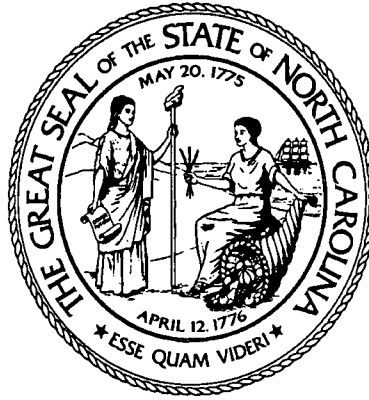


2005-2006

**HOUSE
WAYS & MEANS**

**COMMITTEE
MINUTES**



HOUSE COMMITTEE ON WAYS AND MEANS

2005 SESSION

REPRESENTATIVE LARRY WOMBLE, CHAIR

COMMITTEE ASSISTANT:

DOROTHY McLEAN

HOUSE COMMITTEE ON STATE/GOVERNMENT
2005-06 SESSION
Membership List

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
WOMBLE, Larry, W., Chair	Dorothy McLean	733-5777	537 LOB	57
JOHNSON, Linda P., Chair	Rachel Faison	733-5861	1006 LB	28
ALEXANDER, Martha B., Vice-Chair	Ann Faust	733-5807	2208 LB	32
CURRENT, William A., Vice-Chair	Wendy Miller	733-5809	539 LOB	108
UNDERHILL, Alice G., Vice-Chair	Judy Veorse	733-5853	1206 LB	17
ALLEN, Bernard	Latisha Dumas	733-5772	1325 LB	79
SETZER, Mitchell, S.	Joanna Mills	733-4948	1204 LB	49
YONGUE, Douglas, Y.	Katie Stanley	733-5821	1303 LB	107

EX-OFFICIO MEMBERS

CULPEPPER, Bill	Dot Crocker	715-3028	404 LOB	36
CUNNINGHAM, Pete	Valerie Rustin	733-5778	541 LOB	7
EDDINS, Rick	Dorie Monroe	733-5800	1319 LB	26
HACKNEY, Joe	Emily Reynolds	733-5752	2207 LB	69

STAFF

Kory Goldsmith	Research	733-2578	545 LOB
Tim Hovis	Research	733-2578	545 LOB
Theresa Matula	Research	733-2578	545 LOB

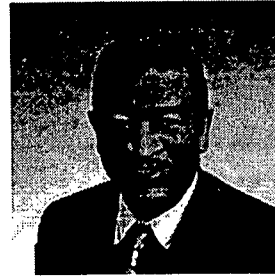
COMMITTEE ASSISTANT

Dorothy McLean	733-5777	537 LOB
Rachel Faison	733-5861	1006 LB

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE STATE GOVERNMENT COMMITTEE
2005 – 2006 SESSION



Rep. Johnson
Chair



Rep. Womble
Chair



Rep. Alexander
Vice chair



Rep Current
Vice chair



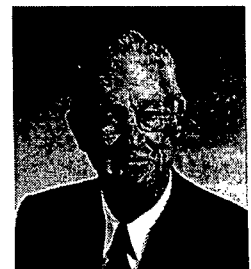
Rep. Underhill
Vice chair



Rep. Allen



Rep. Setzer



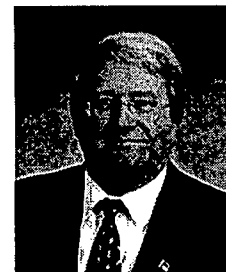
Rep. Yongue



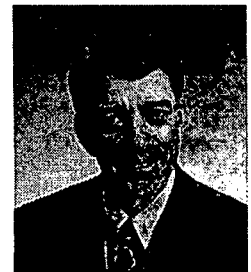
Rep. Culpepper
Ex-officio



Rep. Cunningham
Ex-officio



Rep. Eddins
Ex-officio



Rep. Hackney
Ex-officio

North Carolina General Assembly
Through House Committee on
State Government

Date: 09/27/2005
Time: 15:58
Page: 001 of 002
Leg. Day: H-125/S-126

2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0021=	Holliman	ADOPT STATE FOOD FESTIVAL.	*H Re-ref Com On Rules, Calendar, and Operations of the House	02-01-05	04-13-05
H0033	Hill	WATER AND SEWER DISTRICT BOUNDARIES.	H Re-ref Com On Rules, Calendar, and Operations of the House	02-02-05	03-23-05
H0231	Tolson	ST. CONTROLLER/ COMPLIANCE REVIEW/ PUB. RECORDS.	*HR Ch. SL 2005-65	02-15-05	03-10-05
H0237	Coates	REVISE MORTGAGE LENDING ACT.	*HR Ch. SL 2005-316	02-16-05	06-01-05
\$ H0320	B. Allen	MODIFY 2005 APPROPRIATIONS ACT	*HR Ch. SL 2005-345	02-21-05	03-02-05
H0454=	Tolson	WATER/UTILITIES SAVINGS IN GOVT. FACILITIES.	H Re-ref Com On Appropriations	03-03-05	04-13-05
H0502=	Eddins	PROTECTION OF HISTORIC MONUMENTS.	H Ref To Com On State Government	03-07-05	
H0528=	Church	WESTERN PIEDMONT COMM. COLL./UMSTEAD ACT.	H Re-ref Com On Rules, Calendar, and Operations of the House	03-09-05	05-04-05
H0566=	Gibson	MODERN ESCHEAT INVESTMENT PROGRAM.	H Re-ref Com On Finance	03-10-05	04-20-05
H0577	Yongue	REPEAL ERRONEOUSLY ENACTED LAW	*H Re-ref Com On Rules, Calendar, and Operations of the House	03-10-05	04-27-05
H0676	Tolson	GOV'T E-COMMERCE/ APPROVAL OF FEES.	HR Ch. SL 2005-92	03-17-05	04-20-05
H0699	Owens	STATE PROP./GOV OPS NOTICE.-AB	*HR Ch. SL 2005-39	03-17-05	04-06-05
\$ H0791	Nye	COUNTY VETERANS SERVICE OFFICES FUNDS.	H Re-ref Com On Appropriations	03-17-05	05-04-05
H0864	Cole	MAYO STATE PARK CONDEMNATION.	*H Ref To Com On Finance	03-23-05	04-13-05
H0874	Goodwin	TITLE CHANGE/SAFETY AND HEALTH REVIEW BOARD.	*HR Ch. SL 2005-133	03-24-05	05-11-05
H0944	Goodwin	ADOPT THE SALUTE TO THE NC FLAG.	*H Ref To Com On State and Local Government	03-29-05	05-11-05
H1006	Womble	STATE CONTRACTS/ SLAVERY PROFITS.	H Re-ref Com On Rules, Calendar, and Operations of the House	03-31-05	04-13-05
H1226	Culpepper	INSPECTION OF CORRECTIONAL FACILITIES.	HR Ch. SL 2005-98	04-14-05	05-18-05
H1316	Frye	STATE CHRISTMAS TREE/ STATE FRESHWATER TROUT.	*HR Ch. SL 2005-387	04-20-05	05-18-05
H1776	Haire	JACKSON COUNTY AIRPORT AUTHORITY	*HR Ch. SL 2005-203	05-12-05	06-01-05

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

A bold line indicates the bill is an appropriation bill.

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

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

North Carolina General Assembly
Through House Committee on
State Government

Date: 09/27/2005
Time: 15:58
Page: 002 of 002
Leg. Day: H-125/S-126

2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		CONTRACTS.			
S0116	William R. Purce	VENUS FLYTRAP OFFICIAL CARNIVOROUS PLANT.	*HR Ch. SL 2005-74	05-02-05	05-19-05
S0128	Walter H. Dalton	ADOPT OFFICIAL STATE DANCES.	*HR Ch. SL 2005-218	05-02-05	06-30-05
S0278	Jim Jacumin	FOOTHILLS AIRPORT AUTHORITY LAND ACQUISITION.	*HR Ch. SL 2005-171	06-02-05	06-30-05
S0402=	Eleanor Kinnaird	WATER/UTILITIES SAVINGS IN GOVT. FACILITIES.	H Ref To Com On State Government	08-18-05	
S0510=	Jim Jacumin	WESTERN PIEDMONT COMM. COLL./UMSTEAD ACT.	HR Ch. SL 2005-63	05-10-05	05-18-05
S0669=	Fletcher L. Hart	STATE LAND NOT SUBJECT TO MUNICIPAL CONTROL.	*HR Ch. SL 2005-280	06-02-05	07-27-05
S0879	Linda Garrou	ECONOMIC DEVELOPMENT - NC PRODUCT PREFERENCE.	*HR Ch. SL 2005-213	05-16-05	06-30-05
S0884	Jerry W. Tillman	STATE TRADITIONAL POTTERY BIRTHPLACE.	*HR Ch. SL 2005-78	05-05-05	05-19-05
S0907	Katie G. Dorsett	MINORITY BUSINESS CERTIFICATION.	*HR Ch. SL 2005-270	05-09-05	07-27-05
S1018	Andrew C. Brock	ADOPT COUGAR AS STATE CAT.	*H Ref To Com On State Government	06-02-05	

'\$' 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.

WAYS AND MEANS COMMITTEE
MEETING MINUTES
March 16, 2005

Chairman Larry Womble, Presiding

The House Ways and Means Committee met on March 16, 2005 at 12 Noon in Room 424 of the Legislative Office Building.

MEMBERS PRESENT: Chairman Larry Womble; Vice Chairs: Cary Allred and Susan Fisher; Representatives Dollar, Jeffus, and Saunders. The Rules Chair, Representative Culpepper was also present. Staff Members present: Tom Hovis and Steve Rose.

