brunswick and Columbus Counties. Sections 6 through 8 of this act apply only to Brunswick, Columbus and Pitt Counties."

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

HB 1349:
Columbus/Pitt Fox Hunting/Trapping

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Representative Hill
		Summary by:	Barbara Riley Committee Counsel
Date:	June 29, 2004		
Version:	2nd edition		

SUMMARY:

House Bill 1349 would provide for an open season for taking fox with weapons in Columbus County from December 1 through January 1 of each year. The bill would also provide for an open season for trapping fox for both Columbus County and Pitt County from January 2 through January 31 of each year. There is a season bag limit of 30 on all fox taken whether by trapping or weapons.

CURRENT LAW:

G.S. 113-291.4A establishes an open season for taking fox with weapons in areas east of Interstate Highway 77 and in Mitchell and Caldwell Counties. The season runs from the beginning of the rabbit and quail season, currently November 22, through January 1 of each year. There is no season for trapping fox in Columbus County or Pitt County.

BILL ANALYSIS:

House Bill 1349 would add Columbus County to legislation enacted for Brunswick County, S.L. 2003-208. Columbus County would have an open season for taking fox with weapons from December 1 to January 1 each year and for trapping fox from January 1 through January 31 of each year. The bill would also add Pitt County to the provisions providing for a trapping season from January 1 through January 31 of each year.

The act becomes effective October 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1728

Committee Substitute Favorable 6/24/04

PROPOSED SENATE COMMITTEE SUBSTITUTE H1728-PCS70489-RF-44

Short Title: Lake Royale Police Authority. (Local)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) In addition to the powers granted to it by G.S. 74E-6(c), the Lake Royale Police Department has the powers granted by that subsection on all of the waters of Lake Royale and its shoreline area.

SECTION 1.(b) In performing duties relating to the enforcement of the laws on the waters of Lake Royale or in its shoreline area, an officer of the Lake Royale Police Department shall have such extraterritorial jurisdiction as may be necessary to perform the officer's duties. These duties include investigations of crimes an officer reasonably believes have been, or are about to be, committed within the area in question, and include:

(1) Traversing by reasonable routes from one portion of this area to another, including across territory not within the boundaries of the waters of Lake Royale and its shoreline area;

(2) Conducting prisoners in custody to a court or to detention facilities as may be authorized by law, although this may involve going outside the area in question; and

(3) Continuing pursuit of and arresting any violator or suspected violator when the grounds for arrest arose within the area in question, except that this pursuit may not be conducted by virtue of this act beyond the boundaries of Franklin and Nash Counties.

SECTION 2. The Lake Royale Police Department may participate in the process for the awarding of any grants for the purchase of law enforcement equipment for which the Department is eligible under the rules of the grant.

SECTION 3. In consideration of the public service provided, a company police agency that is certified pursuant to Chapter 74E of the General Statutes and that has been given expanded jurisdiction and authority spanning at least two counties, may purchase gas, oil, and tires for their official vehicles and any other materials and supplies under State contract through the Department of Administration, and may purchase surplus property through the Department of Administration on the same basis as counties and municipalities.

The Department of Administration shall make its services available to a company police agency meeting the above qualifications in the purchase of such supplies as provided in G.S. 143-49(6) and any rules adopted pursuant to that section.

SECTION 4. This act applies only to the Lake Royale Police Department serving the Lake Royale community in Franklin and Nash Counties.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1728

Committee Substitute Favorable 6/24/04

PROPOSED SENATE COMMITTEE SUBSTITUTE H1728-CSRF-44 [v.1]

6/30/2004 11:41:21 AM

Short Title: Lake Royale Police Authority. (Local)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) In addition to the powers granted to it by G.S. 74E-6(c), the Lake Royale Police Department has the powers granted by that subsection on all of the waters of Lake Royale and its shoreline area.

SECTION 1.(b) In performing duties relating to the enforcement of the laws on the waters of Lake Royale or in its shoreline area, an officer of the Lake Royale Police Department shall have such extraterritorial jurisdiction as may be necessary to perform the officer's duties. These duties include investigations of crimes an officer reasonably believes have been, or are about to be, committed within the area in question, and includes:

(1) Traversing by reasonable routes from one portion of this area to another, including across territory not within the boundaries of the waters of Lake Royale and its shoreline area;

(2) Conducting prisoners in custody to a court or to detention facilities as may be authorized by law, although this may involve going outside the area in question; and

(3) Continuing pursuit of and arresting any violator or suspected violator when the grounds for arrest arose within the area in question, except that this pursuit may not be conducted by virtue of this act beyond the boundaries of Franklin and Nash Counties.

SECTION 2. The Lake Royale Police Department may participate in the process for the awarding of any grants for the purchase of law enforcement equipment for which the Department is eligible under the rules of the grant.

SECTION 3. In consideration of the public service provided, a company police agency that is certified pursuant to Chapter 74E of the General Statutes and that has been given expanded jurisdiction and authority spanning at least two counties, may purchase gas, oil, and tires for their official vehicles and any other materials and supplies under State contract through the Department of Administration, and may purchase surplus property through the Department of Administration on the same basis as counties and municipalities.

The Department of Administration shall make its services available to a company police agency meeting the above qualifications in the purchase of such supplies as provided in G.S. 143-49(6) and any rules adopted pursuant to that section.

SECTION 4. This act applies only to the Lake Royale Police Department serving the Lake Royale community in Franklin and Nash Counties.

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

VISITOR REGISTRATION SHEET

Senate State & Local Government & Veterans' Affairs June 30, 2004

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jeff Miller	FOX Troop 3941 S.C. Greenville NC 27858
Bob Winters	Lake Royale POA PO Box 508 Bunn, NC 27508
George Millsaps	DOA
Andy Romanet	NCLM
Tim Minton	NC Home Builders Association
Rhanel Walker	Statewatch
Michael Crowell	Lawyer, Raleigh
Bill Hester	Allied Domecq
Lucy T. Allen	NC House
Eric Peterson	NC Agribus. Council
Belle Fite	Library

Senate State Government, Local Government, and Veterans' Affairs Committee
Wednesday, July 7, 2004, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1649	Wake Impaired Hunting Regulation.	Representative Munford
HB 1669	Clinton City Schools Property Transfer.	Representative Bell
HB 1687	Cabarrus Board of Equalization and Review.	Representative Barnhart Representative Johnson
HB 1726	Winston-Salem/Roanoke Rapids Code Enforcement.	Representative Parmon Representative Womble Representative McGee
HB 1737	Winston-Salem/Reidsville Structures.	Representative Parmon Representative Womble Representative McGee

Presentations

Other Business

Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, JULY 07 2004

MINUTES

State Government and Local Government and Veteran Affairs committee met July 07, 2004 at 12:00 noon in Room 1124 of the Legislative Building. Eleven members were present, including Senator Ellie Kinnaird, who presided

HB 1726 Winston-Salem/Roanoke Rapids Code Enforcement, was explained by Representative Parmon. Senator Horton moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1737 Winston-Salem/Reidsville Structures, was explained by Representative Parmon. Senator Albertson offered a Proposed Committee Substitute and moved to adopt it. The motion carried unanimously. Senator Horton moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to Committee Substitute Bill NO 1, but favorable as to Senate Committee Substitute Bill**

HB 1649 Wake Impaired Hunting Regulations was explained by Representative Munford. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1669 Clinton City Schools Property Transfer, was explained by Representative Bell. Senator Horton moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1687 Cabarrus Board of Equalization and Review was withdrawn from the July 07 2004 calendar.

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, July 07, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1) **1649** Wake Impaired Hunting Regulation.
Sequential Referral: None
Recommended Referral: None

H.B. **1669** Clinton City Schools Property Transfer.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1726** Winston-Salem/Roanoke Rapids Code Enforcement.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1737** Winston-Salem/Reidsville Structures.
Draft Number: PCS 80478
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1726

Committee Substitute Favorable 6/24/04

Short Title: Winston-Salem Code Enforcement. (Local)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2003-76, as amended by S.L. 2003-320, reads as rewritten:

"**SECTION 2.** This act applies only to the Cities of ~~Greensboro and Roanoke Rapids.~~ Greensboro, Roanoke Rapids, and Winston-Salem."

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

(1)

HOUSE BILL 1726:
Winston-Salem Code Enforcement

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Representative Parmon
		Summary by:	Kory J. Goldsmith Committee Counsel
Date:	July 7, 2004		
Version:	2d Edition		

House Bill 1726 would clarify the authority of the City of Winston-Salem to order owners of residential property to repair dwellings that are determined to be unfit for human habitation.

CURRENT LAW: G.S. 160A-441 authorizes cities to exercise their police powers to repair, close or demolish dwellings that are found to be unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the dwellings unsafe, unsanitary, dangerous or detrimental to its residents' health, safety, morals or welfare.

Once a city adopts an ordinance finding that dwellings unfit for human habitation exist in the city, G.S. 160A-443 authorizes the city to adopt and enforce ordinances to address those conditions that must include provisions specifically set out in the statute. G.S. 160A-443(3) requires a designated public officer to proceed in one of the following ways if, after notice and hearing, he determines that a dwelling is unfit for human habitation:

- If repairs can be made at a reasonable cost, order the owner to either:
  - Repair the dwelling so that it is fit for human habitation; or
  - Vacate and close the dwelling as a human habitation.
- If repairs cannot be made at a reasonable cost, order the owner to remove or demolish the dwelling.

If the owner fails to comply with an order within the specified period of time, the city may cause the dwelling to be repaired, closed, or demolished after adopting an ordinance, specific to the property, ordering the public officer to proceed.

BILL ANALYSIS: House Bill 1726 would amend G.S. 160A-443 to provide that when it is determined that a dwelling unfit for human habitation can be repaired at a reasonable cost, the public officer must order the owner to repair the dwelling in order to render it fit for human habitation. The public officer would not be authorized to order the owner to vacate and close the dwelling if the cost of repair was reasonable.

The Cities of Greensboro and Roanoke Rapids already have this authority.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 1737

Committee Substitute Favorable 6/24/04

Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 7/7/04

Short Title: Winston-Salem/Reidsville Structures. (Local)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160A-443(5a) reads as rewritten:

"(5a) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000), other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such ~~one year~~ six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

~~This subdivision only applies to municipalities located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000).~~"

SECTION 1.(b) This section applies to the City of Winston-Salem only.