Chairman Womble called the meeting to order and welcomed everyone to the first committee meeting. Chairman Womble also recognized Arts groups and a group that was present from Alamance County, Vice Chair Allred's district. The House Pages and Sergeants-At-Arms staff: Tom Wilder and Willie Dixon were introduced. Chairman asked the committee members to introduce themselves and state their counties or districts they represent. The Legal Staff introduced themselves and stated their tenure in the General Assembly and the number of committees they assist. Chairman Womble commended the Legal Staff on their hard work and expertise.

The following bills were heard by the Committee: House Bill 49 and House Bill 56.

*HOUSE BILL 49 - MINORITY INCARCERATION STUDY COMMISSION.
AN ACT ESTABLISHING THE CAUSE AND REMEDIES OF MINORITY
INCARCERATION STUDY COMMISSION AND APPROPRIATING
FUNDS FOR THE COMMISSION.*

The Chairman recognized Representative Miller to explain House Bill 49. Representative Saunders was recognized for a question regarding the commission being a diverse group. Representative Miller stated that the commission should be a diverse group in the both the House and Senate.

WAYS AND MEANS COMMITTEE

Representative Miller also noted there was a technical amendment to the bill. Tim Hovis of the Legal Staff explained the technical amendment.

Representative Allred made the motion for the approval of the amendment. The Committee voted FAVORABLE to the amended committee substitute and re-ref to the Committee on Rules and Operations of the House.

HOUSE BILL 56 - UPDATE LEGISLATIVE MILEAGE. TO UPDATE THE LEGISLATIVE MILEAGE ALLOWANCE TO BE THE SAME AS THAT PROVIDED TO STATE EMPLOYEES.

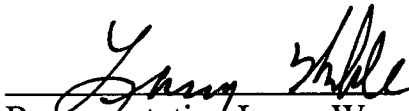
CHAIRMAN Womble relinquished the podium since he was the bill sponsor. Vice Chair Fisher was given the podium to continue the meeting. There was a committee substitute and the Committee FAVORABLE to the committee substitute. Legal Staff was asked to explain the bill and the federal requirements to increase the legislative mileage.

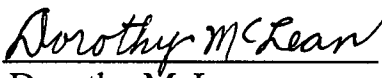
Representative Dollar made the motion for a favorable report. The Committee voted FAVORABLE to the committee substitute and UNFAVORABLE to the original bill.

Representative Gillespie was recognized for a final comment.

The Chairman adjourned the meeting.

Respectfully submitted,


Representative Larry Womble
Committee Chairman


Dorothy McLean
Committee Assistant

Attachments:

Agenda

Visitors Registration Sheet

Bills

HB 49, HB 56

Committee Notice

AGENDA

Ways and Means COMMITTEE

DATE

March 16, 2005

Room 425 LOB

Representative Larry Womble
Chair

CALL TO ORDER

WELCOME

INTRODUCTION OF CO-CHAIRS

INTRODUCTION OF PAGES and SERGEANT-at-ARMS

INTRODUCTION OF COMMITTEE MEMBERS

INTRODUCTION OF LEGAL STAFF

Tim Hovis, Steve Rose

BILLS TO BE DISCUSSED

HB 49	Minority Incarceration Study Commission	Rep. Miller
HB 56	Update Legislative Mileage	Rep. Womble

COMMENTS

ADJOURNMENT

March 16, 2005

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 49

Short Title: Minority Incarceration Study Commission.

(Public)

Sponsors: Representatives Miller; Adams, B. Allen, Coleman, Faison,
Farmer-Butterfield, Harrison, Jones, Ross, and Wray.

Referred to: Ways and Means, if favorable, Rules, Calendar, & Operations of the
House.

February 3, 2005

A BILL TO BE ENTITLED

AN ACT ESTABLISHING THE CAUSES AND REMEDIES OF MINORITY
INCARCERATION STUDY COMMISSION AND APPROPRIATING FUNDS
FOR THE COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is created the Causes and Remedies of Minority
Incarceration Study Commission ("Commission"). The Commission shall consist of 15
members appointed as follows:

(1) Five members appointed by the Governor.

(2) Five members of the House of Representatives appointed by the
Speaker of the House.

(3) Five members of the Senate appointed by the President Pro Tempore
of the Senate.

SECTION 1.(b) The Commission shall study the causes of and remedies for
the disparity of incarceration for African-Americans and Hispanics in this State as
compared to members of other ethnic groups.

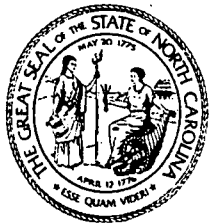
SECTION 2.(a) The Speaker of the House of Representatives and the
President Pro Tempore of the Senate shall each appoint a cochair for the Commission.
The Commission may contract for consultant services as provided by G.S. 120-32.02.
Upon approval of the Legislative Services Commission, the Legislative Services Officer
shall assign professional and clerical staff to assist in the work of the Commission.
Clerical staff shall be furnished to the Commission through the offices of the House of
Representatives and Senate Supervisors of Clerks. The Commission may meet in the
Legislative Building or the Legislative Office Building upon the approval of the
Legislative Services Commission. The Commission, while in discharge of official
duties, may exercise all the powers provided under the provisions of G.S. 120-19
through G.S. 120-19.4, including the power to request all officers, agents, agencies, and

1 departments of the State to provide any information, data, or documents within their
2 possession, ascertainable from their records, or otherwise available to them, and the
3 power to subpoena witnesses. Members of the Commission shall receive per diem,
4 subsistence, and travel allowances at the rate established in G.S. 120-3.1. The
5 appointing authority shall fill vacancies.

6 **SECTION 2.(b)** The Commission shall submit a final report to the 2006
7 Regular Session of the 2005 General Assembly and shall terminate upon filing its final
8 report.

9 **SECTION 3.** There is appropriated from the General Fund to the General
10 Assembly the sum of twenty-five thousand dollars (\$25,000) for the 2005-2006 fiscal
11 year for the costs of the work of the Study Commission, created in Section 1 of this act.

12 **SECTION 4.** This act becomes effective July 1, 2005.



HOUSE BILL 49: Minority Incarceration Study Commission

BILL ANALYSIS

Committee: House Judiciary I Committee
Date: March 16, 2005
Version: First Edition

Introduced by: Representative Miller
Summary by: Tim Hovis
Committee Counsel

SUMMARY: House Bill 49 would establish the "Causes and Remedies of Minority Incarceration Study Commission" to consist of fifteen members; five members appointed by the Governor, five members of the House of Representatives appointed by the Speaker and five members of the Senate appointed by the President Pro Tempore.

The Commission is established to study the causes and reasons of and remedies for the disparity of incarceration for African-Americans and Hispanics in the State as compared to other ethnic groups. The bill provides that the Speaker of the House and the President Pro Tempore of the Senate shall each appoint a cochair of the Commission.

The Commission is authorized to contract for consultant services. Also, upon approval of the Legislative Services Commission (LSC), the Legislative Services Officer will assign professional and clerical staff to assist the Commission and, with the LSC's approval, the Commission may meet in the Legislative Building or the Legislative Office Building.

The Commission is given the authority under G.S. 120-19 to, upon request, require all officers, agents, agencies and departments to give to it all information and all data within their possession. (Under G.S. 120-19, committees and members of the General Assembly have this authority.) The Commission is also given the authority under Article 5A of Chapter 120, *Committee Activity*, to examine witnesses under oath and issue subpoenas.

The Commission is required to submit a final report to the 2006 Regular Session of the 2005 General Assembly and terminates upon filing the final report.

Twenty-five thousand dollars (\$25,000) is appropriated to the Commission from the General Fund for the 2005-2006 fiscal year to carry out the provisions of the act.

EFFECTIVE DATE: House Bill 49 becomes effective July 1, 2005.

Report of PRISON POPULATION

For 01/31/2005

Statewide Report

RACE	GENDER	AGE GROUP	COUNT
WHITE	FEMALE	UNDER 20	21
		20 TO 24	157
		25 TO 29	225
		30 TO 34	240
		35 TO 39	232
		40 TO 44	212
		45 TO 49	125
		50 AND OVER	109
	MALE	UNDER 20	272
		20 TO 24	1446
		25 TO 29	1640
		30 TO 34	1685
		35 TO 39	1685
		40 TO 44	1716
		45 TO 49	1143
		50 AND OVER	1443
WHITE SubTotal			12351
BLACK	FEMALE	UNDER 20	29
		20 TO 24	151
		25 TO 29	168
		30 TO 34	182
		35 TO 39	216
		40 TO 44	194
		45 TO 49	96
		50 AND OVER	55
	MALE	UNDER 20	666
		20 TO 24	3227
		25 TO 29	3773
		30 TO 34	3401
		35 TO 39	2936

		40 TO 44	2759
		45 TO 49	1695
		50 AND OVER	1647
BLACK SubTotal			21195
INDIAN	FEMALE	20 TO 24	4
		25 TO 29	10
		30 TO 34	15
		35 TO 39	9
		40 TO 44	16
		45 TO 49	6
		50 AND OVER	1
	MALE	UNDER 20	21
		20 TO 24	90
		25 TO 29	139
		30 TO 34	118
		35 TO 39	89
		40 TO 44	77
		45 TO 49	51
		50 AND OVER	58
INDIAN SubTotal			704
ASIAN/ORL	FEMALE	UNDER 20	1
		25 TO 29	1
		30 TO 34	3
	MALE	UNDER 20	9
		20 TO 24	39
		25 TO 29	22
		30 TO 34	23
		35 TO 39	11
		40 TO 44	3
		45 TO 49	2
		50 AND OVER	1
ASIAN/ORL SubTotal			115
OTHER	FEMALE	UNDER 20	1
		20 TO 24	6
		25 TO 29	12
		30 TO 34	9
		35 TO 39	5
		40 TO 44	4