SECTION 2.(a) G.S. 160A-443(5b) reads as rewritten:

"(5b) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed

for a period of ~~one year~~ six months pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such ~~one year~~ six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision applies to the Cities of Eden, Greenville, Lumberton, Reidsville, Roanoke Rapids, and Whiteville, to the municipalities in Lee County, and the Towns of Bethel, Farmville, Newport, and Waynesville only."

SECTION 2.(b) This section applies to the City of Reidsville only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1737
Committee Substitute Favorable 6/24/04
PROPOSED SENATE COMMITTEE SUBSTITUTE H1737-CSRF-46 [v.1]

7/6/2004 4:42:04 PM

Short Title: Winston-Salem/Reidsville Structures. (Local)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160A-443(5a) reads as rewritten:

"(5a) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000). other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such ~~one year~~ six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

~~This subdivision only applies to municipalities located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000).~~"

SECTION 1.(b) This section applies to the City of Winston-Salem only.

SECTION 2.(a) G.S. 160A-443(5b) reads as rewritten:

"(5b) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed

for a period of ~~one year~~ six months pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a.. and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such ~~one year~~ six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision applies to the Cities of Eden, Greenville, Lumberton, Reidsville, Roanoke Rapids, and Whiteville, to the municipalities in Lee County, and the Towns of Bethel, Farmville, Newport, and Waynesville only."

SECTION 2.(b) This section applies to the City of Reidsville only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1737

Committee Substitute Favorable 6/24/04

Short Title: Winston-Salem/Reidsville Structures. (Local)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160A-443(5a) reads as rewritten:

"(5a) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000), other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the

dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such ~~one-year~~ six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

~~This subdivision only applies to municipalities located in counties which have a population in excess of 71,000 by the last federal census (including the entirety of any municipality located in more than one county at least one county of which has a population in excess of 71,000).~~"

SECTION 1.(b) This section applies to the City of Winston-Salem only.

SECTION 2.(a) G.S. 160A-443(5b) reads as rewritten:

"(5b) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~ six months pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such ~~one-year~~ six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

This subdivision applies to the Cities of Eden, Greenville, Lumberton, Roanoke Rapids, and Whiteville, to the municipalities in Lee County, and the Towns of Bethel, Farmville, Newport, and Waynesville only."

SECTION 2.(b) This section applies to the City of Reidsville only.

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

HOUSE BILL 1737:
Winston-Salem/Reidsville Structures

BILL ANALYSIS

Committee:	Senate State Gov, Local Gov & Veterans Affairs	**Introduced by:**	Reps. Womble, McGee, Parmon
Date:	June 23, 2004	**Summary by:**	Giles S. Perry and Barbara Riley Committee Counsel
Version:	H1737-CSRF-46		

SUMMARY: ***House Bill 1737 changes the time the Cities of Winston-Salem and Reidsville must wait before ordering the repair or demolition of a dwelling declared unfit for human habitation from one year to six months.***

CURRENT LAW: Under G.S. 160A-443 (5a) and (5b), cities are authorized to order the repair or demolition of unfit dwellings that have been vacated and closed for one year pursuant to an ordinance requiring that the owner either repair or vacate and close the dwelling.

BILL ANALYSIS: House Bill 1737 decreases the time period the Cities of Winston-Salem and Reidsville must wait before ordering the repair or demolition of a dwelling declared unfit for human habitation from one year to six months.

House Bill 1737 is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1649
Committee Substitute Favorable 6/24/04

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 THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS.

The General Assembly of North Carolina enacts:

SECTION 1. A county may regulate, control, restrict, and prohibit hunting with firearms by persons under the influence of an impairing substance. 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.

(3)

HOUSE BILL 1649:
Wake Impaired Hunting Regulation.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	
Date:	July 7, 2004	**Summary by:**	Hal Pell
Version:	Second Edition		Committee Counsel

*SUMMARY: **This act would allow Wake County to regulate hunting with firearms by persons who are under the influence of an impairing substance. The act is effective when it becomes law.***

BILL ANALYSIS: The act provides that Wake County may regulate, control, restrict, and prohibit hunting with firearms by persons under the influence of impairing substances. The act references the definition of "Impairing substances" in G.S. 20-4.01: alcohol, controlled substances under Chapter 90 of the General Statutes, or any other drug or psychoactive substance that is capable of impairing a person's physical or mental facilities, or any combination of these substances.

This act applies only to Wake County and is effective when it becomes law.

H1649-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1669

Short Title:	Clinton City Schools Property Transfer.	(Local)
Sponsors:	Representative Bell.	
Referred to:	Local Government II.	

May 26, 2004

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Clinton City Board of Education may convey by private negotiation and sale to the Sampson High School Alumni Association, Incorporated, a nonprofit corporation, with or without monetary consideration, and upon such terms as the Clinton City Board of Education deems appropriate, any or all of its right, title, and interest in the following described property:

A lot containing .81 acres more or less and a one story brick and block building located on Mckoy Street in the City of Clinton, North Clinton Township, North Carolina, being adjacent to and adjoining a tract of land purchased by the Sampson High School Alumni Association in Deed Book 1045 page 247 on the north side and adjacent to and adjoining property owned by Olivet Institutional Baptist Church, in Deed Book 1119 Page 819 on the south side. The said .81 acre tract being all of lot one (1) of land surveyed by Millard T. Owen, III, and recorded in Map Book 35 Page 79 of the Sampson County Registry.