		45 TO 49	3
		50 AND OVER	2
	MALE	UNDER 20	34
		20 TO 24	226
		25 TO 29	285
		30 TO 34	237
		35 TO 39	127
		40 TO 44	91
		45 TO 49	66
		50 AND OVER	35
OTHER SubTotal			1143
UNKNOWN	FEMALE	25 TO 29	1
		35 TO 39	1
		45 TO 49	1
	MALE	UNDER 20	11
		20 TO 24	43
		25 TO 29	91
		30 TO 34	83
		35 TO 39	33
		40 TO 44	20
		45 TO 49	10
		50 AND OVER	6
UNKNOWN SubTotal			300
		Total	35808

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Phone: (919) 716-3080
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Report of PRISON POPULATION

For 01/31/2005

for DURHAM County

RACE	GENDER	AGE GROUP	COUNT
WHITE	FEMALE	20 TO 24	4
		30 TO 34	7
		35 TO 39	3
		40 TO 44	5
		50 AND OVER	1
	MALE	UNDER 20	2
		20 TO 24	8
		25 TO 29	16
		30 TO 34	21
		35 TO 39	15
		40 TO 44	23
		45 TO 49	16
		50 AND OVER	15
WHITE SubTotal			136
BLACK	FEMALE	20 TO 24	3
		25 TO 29	5
		30 TO 34	3
		35 TO 39	8
		40 TO 44	7
		45 TO 49	5
	MALE	UNDER 20	24
		20 TO 24	125
		25 TO 29	150
		30 TO 34	153
		35 TO 39	141
		40 TO 44	120
		45 TO 49	61
		50 AND OVER	52
BLACK SubTotal			857
INDIAN	MALE	20 TO 24	1

		50 AND OVER	1
INDIAN SubTotal			2
OTHER	MALE	20 TO 24	4
		25 TO 29	2
		30 TO 34	3
		35 TO 39	4
		40 TO 44	2
OTHER SubTotal			15
UNKNOWN	MALE	UNDER 20	1
		25 TO 29	3
		30 TO 34	1
		40 TO 44	1
UNKNOWN SubTotal			6
		Total	1016

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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 49

H49-ARG-2 [v.2]

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

Page 1 of 1

Date 3/16, 2005

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

Representative Allred

- 1 moves to amend the bill on page 2, line 3,
- 2 by rewriting the line to read:
- 3 "power to subpoena witnesses. The procedure for issuing a subpoena shall be the same
- 4 procedure as provided in G.S. 120-19.2 for a joint committee of the House and Senate.
- 5 Members of the Commission shall receive per diem,".
- 6

SIGNED 
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative **Womble** (Chair) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for

H.B. 49 A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CAUSES AND
REMEDIES OF MINORITY INCARCERATION STUDY COMMISSION AND
APPROPRIATING FUNDS FOR THE COMMISSION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill (#———), ☒-which changes the
title, unfavorable as to the original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 56

Short Title: Update Legislative Mileage.

(Public)

Sponsors: Representatives Womble; Adams, Alexander, B. Allen, Bell, Crawford, Cunningham, England, Farmer-Butterfield, Fisher, Glazier, Hall, Holliman, Insko, Jones, Lucas, McAllister, Parmon, Pierce, Wainwright, and Wright.

Referred to: Ways and Means.

February 3, 2005

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE LEGISLATIVE MILEAGE ALLOWANCE TO BE THE
SAME AS THAT PROVIDED TO STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-3.1(a) reads as rewritten:

"(a) In addition to compensation for their services, members of the General
Assembly shall be paid the following allowances:

- (1) A weekly travel allowance for each week or fraction thereof that the General Assembly is in regular or extra session. The amount of the weekly travel allowance shall be calculated for each member by multiplying the actual round-trip mileage from that member's home to the City of Raleigh by the rate per mile which is the business standard mileage rate set by the Internal Revenue Service in ~~Rev. Proc. 93-51, December 27, 1993~~, Rev. Proc. 2003-76, October 27, 2003.
- (2) A travel allowance at the rate which is the business standard mileage rate set by the Internal Revenue Service in ~~Rev. Proc. 93-51, December 27, 1993~~, Rev. Proc. 2003-76, October 27, 2003, whenever the member travels, whether in or out of session, as a representative of the General Assembly or of its committees or commissions, with the approval of the Legislative Services Commission.
- (3) A subsistence allowance for meals and lodging at a daily rate equal to the maximum per diem rate for federal employees traveling to Raleigh, North Carolina, as set out at 58 Federal Register 67959 (December 22, 1993), while the General Assembly is in session and, except as otherwise provided in this subdivision, while the General Assembly is not in session when, with the approval of the Speaker of the House of

Representatives in the case of Representatives or the President Pro Tempore of the Senate in case of Senators, the member is:

a. Traveling as a representative of the General Assembly or of its committees or commissions, or

b. Otherwise in the service of the State.

A member who is authorized to travel, whether in or out of session, within the United States outside North Carolina, may elect to receive, in lieu of the amount provided in the preceding paragraph, a subsistence allowance of twenty-six dollars (\$26.00) a day for meals, plus actual expenses for lodging when evidenced by a receipt satisfactory to the Legislative Services Officer, the latter not to exceed the maximum per diem rate for federal employees traveling to the same place, as set out at 58 Federal Register 67950-67964 (December 22, 1993) and at 59 Federal Register 23702-23709 (May 6, 1994).

(4) A member may be reimbursed for registration fees as permitted by the Legislative Services Commission."

SECTION 2. This act becomes effective upon convening of the 2007 Regular Session of the General Assembly.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

D

HOUSE BILL 56

PROPOSED COMMITTEE SUBSTITUTE H56-CSRL-1 [v.1]

3/15/2005 3:36:07 PM

Short Title: Update Legislative Mileage.

(Public)

Sponsors:

Referred to:

February 3, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE LEGISLATIVE MILEAGE ALLOWANCE TO BE THE
3 SAME AS THAT PROVIDED TO STATE EMPLOYEES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 120-3.1(a) reads as rewritten:

6 "(a) In addition to compensation for their services, members of the General
7 Assembly shall be paid the following allowances:

8 (1) A weekly travel allowance for each week or fraction thereof that the
9 General Assembly is in regular or extra session. The amount of the
10 weekly travel allowance shall be calculated for each member by
11 multiplying the actual round-trip mileage from that member's home to
12 the City of Raleigh by the rate per mile which is the business standard
13 mileage rate set by the Internal Revenue Service in ~~Rev. Proc. 93-51,~~
14 ~~December 27, 1993.~~ Rev. Proc. 2004-64, December 6, 2004.

15 (2) A travel allowance at the rate which is the business standard mileage
16 rate set by the Internal Revenue Service in ~~Rev. Proc. 93-51,~~
17 ~~December 27, 1993.~~ Rev. Proc. 2004-64, December 6, 2004, whenever
18 the member travels, whether in or out of session, as a representative of
19 the General Assembly or of its committees or commissions, with the
20 approval of the Legislative Services Commission.

21 (3) A subsistence allowance for meals and lodging at a daily rate equal to
22 the maximum per diem rate for federal employees traveling to Raleigh,
23 North Carolina, as set out at 58 Federal Register 67959 (December 22,
24 1993), while the General Assembly is in session and, except as
25 otherwise provided in this subdivision, while the General Assembly is
26 not in session when, with the approval of the Speaker of the House of
27 Representatives in the case of Representatives or the President Pro
28 Tempore of the Senate in case of Senators, the member is:

- 1 a. Traveling as a representative of the General Assembly or of its
2 committees or commissions, or
3 b. Otherwise in the service of the State.

4 A member who is authorized to travel, whether in or out of session,
5 within the United States outside North Carolina, may elect to receive,
6 in lieu of the amount provided in the preceding paragraph, a
7 subsistence allowance of twenty-six dollars (\$26.00) a day for meals,
8 plus actual expenses for lodging when evidenced by a receipt
9 satisfactory to the Legislative Services Officer, the latter not to exceed
10 the maximum per diem rate for federal employees traveling to the
11 same place, as set out at 58 Federal Register 67950-67964 (December
12 22, 1993) and at 59 Federal Register 23702-23709 (May 6, 1994).

- 13 (4) A member may be reimbursed for registration fees as permitted by the
14 Legislative Services Commission."

15 **SECTION 2.** This act becomes effective upon convening of the 2007
16 Regular Session of the General Assembly.



HB 56: Update Legislative Mileage

BILL ANALYSIS

Committee: House Ways and Means
Date: March 16, 2005
Version: PCS H56-CSRL-1[v.1]

Introduced by: Rep. Womble
Summary by: Steven Rose
Committee Counsel

SUMMARY: *The Proposed Committee Substitute for HB 56 adjusts the mileage allowance for General Assembly Members to the current business rate allowed by the Internal Revenue Service. The rate for State officers and employees has already been adjusted to the new rate.*

The act is effective upon the convening of the 2007 Regular Session of the General Assembly

BILL ANALYSIS: The current mileage allowance for Legislators for their weekly travel to sessions of the General Assembly or other travel on official General Assembly business approved by the Legislative Services Commission is based on the Internal Revenue business standard mileage rate set by the Internal Revenue Service in 1993. That amount is 29 cents per mile. The IRS rate has changed several times since then, but the statute required the reimbursement to Legislators to remain the same. The bill amends G.S. 120-3.1(a) by bringing the reimbursement amount to the current IRS authorized reimbursement rate of 40.5 cents per mile. That is the current rate allowed to State officers and employees when a State car is not available.