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

HOUSE BILL 1669:
Clinton City Schools Property Transfer

(4)

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	Representative Bell
		Summary by:	Theresa Matula Committee Staff
Date:	July 6, 2004		
Version:	First Edition		

SUMMARY: ***House Bill 1669 authorizes the Clinton City Board of Education to convey .81 acres of land and a one story brick and block building, by private negotiation and sale, with or without monetary consideration, to the Sampson High School Alumni Association, Incorporated.***

CURRENT LAW:

G.S. 115C-518 authorizes school boards to dispose of property by the means used by cities and counties under Article 12 of Chapter 160A. These methods include three competitive methods of sale (sealed bid, negotiated offer and upset bid, and public auction), privately negotiated exchanges of property as long as equal value changes hands, and privately negotiated sales in limited circumstances.

Under the North Carolina Constitution, it is generally unconstitutional for a unit of local government to dispose of property for less than its fair market value. However, courts generally deem a negotiated price as appropriate unless there is strong evidence that it is so significantly below market value as to show an abuse of discretion. It is not always constitutionally necessary that a local government unit receive *monetary* consideration when it conveys property. If the party receiving the property agrees to put it to some public use, that promise constitutes sufficient consideration for the conveyance.

G.S. 160A-279 allows a city to convey real property to any nonprofit agency to which the city is authorized to appropriate funds. However, unlike other provisions of Article 12, G.S. 160A-279 specifically limits its application to cities and counties.

BILL SUMMARY:

House Bill 1669 allows the Clinton City Board of Education to convey a particular property, by private negotiation and sale, with or without monetary consideration, to the nonprofit Sampson High School Alumni Association, Incorporated. The property is described as a lot containing .81 acres more or less and a one story brick and block building located on Mckoy Street in the City of Clinton. The property is adjacent to and adjoining a tract of land purchased by the Sampson High School Alumni Association on the north side and adjacent to and adjoining property owned by Olivet Institutional Baptist Church on the South side.

The bill is effective when it becomes law.

BACKGROUND

Prior acts have authorized various Boards of Education to transfer property by private negotiation and sale, with or without monetary consideration. A partial listing includes: S.L. 2001-58 (Wilkes); S.L. 1983-579 (Transylvania); S.L. 1979-1091 (Wilkes); S.L. 1973-1328 (Yadkin); S.L. 1969-336 (Winston Salem/Forsyth); S.L. 1969-27 (Marion).

Kory Goldsmith contributed to this summary.
H1669-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1687*
Committee Substitute Favorable 6/10/04

Short Title: Cabarrus Board of Equalization and Review. (Local)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-322(g) reads as rewritten:

"(g) Powers and Duties. – The board of equalization and review has the following powers and duties:

...

(3) Powers in Carrying Out Duties. – In the performance of its duties under subdivisions (g)(1) and (g)(2), above, the board of equalization and review may exercise the following powers:

a. It may appoint committees composed of its own members or other persons to assist it in making investigations necessary to its work. It may also employ expert appraisers in its discretion. The expense of the employment of committees or appraisers shall be borne by the county. The board may, in its discretion, require the taxpayer to reimburse the county for the cost of any appraisal by experts demanded by the taxpayer if the appraisal does not result in material reduction of the valuation of the property appraised and if the appraisal is not subsequently reduced materially by the board or by the Department of Revenue.

b. The board, in its discretion, may examine any witnesses and documents. It may place any witnesses under oath administered by any member of the board. It may subpoena witnesses or documents on its own motion, and it must do so when a request is made under the provisions of subdivision (g)(2)c, above.

A subpoena issued by the board shall be signed by the 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.

Removed (5)

HOUSE BILL 1687:
Cabarrus Board of Equalization and Review.

BILL ANALYSIS

Committee:	Senate State and Local Govt.	**Introduced by:**	
Date:	July 7, 2004	**Summary by:**	Hal Pell
Version:	Second Edition		Committee Counsel

SUMMARY: ***The proposed committee substitute would authorize the appointment of a special board of equalization and review for Cabarrus County and repeal a prior conflicting local act. The act is effective when it becomes law.***

NOTE: The companion bill, Senate Bill 1315, was passed out of this committee on June 16, 2004, and is currently in the House Finance Committee. It had been referred to House Local Government I, and then re-referred to House Finance. This bill is the same as S1315, except that it includes one technical change. Section 2 of the bill, which repeals a previous Session Law that is no longer applicable, is not contained in Senate Bill 1315.

CURRENT LAW & BILL ANALYSIS: The board review's the county's property tax listings and appraisals and hears 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 bill makes the following local modifications to the general law for Cabarrus County:

- 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.
- After adjournment of the Board of Equalization and Review, that board may continue to meet to carry out the following duties:
    - 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.)
    - 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.
    - 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.)

The act repeals S.L. 2000-92, which granted the Cabarrus County Board of 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.

Summary Contribution by Erika Churchill, Staff Attorney H1687-smrk-01

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — July 07, 2004

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chance Walker	Statewatch

Senate State Government, Local Government, and Veterans' Affairs Committee
Wednesday, July 14, 2004, 12:00 Noon
1124 LB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 737	Durham School Recall Election.	Representative Miller
HB 1422	Mint Hill/Kings Mountain/All-Terrain Vehicles.	Representative Gulley

Presentations

Other Business

Adjournment

STATE GOVERNMENT AND LOCAL GOVERNMENT, AND VETERAN AFFAIRS
WEDNESDAY, JULY 14 2004

MINUTES

State Government and Local Government and Veteran Affairs committee met July 14, 2004 at 12:00 noon in Room 1124 of the Legislative Building. Thirteen members were present, including Senator Ellie Kinnaird, who presided

HB 1401 Wilkes Visitor Center, was explained by Senator Garwood. Senator Garwood asked the committee to give a favorable vote to the House Bill. House Bill 1401 is a companion bill to his Senate Bill 1044 that receivable a favorable report from this committee on May 27, 2004 but has not been scheduled for consideration by the House. Senator Stevens moved a favorable report of the bill. The motion carried unanimously. **Favorable Report**

HB 1422, was explained by Representative Gulley. Representative Moore answered questions. The bill was displaced to allow staff time to prepare an amendment. Senator Stevens offered an amendment and moved to adopt it. The motion carried unanimously. Senator Stevens moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to Committee Substitute Bill NO 1, but favorable as to Senate Committee Substitute Bill**

HB 737, Durham School Recall Election was explained by Representative Insko. Senator Clodfelter offered a Proposed Committee Substitute and moved to adopt it. The motion carried unanimously. Bob Hall, Democracy NC, spoke in support of the bill. Gerry Cohen answered questions. Senator Reeves moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to Bill, But Favorable as to Senate Committee Substitute Bill.** Paul Wilms, NC Homes Builders Association, spoke against the bill. Sen. Horton moved to reconsider the bill. The motion carried. Senator Clodfelter offered an amendment and moved to adopt it. The motion carried unanimously. Senator Albertson moved a favorable report of the Proposed Committee Substitute. The motion carried unanimously. **Unfavorable as to Senate Committee Substitute Bill NO 1, but favorable as to Senate Committee Substitute Bill. 2**

Adjournment

Senator Ellie Kinnaird, Chair

Kathie Young

Kathie Young, Legislative Assist.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS COMMITTEE REPORT
Senator Eleanor Kinnaird, Chair

Wednesday, July 14, 2004

Senator KINNAIRD,
submits the following with recommendations as to passage:

FAVORABLE

H.B. **1401** Wilkes Visitor Center.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1) **1422** Mint Hill/Kings Mountain/All-Terrain Vehicles.
Draft Number: PCS 50442
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

UNFAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 2

H.B.(SCS #1) **737** Durham School Recall Election.
Draft Number: PSC 60534
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H 1

HOUSE BILL 1401*

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:

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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

HOUSE BILL 1422

Committee Substitute Favorable 6/30/04
Third Edition Engrossed 7/8/04
PROPOSED COMMITTEE SUBSTITUTE H1422-PCS50443-SH-33

Short Title: Mint Hill/Kings Mtn./Use of All-Terrain Vehs. (Local)

Sponsors:

Referred to:

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-114.3. Law enforcement and municipal employee all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State and municipal employees may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of

traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 3. Section 1 of this act applies to the Town of Mint Hill only. Section 2 of this act applies to the City of Kings Mountain only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 1422

Committee Substitute Favorable 6/30/04

Third Edition Engrossed 7/8/04

Short Title: Mint Hill/Kings Mountain/Use of All-Terrain Vehicles. (Local)

Sponsors:

Referred to:

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from one mile per hour or less zone to a neighboring 35 miles per hour or less zone."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-114.3. Law enforcement and municipal employee all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State and municipal employees may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from one mile per hour or less zone to a neighboring 35 miles per hour or less zone."

SECTION 3. Section 1 of this act applies to the Town of Mint Hill only. Section 2 of this act applies to the City of Kings Mountain only.

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

Kathie Young (Sen. Kinnaird)

From: Theresa Matula (Research)
Sent: Wednesday, July 14, 2004 5:53 PM
To: Janet Pruitt (Senate Principal Clerk)
Cc: Kathie Young (Sen. Kinnaird)
Subject: Correct PCS for HB 1422

Importance: High

Janet,

Just to make sure we're on the same page regarding HB 1422, here is the history:

Senate State/Local Govt. adopted an amendment to the bill and rolled it into a PCS; and gave a favorable report to the PCS, unfavorable to the original bill. (The amendment changed language on p.1, lines 16-17 and page 2, line 1.)

After the meeting I used the amendment to draft the PCS and sent it to Bill Typing. I asked BT to call Kathie when it was ready. Kathie picked it up and prepared it to report in.

I just happened to go into GARDS later to check the PCS and could tell it had been through BT. However, I realized the short title was wrong - it was "Mint Hill -- Police All-Terrain Vehicles." Since this was an old short title, I immediately went to BT to figure out what happened.

It turns out that when the short title was changed by BT (back when the City of Kings Mtn was added), it was done on the face of the bill, not in the system. (?) So even though the Third Edition Engrossed reflected the correct short title, it didn't pull into the PCS.