(The statute authorizing the mileage reimbursement rate for State officers and employees, G.S. 138-6(a)(1), is pegged to whatever the current IRS business standard rate is. The rate for Legislators is set at a specific IRS rate and thus cannot change unless authorized by statute.)

The act takes effect upon the convening of the 2007 Regular Session of the General Assembly.

HB56-SMRL-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Womble** (Chair) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for

H.B. 56 A BILL TO BE ENTITLED AN ACT TO UPDATE THE LEGISLATIVE
MILEAGE ALLOWANCE TO BE THE SAME AS THAT PROVIDED TO STATE
EMPLOYEES.

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

03/19/03

**CORRECTED COPY –ROOM CHANGED TO 424
NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTICE
2005-2006 SESSION**

You are hereby notified that the Committee on **Ways and Means** will meet as follows:

DAY & DATE: **March 16, 2005**

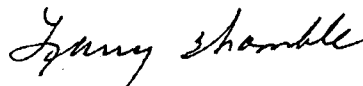
TIME: **12:00 p.m.**

LOCATION: **Room 424 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 49	Minority Incarceration Study Commission	Rep. Miller
HB 56	Update Legislative Mileage	Rep. Womble

Respectfully,



Representative Womble
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at 11:30 a.m., on March 14, 2005 .

☒ Principal Clerk
☒ Reading Clerk - House Chamber

Dorothy McLean (Committee Assistant)

WAYS AND MEANS COMMITTEE
MEETING MINUTES
March 23, 2005

Chairman Larry Womble, Presiding

The House Ways and Means Committee met on Wednesday March 23, 2005 at 12 Noon in Room 424 of the Legislative Office Building.

MEMBERS PRESENT: Chairman Larry Womble; Vice Chairs: Cary Allred and Susan Fisher; Representatives Dollar, Jeffus, and Saunders. Staff Members present: Tom Hovis and Steve Rose.

Chairman Womble called the meeting to order and welcomed everyone to the first committee meeting. The Chairman stated the committee would not meet every Wednesday but would meet whenever bill sponsors request a meeting. Chairman Womble acknowledged the Legal Staff and asked they explain what the Ways and Means Committee is about. Legal staff stated the Ways and Means Committee addressed bills that leadership wants the committee to pay close attention to. Chairman Womble commended the Legal Staff and added that the Speaker (Jim Black) had indicated that the committee would be busy this year because he would be referring bills to the committee that they have concerns about this session and the Ways and Means Committee would be playing a very integral part into the deliberations of this session.

The House Pages and Sergeants-At-Arms staff: Paul Curry and Tucson Avent were introduced and were commended for their work.

The Committee heard the following bills: House Bill 89 and House 272.

HOUSE BILL 89 - RAIL SERVICE STUDY COMMISSION. TO CREATE THE JOINT LEGISLATIVE COMMISSION ON EXPANDING RAIL SERVICE.

PAGE 2

WAYS AND MEANS COMMITTEE

Representative Rapp, one of the bill sponsors was recognized to explain the bill.

Representative Rapp acknowledged Representative Tate; the other bill sponsor would be joining them soon. Representative Rapp stated the essence of the bill came as a result of a study commission done in the interim session. They were looking at what we have in terms of developing an integrated rail plan for the state of North Carolina. We looked at developing a comprehensive plan for the state that included eastern/western segments. It was determined that there were concerns about the service to our military bases especially Fort Bragg. The issues are safety, speed, efficiency and access.

Representative Saunders was recognized for a question regarding Department of Transportation, DOT. Representative Rapp addressed Representative Saunders and stated DOT had been to the meeting held by the interim study commission and would be using them as a consultative role from the beginning to the end of the process. The Chair recognized Patrick Simmons, Director of the Rail Division with DOT. Mr. Simmons stated that they were pleased to work with the House interim committee to identify issues and they had facilitated bringing in outside speakers since one of the primary actions of this bill is that it engages the city. Representative Tate joined the meeting and stated that former Governors Hunt and Martin had joined the last interim study commission meeting.

The Chair acknowledged Representative Saunders for the motion. The Committee voted a FAVORABLE to the original bill.

The Chair recognized the Vice Chairs: Representative Susan Fisher and Cary Allred.

HOUSE BILL 272 - SANITARY DISTRICT SET-OFF DEBT COLLECTION. TO EXTEND TO SANITARY DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES AND CITIES.

PAGE 3

WAYS AND MEANS COMMITTEE

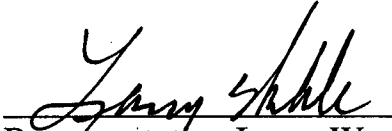
The Chair acknowledged the committee substitute. Representative Jeffus made the motion to hear the committee substitute. The committee voted FAVORABLE to the committee substitute. Representative Lucy Allen was recognized to explain the bill. Representative Fisher was recognized to speak on the bill since it referenced Metropolitan Districts as outlined in the proposed committee substitute. Steve Rose of the Legal Staff added comments to clarify sanitary districts.

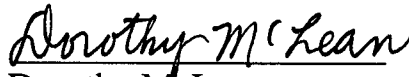
The Chair opened the floor for questions. Vice Chair Allred questioned how much income tax refund could be set off. Steve Rose referred to a list of various local agencies that could use the set off procedure meaning any lawful debt owned to that agency would be set back.

Chairman Womble asked if there could be a motion. Vice Chair Allred made the motion. The Committee voted FAVORABLE to the proposed committee substitute, UNFAVORABLE to the original bill and referred to the Committee on Finance.

The meeting was adjourned.

Respectfully submitted,


Representative Larry Womble
Committee Chairman


Dorothy McLean
Committee Assistant

Attachments:

Agenda

Visitor Registration Sheet

HB 89

HB 272

Committee Notice

AGENDA

Ways and Means COMMITTEE

DATE

March 23, 2005

Room 424 LOB

Representative Larry Womble
Chair

CALL TO ORDER

WELCOME

INTRODUCTION OF PAGES and SERGEANT-at-ARMS

BILLS TO BE DISCUSSED

HB 89	Rail Service Study Commission	Rep. Pate, Rep. Rapp
HB 272	Sanitary District Set-Off Debt	Rep. L. Allen, Rep. Sherrill

COMMENTS

ADJOURNMENT

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY

Richard Westbrook	United Transportation Union
REP. LUCY T. ALLEN	BILL SPONSOR / HOUSE
Rep. Ray Rapp	Bill sponsor / HB 89
Pat Simmons	NCDOT
Lucius Pullen	A HORNEY
Jasen Sulham	Congressman Etheridge Office
Chip Kellian	Nelson Mullins
Muteng	"

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 89

Short Title: Rail Service Study Commission.

(Public)

Sponsors: Representatives Pate, Rapp (Primary Sponsors); B. Allen, L. Allen, Allred, Barnhart, Blackwood, Bordsen, Brown, Carney, Cleveland, Coates, Cole, Culpepper, Cunningham, Dickson, Dollar, Earle, Eddins, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Goforth, Goodwin, Hackney, Haire, Harrell, Harrison, Holliman, Insko, Jones, Justice, Justus, LaRoque, Lewis, Lucas, Luebke, McAllister, McGee, McMahan, Moore, Owens, Parmon, Ross, Sauls, Sherrill, Stam, Steen, Stiller, Sutton, Tolson, Wainwright, Williams, Womble, Wray, Wright, and Yongue.

Referred to: Ways and Means, if favorable, Rules, Calendar, and Operations of the House.

February 7, 2005

A BILL TO BE ENTITLED

AN ACT TO CREATE THE JOINT LEGISLATIVE COMMISSION ON
EXPANDING RAIL SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Commission Established. – There is established in the General Assembly a Joint Legislative Commission on Expanding Rail Service.

SECTION 1.(b) Membership. – The Commission shall be composed of 16 members as follows:

(1) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Eight members of the Senate appointed by the President Pro Tempore of the Senate.

SECTION 1.(c) Duties of Commission. – The Commission shall study the following matters related to expanding rail service in North Carolina:

(1) The cost and benefits of expanding and upgrading rail service in the State, including the effect the expanded service would have on economic development.

(2) The feasibility, cost, and benefits of establishing commuter rail service in the State to transport workers to cities from outlying areas,

1 including the effect the commuter service would have on increasing
2 the economic opportunities of those who live in the outlying areas.

3 (3) The cost and benefits of expanding passenger rail service to the
4 western and eastern areas of the State, including the effect the
5 expanded service would have on tourism.

6 (4) Ways to preserve unused or abandoned rail corridors for future rail
7 needs.

8 (5) Spurring economic development and tourism through further
9 development of short-line railroads.

10 **SECTION 1.(d) Vacancies.** – Any vacancy on the Commission shall be
11 filled by the appointing authority.

12 **SECTION 1.(e) Cochair.** – Cochair of the Commission shall be designated
13 by the Speaker of the House of Representatives and the President Pro Tempore of the
14 Senate from among their respective appointees. The Commission shall meet upon the
15 call of the chair. A quorum of the Commission shall be nine members.

16 **SECTION 1.(f) Expenses of Members.** – Members of the Commission shall
17 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
18 138-5, or 138-1, as appropriate.

19 **SECTION 1.(g) Staff.** – Adequate staff shall be provided to the Commission
20 by the Legislative Services Office.

21 **SECTION 1.(h) Consultants.** – The Commission may hire consultants to
22 assist with the study. Before expending any funds for a consultant, the Commission
23 shall report to the Joint Legislative Commission on Governmental Operations on the
24 consultant selected, the work products to be provided by the consultant, and the cost of
25 the contract, including an itemization of the cost components.

26 **SECTION 1.(i) Cooperation.** – The Commission may call upon any
27 department, agency, institution, or officer of the State or any political subdivision
28 thereof for facilities, data, or other assistance.