Another PCS (PCS50443) was prepared by BT with the correct short title, "Mint Hill/Kings Mtn./Use of All-Terrain Vehs." I then took this PCS (in the bill jacket with the copies) to Senator Kinnard and took back the bill jacket for PCS50442. (I still have the bill jacket for PCS50442.)

So, the correct PCS is PCS50443 with the short title that reads: "Mint Hill/Kings Mtn./Use of All-Terrain Vehs."

Please let me know if I can provide any additional assistance with this matter.

Thanks,
Theresa

C. Theresa Matula
Legislative Analyst
Research Division
NC General Assembly
Phone: (919) 733-2578 Fax: (919) 715-5460
Email: theresam@ncleg.net

HOUSE BILL 1422:
Mint Hill/Kings Mtn/Use of All-Terrain Vehicles

BILL ANALYSIS

Committee:	Senate State /Local Govt. & Veterans Affairs	**Introduced by:**	
		Summary by:	Theresa Matula Committee Staff
Date:	July 14, 2004		
Version:	Third		

SUMMARY: ***House Bill 1422 allows law enforcement officers in the Town of Mint Hill to operate all-terrain vehicles on certain public highways; and it allows law enforcement officers and municipal employees in the City of Kings Mountain to operate all-terrain vehicles on certain public highways.***

CURRENT LAW:

G.S. 20-59 provides that vehicles intended to be operated on the highways of the State must be registered.

G.S. 20-114 establishes the duty of law enforcement officers to enforce motor vehicle laws. G.S. 20-114.1 concerns obeying the direction of law enforcement officers, traffic control officers, uniformed regular and volunteer firemen and uniformed regular and volunteer members of a rescue squad who are directing, controlling, or regulating traffic.

G.S. 14-159.3 covers trespassing on land while operating a motorized all terrain vehicle. For purposes of the section, G.S. 14-159.3(b) defines a "motorized all terrain vehicle" as a two or more wheeled vehicle designed for recreational off-road use.

BILL ANALYSIS:

Section 1 of House Bill 1422 authorizes law enforcement officers in the Town of Mint Hill to operate unregistered all-terrain vehicles as defined in G.S. 14-159.3(b), and owned or leased by a governmental agency, on public highways where the speed limit is 35 miles per hour or less and on nonfully controlled access highways for the purpose of traveling from one zone to another.

Section 2 of House Bill 1422 authorizes law enforcement officers and municipal employees in the City of Kings Mountain to operate unregistered all-terrain vehicles as defined in G.S. 14-159.3(b), and owned or leased by a governmental agency, on public highways where the speed limit is 35 miles per hour or less and on nonfully controlled access highways for the purpose of traveling from one zone to another.

Section 1 applies only to the Town of Mint Hill, Section 2 applies only to the City of Kings Mountain. The bill becomes effective when it becomes law.

H1422-SMSH-003

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 737

Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/11/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H737-PCS60534-RF-50

Short Title: Chapel Hill Campaign Finance Options. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.6 is amended by adding a new subdivision to read:

"(17a) The term 'public campaign financing program' means a uniform program of a governmental entity that offers support for the campaigns of candidates for elective office within the jurisdiction of that governmental entity under the following conditions: (i) the candidates participating in the program must demonstrate public support and voluntarily accept strict fund-raising and spending limits in accordance with a set of requirements drawn by that government, (ii) the requirements are drawn to further the public purpose of free and fair elections and do not discriminate for or against any candidate on the basis of race, creed, position on issues, status of incumbency or nonincumbency, or party affiliation, (iii) any public funds provided to candidates are restricted to use for campaign purposes according to guidelines drawn by the State Board of Elections, and (iv) unspent public funds are required to be returned to that governmental entity. Funds paid pursuant to such a program are not subject to the contribution limitations of G.S. 163-278.13 and the prohibitions on corporate contributions of G.S. 163-278.15 or G.S. 163-278.19, but shall be reported as if they were contributions in all campaign reports required by law to be filed by the campaigns receiving the payments."

SECTION 2. Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-499. Uniform, nondiscriminatory program of public financing of election campaigns.**

(a) A governing body of a city with a population exceeding 40,000 according to the most recent decennial federal census may appropriate funds for a public campaign financing program as defined in G.S. 163-278.6(17a) for city office in that city's jurisdiction if the city has held at least one public hearing on the program before adopting it and the program is approved by the State Board of Elections. The State Board of Elections shall develop guidelines for the basic components needed in a program to meet the criteria set forth in G.S. 163-278.6(17a) and shall approve a city's program that meets the criteria. Any city exercising authority under this section shall provide full notice to the county board of elections in any county in which it has territory.

(b) The governing body of a city appropriating funds as provided by this section shall prepare a report no later than six months after the second election in which it appropriates funds under this section that analyzes its experience in implementing a public campaign financing program by that date, including percent of candidates participating in a program, sources and amounts of funding, litigation involving a program, administrative issues, and recommendations for changes in this statute. The report shall be presented by that date to the Joint Legislative Commission on Governmental Operations, to the Fiscal Research Division of the Legislative Services Office, and to the committees in the House of Representatives and Senate to which election-related bills are primarily referred."

SECTION 3. This act applies to the Town of Chapel Hill only.