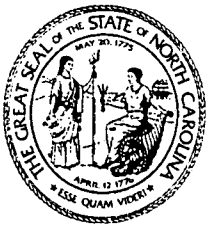
29 **SECTION 1.(j) Meetings During Legislative Session.** – The Commission
30 may meet during a regular or extra session of the General Assembly, subject to approval
31 of the Speaker of the House of Representatives and the President Pro Tempore of the
32 Senate.

33 **SECTION 1.(k) Meeting Location.** – The Commission shall meet at various
34 locations around the State in order to promote greater public participation in its
35 deliberations. The Legislative Services Commission shall grant adequate meeting space
36 to the Commission in the State Legislative Building or the Legislative Office Building.

37 **SECTION 1.(l) Report.** – The Commission shall make an interim report of
38 its findings and recommendations to the 2006 Regular Session of the 2005 General
39 Assembly and shall make a final report of its findings and recommendations to the 2007
40 General Assembly. Upon the filing of its final report, the Commission shall terminate.

41 **SECTION 1.(m) Appropriation.** – Of the funds appropriated to the General
42 Assembly, the Legislative Services Commission shall allocate sufficient funds for the
43 expenses of the Commission.

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



HOUSE BILL 89: Rail Service Study Commission

BILL ANALYSIS

Committee: House Ways and Means
Committee

Date: March 23, 2005

Version: First Edition

Introduced by: Representatives Pate and Rapp

Summary by: Tim Hovis
Committee Counsel

SUMMARY: House Bill 89 establishes the Joint Legislative Commission on Expanding Rail Service. The Commission would be composed of 16 members; 8 members of the House of Representatives appointed by the Speaker of the House of Representatives and 8 members of the Senate appointed by the President Pro Tempore of the Senate.

The Commission is charged with studying the following:

- The cost and benefits of expanding and upgrading rail service in the State, including the impact on economic development.
- The feasibility, cost and benefits of establishing commuter rail service to transport workers from outlying areas, including the effect commuter service would have on economic opportunities in outlying areas.
- The cost and benefits of expanding passenger rail service to the western and eastern areas of the State and the effect of this expansion on tourism.
- The preservation of unused rail corridors for future rail needs.
- Spurring economic development and tourism through the development of short-line railroads.

Staff to the Commission is to be provided by the Legislative Services Office. In addition, the Commission may hire consultants to assist with the study. However, before hiring a consultant, the Commission must report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products of the consultant, and the cost of the contract. The Commission may also call upon any department, agency, institution or officer of the State to provide information and assistance.

The Commission may meet during a regular or extra session of the General Assembly with the approval of the Speaker and the President Pro Tempore. Also, to promote greater public participation, the Commission is directed to meet at different locations around the State.

House Bill 89 directs the Commission to make an interim report to the 2006 Session of the 2005 General Assembly and a final report to the 2007 General Assembly. The Commission terminates upon the filing of its final report. Funds appropriated to the General Assembly are to be allocated by the Legislative Services Commission for the Commission's expenses.

EFFECTIVE DATE: House Bill 89 is effective when it becomes law.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Womble** (Chair) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for

H.B. 89 A BILL TO BE ENTITLED AN ACT TO CREATE THE JOINT LEGISLATIVE
COMMISSION ON EXPANDING RAIL SERVICE.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 272

Short Title: Sanitary District Set-Off Debt Collection. (Public)

Sponsors: Representatives L. Allen, Sherrill (Primary Sponsors); B. Allen and Wray.

Referred to: Ways and Means.

February 17, 2005

A BILL TO BE ENTITLED

AN ACT TO EXTEND TO SANITARY DISTRICTS THE SET-OFF DEBT
COLLECTION PROCEDURES CURRENTLY AVAILABLE TO COUNTIES
AND CITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105A-2(6) reads as rewritten:

"(6) Local agency. – Any of the following:

a. A county, to the extent it is not considered a State agency.

b. A municipality.

c. A water and sewer authority created under Article 1 of Chapter
162A of the General Statutes.

d. A sanitary district."

SECTION 2. This act becomes effective January 1, 2006, and applies to
income tax refunds determined on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 272
PROPOSED COMMITTEE SUBSTITUTE H272-CSRL-3 [v.3]

3/22/2005 5:56:04 PM

Short Title: Sanitary District Set-Off Debt Collection.

(Public)

Sponsors:

Referred to:

February 17, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND TO SANITARY DISTRICTS AND METROPOLITAN
3 SEWERAGE DISTRICTS THE SET-OFF DEBT COLLECTION PROCEDURES
4 CURRENTLY AVAILABLE TO COUNTIES AND CITIES.

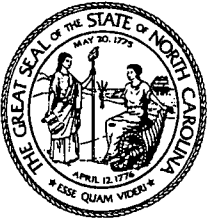
5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 105A-2(6) reads as rewritten:

7 "(6) Local agency. – Any of the following:

- 8 a. A county, to the extent it is not considered a State agency.
9 b. A municipality.
10 c. A water and sewer authority created under Article 1 of Chapter
11 162A of the General Statutes.
12 d. A regional joint agency created by interlocal agreement under
13 Article 20 of Chapter 160A of the General Statutes between two
14 or more counties, cities, or both.
15 e. A metropolitan sewerage district created under Article 5 of
16 Chapter 162A of the General Statutes.
17 f. A sanitary district created under Part 2 of Article 2 of Chapter
18 130A of the General Statutes."

19 **SECTION 2.** This act becomes effective January 1, 2006, and applies to
20 income tax refunds determined on or after that date.



HB 272: Sanitary District Set-Off Debt Collection

BILL ANALYSIS

Committee: House Ways and Means
Date: March 23, 2005
Version: PCS H2720-CSRL-3[v.3]

Introduced by: Reps. L. Allen and Sherrill
Summary by: Steven Rose
Committee Counsel

SUMMARY: *The proposed committee substitute for HB 272 allows sanitary districts and metropolitan sewerage districts to collect debts owed to them by obtaining a set-off against a debtor's North Carolina income tax refund. The act is effective January 1, 2006.*

BILL ANALYSIS: Chapter 105A provides a method whereby any State agency and certain other designated agencies may collect debts by obtaining a set-off against a person's North Carolina income tax refund. G.S. 105A-2(6) specifies which local agency debts are eligible. HB 272 adds two more to the eligible list. The additions are metropolitan sewerage districts under Article 5 of Chapter 162A and sanitary districts under Part 2 of Article 2 of Chapter 130A.

HB 272 is effective January 1, 2006 and applies to income tax refunds determined on or after that date.

H272-smrl-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Womble** (Chair) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for

H.B. 272 A BILL TO BE ENTITLED AN ACT TO EXTEND TO SANITARY DISTRICTS
THE SET-OFF DEBT COLLECTION PROCEDURES CURRENTLY AVAILABLE TO
COUNTIES AND CITIES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, ☒ which changes the title,
unfavorable as to the original bill, and recommendation that the committee substitute bill be
re-referred to the Committee on FINANCE.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTICE
2005-2006 SESSION**

You are hereby notified that the Committee on **Ways and Means** will meet as follows:

DAY & DATE: **March 23, 2005**

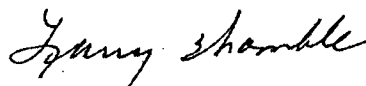
TIME: **12:00 p.m.**

LOCATION: **Room 424 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 89	Rail Service Study Commission	Rep. Pate Rep. Rapp Rep. Allen Rep. Sherrill
HB 272	Sanitary District Set-Off Debt	

Respectfully,



Representative Womble
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at 3:30 a.m., on March 17, 2005 .

☒ Principal Clerk
☒ Reading Clerk - House Chamber

Dorothy McLean (Committee Assistant)

WAYS AND MEANS COMMITTEE
MEETING MINUTES

April 20, 2005

Chairman Larry Womble, Presiding

The House Ways and Means Committee met on Wednesday April 20, 2005 at 12 Noon in Room 424 of the Legislative Office Building.

MEMBERS PRESENT: Chairman Larry Womble; Vice Chairs: Cary Allred and Susan Fisher; Representatives Dollar, Jeffus, and Saunders. Chair, Staff Members present: Tom Hovis and Steve Rose.

Chairman Womble called the meeting to order and welcomed everyone to the meeting. The House Pages and Sergeants-at-Arms were recognized and thanked for their assistance. The Chair recognized his Legislative Assistant, Dorothy Mclean.

The Committee heard the following bills: Senate Bill 421 and House Bill 810.

SENATE BILL 421 - EXEMPT REACT/CHARITABLE SOLICITATIONS. AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE SOLICITATION OF CONTRIBUTIONS.

Senator Jacumin was recognized to explain the bill. Representative Church was also acknowledged for a companion bill. Senator Jacumin explained "REACT" – which is Radio Emergency Association Communications Team. REACT is developed in 47 states and directs traffics at accidents, fires and other emergencies as well as helping community events, football games and rest stops. This bill will enable this volunteer group to solicit funds from their operations with United Way and others which are similar to volunteer rescue squads, volunteer fire departments and many other groups. The bill also seeks to accomplish REACT to solicit help for other funds.

Representative Church was recognized and commented that this bill passed the Senate 50 – 0.

PAGE 2

WAYS AND MEANS COMMITTEE

Representative Saunders was recognized for the motion. The Committee voted a FAVORABLE report and referred the bill to the Judiciary II committee.