SECTION 4. This act is effective when it becomes law and expires July 1, 2008.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 737

Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/11/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H737-PCS60533-LB-119

Short Title: Chapel Hill Campaign Finance Options. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.6 is amended by adding a new subdivision to read:

"(17a) The term 'public campaign financing program' means a uniform program of a governmental entity that offers support for the campaigns of candidates for elective office within the jurisdiction of that governmental entity under the following conditions: (i) the candidates participating in the program must demonstrate public support and voluntarily accept strict fund-raising and spending limits in accordance with a set of requirements drawn by that government, (ii) the requirements are drawn to further the public purpose of free and fair elections and do not discriminate for or against any candidate on the basis of race, creed, position on issues, status of incumbency or nonincumbency, or party affiliation, (iii) any public funds provided to candidates are restricted to use for campaign purposes according to guidelines drawn by the State Board of Elections, and (iv) unspent public funds are required to be returned to that governmental entity. Funds paid pursuant to such a program are not subject to the contribution limitations of G.S. 163-278.13 and the prohibitions on corporate contributions of G.S. 163-278.15 or G.S. 163-278.19, but shall be reported as if they were contributions in all campaign reports required by law to be filed by the campaigns receiving the payments."

SECTION 2. Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-499. Uniform, nondiscriminatory program of public financing of election campaigns.**

(a) A governing body of a city with a population exceeding 40,000 according to the most recent decennial federal census may appropriate funds for a public campaign financing program as defined in G.S. 163-278.6(17a) for city office in that city's jurisdiction if the city has held at least one public hearing on the program before adopting it and the program is approved by the Executive Director of the State Board of Elections. The Executive Director shall develop guidelines for the basic components needed in a program to meet the criteria set forth in G.S. 163-278.6(17a) and shall approve a city's program that meets the criteria. Any city exercising authority under this section shall provide full notice to the county board of elections in any county in which it has territory.

(b) The governing body of a city appropriating funds as provided by this section shall prepare a report no later than six months after the second election in which it appropriates funds under this section that analyzes its experience in implementing a public campaign financing program by that date, including percent of candidates participating in a program, sources and amounts of funding, litigation involving a program, administrative issues, and recommendations for changes in this statute. The report shall be presented by that date to the Joint Legislative Commission on Governmental Operations, to the Fiscal Research Division of the Legislative Services Office, and to the committees in the House of Representatives and Senate to which election-related bills are primarily referred."

SECTION 3. This act applies to the Town of Chapel Hill only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 737

Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 6/11/03

Short Title: Durham School Recall Election. (Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Any member of the Durham Board of Education may be removed from office in the manner provided for in this act.

SECTION 2. Any registered voter of the Durham School Administrative Unit may file an affidavit with the Durham County Director of Elections containing the name of the official whose removal is sought and a general statement of the grounds alleged for removal. However, if the member sought to be recalled is from a district, the affidavit must be signed by a registered voter of that district. The Director of Elections shall provide the registered voter filing the affidavit with petition forms for demanding the removal of a Board of Education member. The petition forms shall:

(1) Be signed by the Director of Elections.
(2) Be dated on the date of issuance.
(3) Be addressed to the Durham County Board of Elections.
(4) Contain the name of the person to whom the form is issued.
(5) Contain the name of the official whose removal is sought.
(6) Contain a general statement of the grounds on which the removal is sought.
(7) Provide a place for signatures.

The Director of Elections shall promptly deliver a copy of the petition issued by the Director of Elections to the Superintendent of the Durham School Administrative Unit, who shall enter the copy of the petition in a record book kept for that purpose. The record book shall be maintained at the Office of the Superintendent.

SECTION 3. To be effective, a recall petition must be returned to the Board of Elections within 30 days after the filing of the affidavit. To be sufficient, a recall petition must bear the signatures of at least twenty-five percent (25%) of the registered

voters of the school administrative unit as shown by the registration records of the last preceding general school administrative unit election. However, if the Board of Education member was from a district, then to be sufficient a recall petition must bear the signatures of at least twenty-five percent (25%) of the registered voters of the school administrative unit district as shown by the registration records of the last preceding general school administrative unit election.

SECTION 4. The signatures to the petition need not all be appended to one paper. Each signer shall add his or her signature and the signer's place of residence, giving the residence address including town. One of the signers of each paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

SECTION 5. The Board of Elections shall investigate the sufficiency of any petition and certify the results of the investigation to the Board of Education. The Board of Elections may employ persons as it deems necessary to undertake such investigation. The Board of Education shall reimburse the Board of Elections for the reasonable cost of the investigation. The Board of Elections may adopt rules concerning the validation of signatures appearing on the recall petition.

SECTION 6. The Board of Elections shall complete its investigation and issue its certification of the results of the investigation within 15 days after the filing of any petition. If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of the certificate. The Board shall, within 10 days after any amendment, complete an investigation of the amended petition. If the certification of the results of the investigation shows the amended petition to be insufficient, a copy of the petition shall be returned to the person filing the petition, without prejudice to the filing of a new petition.