HOUSE BILL 810 - AMEND CERTAIN LAND SURVEYOR LICENSURE REQUIREMENTS. AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

Representatives Gillespie and Gibson, the bill sponsors were asked to explain the bill. Representative Gillespie stated the bill will strengthen education and experience requirements in order to become a land surveyor. He also explained that the field has become a highly technological field, which requires a more advanced level of education. The bill will increase the experience and education that is currently required and will also be an incentive to anyone wants to get a four-year degree. Currently, only 28% of high school graduates pass the land surveyor exam and 38% of two-year college graduates pass the exam. Nationwide, 80% of four-year college graduates pass the exam.

Andrew Ritter, Executive Director of the North Carolina Board of Examiners for Engineers and Surveyors, explained there are more than 60 complaints per year against surveyors for non-compliance. Although they have passed the exam, they learn the rest in the field which is where many of the mistakes are being made. Melissa Beard, Executive Director of the Society of Surveyors was recognized and added that their board supports this bill.

Representative Dollar was recognized for the motion. The Committee voted a FAVORABLE report.

HOUSE BILL 819 - REGIONAL COUNCILS OF GOVERNMENT. AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

PAGE 3

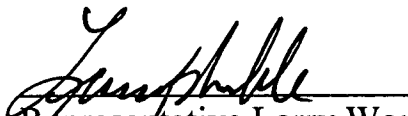
WAYS AND MEANS COMMITTEE

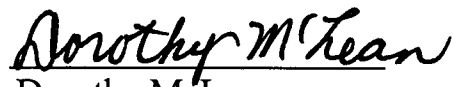
Representative Saunders was asked to explain the bill and noted there was a proposed committee substitute. The Committee voted to hear the proposed committee substitute. Representative Saunders stated the bill was brought by the request of the Council of Government and sponsors including himself along with Representatives Phillip Frye and R. Tracy Walker. The proposed committee substitute made some technical corrections. Representative Dollar was recognized for a question and asked for clarification of program needs. Steve Rose of the Legal Staff stated that program needs is the specific programs that the council government has authorized by the member governments. Bill McNeal, North Carolina Association of Regional Council Directors and staff serve the member local governments. Mr. McNeal also stated the regional councils take on a number of programs at the request of their member local government. All regional councils have senior citizen programs; they have staff that serve senior citizens in their regions and many of them are also involved in economic development activity.

Vice Chair Fisher made the motion for the bill. The Committee voted a FAVORABLE report to the proposed committee substitute and UNFAVORABLE to the original bill.

The Chair adjourned the meeting.

Respectfully submitted,


Representative Larry Womble
Committee Chairman


Dorothy McLean
Committee Assistant

Attachments:

Agenda

Visitor Registration Sheet

SB 421

HB 810, HB 819

Committee Notice

UPDATED NOTICE CORRECTIONS

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND AGENDA

2005-2006 SESSION

You are hereby notified that the Committee on **Ways and Means** will meet as follows:

DAY & DATE: April 20, 2005

TIME: 12:00 p.m.

LOCATION: Room 424 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

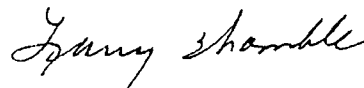
~~HB 652~~ ~~Exempt REACT/Charitable Solicitations~~ ~~Reps. Church, Gillespie,~~

SB.421 Exempt REACT/Charitable Solicitations Sen. Jacumin

HB 810 Amend Certain Land Surveyor Licensure Reqs. Reps. Gillespie, Gibson, Vinson

HB 819 Regional Councils of Government Reps. Saunders, Frye, Walker

Respectfully,



Representative Womble
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at 3:30 P.M., on Wednesday April 14, 2005 .

☒ Principal Clerk
☒ Reading Clerk - House Chamber

VISITOR REGISTRATION SHEET



HOUSE WAYS and MEANS

April 20, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mark Butler

News+Record

Lee Hodge

KCLH

Charles Walker

BWSOT

Leanne Winnie

NCSBA

Lee Mandell

NCLM

Jim Blackburn

NC Association of
County Commissioners

Skip Alston

NC NAACP

Andy Romanet

NCLM

Paul Meyer

NCACC

John McHugh

Gov Office

Shawn Buckley

Gov office

Donald Hughes

CCD

LAVONIA E. ALLISON

DCABP

VISITOR REGISTRATION SHEET

HOUSE WAYS and MEANS

April 20, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Andrew R. Hies

NC Board of Examiners for Engineers & Surveyors

Melissa Beard

NC Society of Surveyors

Paul Meyer

NCA CC

Bill McNeil

NC Regional Council Director

Jim Jacobson

SENATE MBR.

Rep. Tracy Walker

House Member

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 421

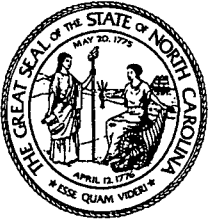
Short Title: Exempt REACT/Charitable Solicitations. (Public)

Sponsors: Senators Jacumin; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Dalton, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Horton, Hoyle, Hunt, Pittenger, Presnell, Shaw, Smith, Snow, Soles, Stevens, Swindell, Thomas, Tillman, and Weinstein.

Referred to: Judiciary II.

March 9, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT RADIO EMERGENCY ASSOCIATED
3 COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE
4 SOLICITATION OF CONTRIBUTIONS.
5 The General Assembly of North Carolina enacts:
6 SECTION 1. G.S. 131F-3(10) reads as rewritten:
7 "(10) A volunteer fire department, REACT (Radio Emergency Associated
8 Communications Teams), rescue squad, or emergency medical
9 service."
10 SECTION 2. This act becomes effective October 1, 2005.



SB 421: Exempt React/Charitable Solicitations

BILL ANALYSIS

Committee: House Ways and Means
Date: April 20, 2005
Version: 1st Edition

Introduced by: Sen. Jacumin
Summary by: Steven Rose
Committee Counsel

SUMMARY: *Senate Bill 421 would exempt Radio Emergency Associated Communications Teams (REACT) from having to register with the Secretary of State in order to solicit donations, or have a third party solicit donations their behalf.*

The act would become effective October 1, 2005.

CURRENT LAW: Chapter 131F governs the solicitation of contributions by or on behalf of charitable organizations in North Carolina. A charitable organization is any person who has or holds out as having a 501(c)(3) tax exempt status determination by the IRS and that operates for a charitable purpose, or a person who holds himself out or employs a charitable or civic appeal as the basis of a solicitation, or that employs an appeal that suggests there is a charitable or civic purpose for the appeal. A charitable organization includes a chapter, branch, or area office for a charitable organization with a principle office outside North Carolina.

Under G.S. 131F-3, Chapter 131F does not apply to:

- any person who solicits contributions for a religious institution;
- the solicitation of charitable contributions by the federal, State or local government;
- any person who receives less than \$25,000 in contributions in any calendar year and does not provide compensation to any officer or solicitor;
- most colleges or schools;
- hospitals licensed under Chapters 131E or 122C of the General Statutes;
- noncommercial radio or television stations;
- a bona fide volunteer or bona fide employee or salaried officer of a charitable organization or sponsor;
- an attorney, investment counselor, or banker who advises a person to make a charitable contribution;
- a volunteer fire department, rescue squad, or emergency medical service;
- the YMCA or YWCA;
- a nonprofit continuing care facility; or
- tax exempt nonprofit fire or emergency medical service organizations involved in the sale of goods or services that does not ask for a donation.

Unless exempted from the Chapter, charitable organizations and their agents who intend to solicit funds or to have funds solicited on their behalf in North Carolina must first obtain a license from the Secretary of State. At least 5 days prior to beginning a solicitation campaign, a solicitor must file with the Secretary a

notice that describes the solicitation event or campaign, each location and phone number from which the solicitation is to be conducted, the legal name of each person responsible for supervising the campaign, the account number where donations will be deposited, a description of the charitable program for which the solicitation campaign is being carried-out, the fund-raising methods to be used, and a copy of the contract between the solicitor and the charitable organization. Within 90 days after the campaign has ended, the solicitor must file with the Secretary a report that includes the gross revenue received and an itemization of all expenses incurred.

Federal law requires that tax-exempt organizations that have annual gross receipts normally in excess of \$25,000 must file an annual information return (Form 990 or 990-EZ). A tax-exempt organization is required to provide copies of its three most recent information returns (i.e., Form 990 series), its exemption letter, and its approved application with supporting documentation, without charge (other than a reasonable fee for copying costs and actual mailing costs), to persons requesting copies, unless it has made these forms widely available by publishing them on the Internet in accordance with the regulations.

BILL ANALYSIS: The bill would add REACT (Radio Emergency Associated Communications Teams) to the list of organizations that are exempt from the requirements of Chapter 131F.

BACKGROUND: REACT International, Inc. is a nonprofit corporation headquartered in Maryland and registered in Illinois. It is recognized by the IRS as a charity that is eligible to receive tax deductible donations, as are its subordinate units.

According to the REACT International web site (www.reactintl.org), the idea for using Citizen's Band (CB) radio in an organized way for emergency communications originated in Chicago during a snowstorm when CB radio was used to assist a family stuck on a freeway with a very sick child. In 1962, the first Radio Emergency Associated Communication Team was organized to use volunteers to monitor CB radio for emergency transmissions. In the early 1970's the Federal Communications Commission adopted channel 9 as the CB emergency channel, in part due to the efforts of REACT organizations. Over the years, the mission of REACT International has expanded and is currently stated as follows

We will provide public service communications to individuals, organizations, and government agencies to save lives, prevent injuries, and give assistance wherever and whenever needed. We will strive to establish a monitoring network of trained volunteer citizen-based communicators using any and all available means to deliver the message.

REACT International is organized into regions that oversee REACT teams and REACT council operations. There are REACT teams in 47 states, the District of Columbia and several foreign countries. North Carolina has 11 REACT teams.¹

No REACT Teams are currently registered with the Secretary of State under Chapter 131F.

G.S. 20-84(b)(7) allows the Division of Motor Vehicles to issue permanent license plates for a motor

¹ Burke County REACT, Inc., Durham County REACT 2457, Vance County REACT, Inc., Onslow County REACT, REACT of Madison County, McDowell County REACT Team, Rutherford County REACT, REACT of Cleveland County, Johnston County REACT, Inc., Tri County REACT, Inc. Forsyth County REACT.

vehicle owned by an incorporated REACT Team. G.S. 20-130.2 allows REACT vehicles to use an amber-colored flashing warning light on a vehicle.

S421-SMRL-001

Kory Goldsmith, Counsel to the Senate Judiciary II Committee, substantially contributed to this summary.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Womble (Chair) for the Committee on WAYS AND MEANS.

☐ Committee Substitute for

SB 421 A BILL TO BE ENTITLED AN ACT TO EXEMPT RADIO EMERGENCY
ASSOCIATED COMMUNICATIONS TEAMS FROM THE LAW GOVERNING THE
SOLICITATION OF CONTRIBUTIONS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
JUDICIARY II.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 810

Short Title: Amend Certain Land Surveyor Licensure Reqs.

(Public)

Sponsors: Representatives Gillespie, Gibson (Primary Sponsors); and Vinson.

Referred to: Ways and Means.

March 21, 2005

A BILL TO BE ENTITLED
AN ACT AMENDING CERTAIN LICENSURE AND CERTIFICATION
REQUIREMENTS UNDER THE NORTH CAROLINA ENGINEERING AND
LAND SURVEYING ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 89C-13(b) reads as rewritten:

"(b) Land Surveyor Applicant. – To be eligible for admission to examination for land surveyor intern or professional land surveyor, an applicant must be of good character and reputation and shall submit five references with the application for licensure as a land surveyor, two of which references shall be professional land surveyors having personal knowledge of the applicant's land surveying experience, or in the case of an application for certification as a land surveyor intern by three references, one of which shall be a licensed land surveyor having personal knowledge of the applicant's land surveying experience.

The evaluation of a land surveyor applicant's qualifications shall involve a consideration of the applicant's education, technical and land surveying experience, exhibits of land surveying projects with which the applicant has been associated, and recommendations by references. The land surveyor applicant's qualifications may be reviewed at an interview if the Board determines it necessary. Educational credit for institute courses, correspondence courses, or other courses shall be determined by the Board.

The following shall be considered a minimum evidence satisfactory to the Board that the applicant is qualified for licensure as a professional land surveyor or for certification as a land surveyor intern respectively:

(1) As a professional land surveyor (shall meet one):

- a. Rightful possession of a bachelor of science degree in surveying or other equivalent curricula, all approved by the Board and a record satisfactory to the Board of two years or more of progressive practical experience, one year of which shall have

1 been under a practicing professional land surveyor if the
2 applicant has successfully passed the first examination
3 (Fundamentals of Surveying) on or before January 1, 2013, or if
4 the applicant has not successfully passed the first examination
5 on or before January 1, 2013, two years of which shall have
6 been under a practicing professional land surveyor, and
7 satisfactorily passing any oral and written examination required
8 by the Board, all of which shall determine and indicate that the
9 applicant is competent to practice land surveying. ~~The applicant~~
10 ~~may be qualified by the Board to take the first examination~~
11 ~~(Surveying Fundamentals) immediately after obtaining the~~
12 ~~bachelor of science degree at the first regularly scheduled~~
13 ~~examination thereafter.~~ Upon passing the first examination and
14 successful completion of the experience required by this
15 subdivision, the applicant may apply to take the second
16 examination (Principles and Practice of Land Surveying). An
17 applicant who passes both examinations and completes the
18 educational and experience requirements of this subdivision
19 shall be granted licensure as a professional land surveyor.

- 20 b. Rightful possession of an associate degree in surveying
21 technology approved by the Board and a record satisfactory to
22 the Board of four years of progressive practical experience,
23 three years of which shall have been under a practicing licensed
24 land surveyor, ~~surveyor~~ if the applicant has successfully passed
25 the first examination (Fundamentals of Surveying) on or before
26 January 1, 2013, or if the applicant has not successfully passed
27 the first examination on or before January 1, 2013, eight years
28 of progressive practical experience, four years of which shall
29 have been under a practicing professional land surveyor, and
30 satisfactorily passing any written and oral examination required
31 by the Board, all of which shall determine and indicate that the
32 applicant is competent to practice land surveying. ~~The~~ If the
33 applicant has not successfully completed the first examination
34 on or before January 1, 2013, the applicant may apply to the
35 Board to take the first examination (Surveying Fundamentals)
36 ~~immediately~~ after obtaining the associate degree and
37 completing four years of practical experience, two years of
38 which shall have been under a practicing professional land
39 surveyor at the first regularly scheduled examination thereafter.
40 Upon passing the first examination and successfully completing
41 the practical experience required under this subdivision, the
42 applicant may apply to the Board to take the second
43 examination (Principles and Practice of Land Surveying). An
44 applicant who passes both examinations and successfully

1 completes the educational and experience requirements of this
2 subdivision shall be granted licensure as a professional land
3 surveyor.

4 c. Repealed by Session Laws 1998-118, s. 11.

5 d. Graduation from a high school or the completion of a high
6 school equivalency certificate and a record satisfactory to the
7 Board of seven years of progressive practical experience, six
8 years of which shall have been under a practicing licensed land
9 ~~surveyor, surveyor~~ if the applicant has successfully passed the
10 first examination (Fundamentals of Surveying) on or before
11 January 1, 2013, or if the applicant has not successfully passed
12 the first examination on or before January 1, 2013, 16 years of
13 progressive practical experience, nine years of which shall have
14 been under a practicing professional land surveyor, and
15 satisfactorily passing any oral and written examinations
16 required by the Board, all of which shall determine and indicate
17 that the candidate is competent to practice land surveying. The
18 If the applicant has not successfully passed the first examination
19 on or before January 1, 2013, the applicant may be qualified by
20 the Board to take the first examination (Surveying
21 Fundamentals) upon graduation from high school or the
22 completion of a high school equivalency certificate and
23 successfully completing five-10 years of progressive practice
24 experience, four-six of which shall have been under a practicing
25 licensed land surveyor.

26 e. Repealed by Session Laws 1985 (Regular Session, 1986), c.
27 977, s. 7.

28 f. Licensure by Comity or Endorsement. – A person holding a
29 certificate of licensure to engage in the practice of land
30 surveying issued on comparable qualifications from a state,
31 territory, or possession of the United States will be given
32 comity considerations. However, the applicant may be asked to
33 take any examinations as the Board requires to determine the
34 applicant's qualifications, but in any event, the applicant shall
35 be required to pass an examination which shall include
36 questions on laws, procedures, and practices pertaining to the
37 practice of land surveying in North Carolina.

38 g. A licensed professional engineer who can satisfactorily
39 demonstrate to the Board that the professional engineer's formal
40 academic training in acquiring a degree and field experience in
41 engineering includes land surveying, to the extent necessary to
42 reasonably qualify the applicant in the practice of land
43 surveying, may apply for and may be granted permission to take
44 the principles and practice of land surveying examination and

the fundamentals of land surveying examination. Upon satisfactorily passing the examinations, the applicant shall be granted a license to practice land surveying in the State of North Carolina.

h. Professional Engineers in Land Surveying. – Any person presently licensed to practice professional engineering under this Chapter shall upon application be licensed to practice land surveying, providing a written application is filed with the Board within one year next after June 19, 1975.

i. Photogrammetrists. – Any person presently practicing photogrammetry with at least seven years of experience in the profession, two or more of which shall have been in responsible charge of photogrammetric mapping projects meeting National Map Accuracy Standards shall, upon application, be licensed to practice land surveying, provided:

1. The applicant submit certified proof of graduation from high school, high school equivalency, or higher degree;
2. The applicant submit proof of employment in responsible charge as a photogrammetrist practicing within the State of North Carolina to include itemized reports detailing methods, procedures, amount of applicant's personal involvement and the name, address, and telephone numbers of the client for five projects completed by the applicant with the State. A final map for one of the five projects shall also be submitted;
3. Five references to the applicant's character and quality of work, three of which shall be from professional land surveyors, are submitted to the Board; and
4. The application is submitted to the Board by July 1, 1999. After July 1, 1999, no photogrammetrist shall be licensed without meeting the same requirements as to education, length of experience, and testing required of all land surveying applicants.

The Board shall require an applicant to submit exhibits, drawings, plats or other tangible evidence of land surveying work executed by the applicant under proper supervision and which the applicant has personally accomplished or supervised.

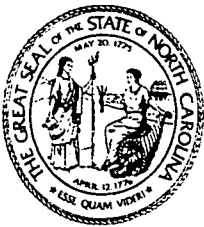
Land surveying encompasses a number of disciplines including geodetic surveying, hydrographic surveying, cadastral surveying, engineering surveying, route surveying, photogrammetric (aerial) surveying, and topographic surveying. A professional land surveyor shall practice only within the surveyor's area of expertise.