SECTION 7. Upon a determination that a sufficient recall petition has been submitted, the Board of Elections shall order and fix a date for holding a recall election. Subject to the remaining provisions of this section, an election shall be held not less than 50 nor more than 70 days after the petition has been certified as being sufficient. If any other general or special election is scheduled within this period, the Board of Elections shall schedule the special election at the same time. If the provisions of general law prohibit the holding of a special election during this time period and no general or special election is otherwise scheduled during that period of time, then the Board of Elections shall schedule the special recall election for a date within 10 days after the last day of the period of time during which special elections are prohibited by general law.

SECTION 8. The Board of Elections shall cause legal notice of the election to be published. That notice shall include the general statement of the grounds on which the recall is sought as alleged in the affidavit and shall make all arrangements for holding such election in accordance with general law. The recall election shall be conducted, returned, and the results declared as in other school administrative unit elections in the Durham School Administrative Unit. If the member subject to recall is from a district, the election shall be conducted only in that district. The reasonable costs

of the recall election shall be reimbursed to the Board of Elections by the Board of Education.

SECTION 9. The question of recalling any number of officials may be submitted at the same election. But as to each such official, a separate petition shall be filed and there shall be an entirely separate ballot.

SECTION 10. The ballots used in a recall election shall submit the following proposition:

"[ ] FOR [ ] AGAINST

The recall of (name and title of official)."

SECTION 11. If less than a majority of the votes cast on the question of recalling an official are for recall, the official shall continue in office for the remainder of the unexpired term and, except as provided by Section 13 of this act, shall be subject to the recall as before. If a majority of such votes are for the recall of the official designated on the ballot, the official shall, regardless of any defects in the recall petition, be deemed removed from office.

SECTION 12. If an official is removed from office as a result of a recall election, the vacancy shall be filled in the manner provided by law for filling vacancies in that office. An official removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that official's own removal or resignation.

SECTION 13. No recall petition shall be filed against an officer who has been subjected to a recall election, and not removed thereby, until at least one year after that recall election. No recall petition shall be filed against an officer during either the first or last six months of the term of that office.

SECTION 14. This act is effective when it becomes law.

HOUSE BILL 737:
Chapel Hill Campaign Finance Options

BILL ANALYSIS

Committee:	Senate State & Local Government	**Introduced by:**	Rep. Miller
Date:	July 14, 2004	**Summary by:**	William R. Gilkeson
Version:	H737-PCS60533-LB-119		Staff Attorney

SUMMARY: This PCS for House Bill 737 would give to Chapel Hill the authority to adopt a uniform program of public campaign financing for candidates for Chapel Hill offices. It would provide that payments to candidates under such a program would not be treated as "contributions" for purposes of the $4,000 limit or the ban on contributions by corporations. Effective when it becomes law.

CURRENT LAW: Currently, NC law sets a general limit on contributions of $4,000 per donor per donee per election. *G.S. 163-278.13.* NC prohibits corporate contributions. *G.S. 163-278.19.*

Cities are authorized to levy property taxes to "provide for all city elections and referendums." *G.S. 160A-209.*

BILL ANALYSIS: The PCS would add to the campaign finance law a definition of "public campaign financing program." To meet the definition, a program would have to meet the following criteria:

- The grants are available to candidates who demonstrate public support and voluntarily accept strict fund-raising and spending restrictions in accordance with set criteria.
- The criteria are drawn to further the public purpose of free elections and do not discriminate on the basis of race, creed, position on issues, incumbency/non-incumbency, or party affiliation.
- The grants are restricted to campaign-related uses in accord with State Board of Elections guidelines.

The definition states that a payment to a candidate from a governmental entity under a public campaign financing program is not a "contribution" and is not subject to restrictions on contributions, but must be reported like contributions. *Section 1 of the bill.*

The PCS adds to G.S. Chapter 160A, which governs cities, a provision that expressly grants the governing bodies of cities over 40,000 the authority to appropriate funds for a "public campaign financing program" as defined in Section 1 of the bill. The Executive Director of the State Board of Elections would set guidelines for a program. Programs would be subject to his approval, but he would be required to approve any program that complied with the guidelines, as long as no more than three other city programs previously approved are still in operation. No more than four cities could operate programs at the same time. *Sec. 2.*

The definition in Section 1 would not in itself authorize a local government to establish a program.

Having added the general sections to the statutes, the bill would apply them only to Chapel Hill. *Sec. 3*

BACKGROUND: Some local governments in NC have expressed interest in developing public financing for local campaigns. The Town of Cary actually established a public financing program, administering grants in the 2001 municipal elections. That program was challenged, and two candidates who received grants in excess of $4,000 were ordered by the State Board of Elections to forfeit the excess on grounds that they had received contributions over the limit. That decision was appealed to Superior Court, which upheld the State Board.

In 2003 the Senate passed Senate Bill 760, introduced by Sen. Gulley, which would have authorized programs in counties of more than 80,000 as well as cities of more than 40,000. Beyond that, there was no numerical limit. A trimmed-back version of that statewide bill was presented for discussion in the House Election Law committee last month.

House Bill 737 was introduced by Rep. Miller to provide for recall elections for the Durham School Board. It passed the House in that form. The PCS for H 737 presented today replaces the Durham recall contents with the latest statewide version of S 760, applying it only to Chapel Hill.

VISITOR REGISTRATION SHEET

State and Local Government and Veteran's Affairs — July 14, 2004

Name of Committee — **Date**

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