(2) As a land surveyor intern (shall meet one):

- 1 a. Rightful possession of an associate degree in surveying
2 technology approved by the ~~Board~~ Board, a record satisfactory
3 to the Board of four years of progressive practical experience,
4 two years of which shall have been under a practicing
5 professional land surveyor, and satisfactorily passing a written
6 and oral examination as required by the Board.
7 b. ~~Rightful possession of a bachelors degree in surveying or other~~
8 ~~equivalent curricula in surveying all approved by the Board and~~
9 ~~satisfactorily passing any oral and written examinations~~
10 ~~required by the Board.~~
11 c. Graduation from high school or the completion of a high school
12 equivalency certificate and a record satisfactory to the Board of
13 ~~five~~ 10 years of progressive, practical experience, ~~four~~ six years
14 of which shall have been under a practicing licensed land
15 surveyor and satisfactorily passing any oral and written
16 examinations required by the Board.
17 d. Graduation and examination. – A graduate of a surveying
18 curriculum or other equivalent curriculum in surveying
19 approved by the Board or a student who has attained senior
20 status in an accredited surveying program of four years or more
21 shall be admitted to the fundamentals of surveying examination.
22 The applicant shall be notified if the examination was passed or
23 not passed, and if passed the applicant shall be certified as a
24 surveying intern if the applicant is otherwise qualified.

25 The Board shall require an applicant to submit exhibits, drawings, plats, or other
26 tangible evidence of land surveying work executed by the applicant under proper
27 supervision and which the applicant has personally accomplished or supervised."

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



HOUSE BILL 810:

Amend Certain Land Surveyor Licensure Reqs.

BILL ANALYSIS

Committee:	House Ways and Means Committee	Introduced by:	Representatives Gillespie and Gibson
Date:	April 19, 2005	Summary by:	Tim Hovis
Version:	First Edition		Committee Counsel

SUMMARY: House Bill 810 would make changes to the educational requirements imposed by the North Carolina State Board of Examiners for Engineers and Surveyors for licensed land surveyors and land surveyor interns in the State. The bill makes changes based on an applicant's educational status as discussed below.

Bachelor of Science Degree

Current law requires individuals with a bachelor of science degree in surveying to have two years of practical experience, one of which must be under a practicing professional land surveyor. The bill would require that, if the applicant has not passed the "Fundamentals of Surveying" examination on or before January 1, 2013, the applicant must have two years of practical experience under a practicing professional land surveyor.

Associates Degree

Under current law, for those applicants with an associate degree in surveying technology, an applicant is required to have four years of practical experience. The bill would provide, however, that if the applicant has not successfully passed the examination on or before January 1, 2013, the applicant must have eight years of practical experience, four of which must have been under a practicing professional land surveyor.

After January 1, 2013, an applicant with an associate's degree may apply to take the examination after completing four years of practical experience, two of which must have been under a practicing professional land surveyor.

High School or High School Equivalency Degree

Current law provides that applicants with a high school or high school equivalency certificate must have seven years of progressive practical experience, with six of those years being under a licensed land surveyor. The bill would require that if the applicant has not passed the examination on or before January 1, 2013, the applicant must have 16 years of progressive practical experience, nine of which must be under a practicing professional land surveyor.

After January 1, 2013, an applicant may take the examination after successfully completing ten years of progressive practice experience, six of which must be under a practicing licensed land surveyor.

Land Surveyor Intern

The bill also changes the requirements for certification as a land surveyor intern. Specifically, the bill requires that, before certification as a land surveyor intern, applicants with an associate degree in surveying technology must have four years of progressive practical experience, two of which must have been under a practicing professional land surveyor.

Applicants with a high school or high school equivalency certificate must have 10 years (currently five) of practical experience, six (currently four) of which must have been under a practicing licensed land surveyor.

EFFECTIVE DATE: House Bill 810 is effective when it becomes law

THE NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING

**FUNDAMENTALS OF LAND SURVEYING
(FLS)
EXAMINATION**

EFFECTIVE October 1999

<u>Subject</u>	<u>Approximate Percentage Of The Examination</u>
Algebra and Trigonometry	6
Higher Math	4
Probability and Statistics	4
Basic Sciences	3
Geodesy and Survey Astronomy	4
Computer Operations and Programming	5
Written and Verbal Communication	6
Cadastral Law and Administration	6
Boundary Law	7
Business Law, Management, Economics, and Finance	4
Surveying and Mapping History	4
Field Data Acquisition and Reduction	6
Photo/Image Data Acquisition and Reduction	3
Graphical Communication, Mapping	5
Plane Survey Calculation	7
Geodetic Survey Calculation	5
Measurement Analysis and Data Adjustment	6
Geographic Information System Concepts	4
Land Development Principles	5
Survey Planning, Processes, and Procedures	6
TOTAL	100%

Note: There are a total of 170 questions on the examination.

THE NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING

Principles And Practice Of Land Surveying (PLS) Examination

EFFECTIVE October 1999

Subject

Approximate
Percentage Of
The Examination

PROJECT MANAGEMENT

12%

- Evaluate project elements to define scope of work
- Select appropriate vertical and/or horizontal datum and basis of bearings.
- Determine levels of precision and order of accuracy.
- Prepare and negotiate proposals and/or contracts.
- Consult and coordinate with allied professionals and/or regulatory agencies.
- Consult with and advise clients and/or their agents.
- Facilitate regulatory review and approval of project documents and maps.
- Determine and secure entry rights.

RESEARCH

7%

- Research and evaluate evidence from private record sources.
- Research and evaluate evidence from public record sources.
- Research and evaluate court records and case law.
- Gather parol evidence.

MEASUREMENTS/LOCATIONS

32%

- Recover horizontal/vertical control.
- Identify pertinent physical features, landmarks, and existing monumentation.
- Calibrate instruments.
- Perform geodetic surveys using conventional methods.
- Perform geodetic and/or plane surveys using GPS methods.
- Perform plane surveys using conventional methods.
- Perform astronomic measurements.
- Perform record or as-built surveys.
- Perform ALTA/ACSM surveys.
- Perform hydrographic surveys.
- Perform trigonometric leveling.
- Perform differential leveling.
- Perform photogrammetric control surveys.
- Perform field verifications of photogrammetric maps.
- Produce survey data using photogrammetric methods.
- Utilize survey data produced from photogrammetric methods.
- Perform boundary surveys.
- Perform route and right-of-way surveys.
- Perform topographic surveys.
- Perform flood plain surveys.
- Perform construction surveys.
- Perform condominium surveys.

Subject

Approximate
Percentage Of
The Examination

COMPUTATIONS/ANALYSIS

17%

- Compute survey data.
- Analyze and adjust survey data.
- Evaluate parcel evidence.
- Reconcile survey and record data.
- Compute areas and volumes.
- Convert survey data to an appropriate datum.
- Prepare worksheets for analysis of surveys.
- Utilize computer-aided drafting systems.

LEGAL PRINCIPLES/RECONCILIATION

16%

- Identify and evaluate field evidence for possession, boundary line discrepancies, and potential adverse possession claims.
- Identify riparian and/or littoral boundaries.
- Apply Public Land and other Survey System principles.
- Evaluate the priority of conflicting title elements.
- Determine locations of boundary lines and encumbrances.
- Advise clients regarding boundary uncertainties.
- Testify as an expert witness.
- Review documents with clients and/or attorneys.

LAND PLANNING & DESIGN

3%

- Determine subdivision development requirements and constraints.
- Determine and prepare lot and street patterns for land division.
- Design horizontal and vertical alignment for roads within a subdivision.

DOCUMENTATION/LAND INFORMATION SYSTEMS

13%

- Perpetuate and/or establish monuments and their records.
- Prepare sketches and/or preliminary plats.
- Document potential possession claims.
- Prepare and file record of survey.
- Prepare survey maps, plats, and reports.
- Prepare land descriptions.
- Develop and/or provide data for LIS/GIS.

TOTAL

100%

Note: There are a total of 100 questions on the examination.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Womble (Chair) for the Committee on WAYS AND MEANS.

☐ Committee Substitute for

HB 810 A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN LICENSURE
AND CERTIFICATION REQUIREMENTS UNDER THE NORTH CAROLINA
ENGINEERING AND LAND SURVEYING ACT.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 819

Short Title: Regional Councils of Government.

(Public)

Sponsors: Representatives Saunders, Frye, and Walker (Primary Sponsors).

Referred to: Ways and Means.

March 21, 2005

A BILL TO BE ENTITLED

AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE
REAL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-475 is amended by adding the following new
subsection to read:

"§ 160A-475. Specific powers of council.

The charter may confer on the regional council any of the following powers:

...

(7a) To acquire real property by purchase, gift, or otherwise, and to
improve the property to meet the regional council's office space and
program responsibility needs."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 819
PROPOSED COMMITTEE SUBSTITUTE H819-CSRL-9 [v.1]

3/30/2005 1:14:18 PM

Short Title: Regional Councils of Government.

(Public)

Sponsors:

Referred to:

March 21, 2005

A BILL TO BE ENTITLED
AN ACT ALLOWING REGIONAL COUNCILS OF GOVERNMENT TO ACQUIRE
REAL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-475 reads as rewritten:

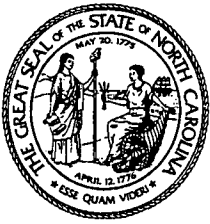
"§ 160A-475. Specific powers of council.

The charter may confer on the regional council any of the following powers:

- (1) To apply for, accept, receive, and dispense funds and grants made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local government (whether or not a member of the council), and any private or civic ~~agency~~; agency.
- (2) To employ ~~personnel~~; personnel.
- (3) To contract with ~~consultants~~; consultants.
- (4) To contract with the State of North Carolina, any other state, the United States of America, or any agency thereof, for ~~services~~; services.
- (5) To study regional governmental problems, including matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning, and regional ~~development~~; development.
- (6) To promote cooperative arrangements and coordinated action among its member ~~governments~~; governments.
- (7) To make recommendations for review and action to its member governments and other public agencies which perform functions within the region in which its member governments are ~~located~~; located.
- (7a) For the purpose of meeting the regional council's office space and program needs, to acquire real property by purchase, gift, or otherwise, and to improve that property.

1 (8) Any other powers that are exercised or capable of exercise by its
2 member governments and desirable for dealing with problems of
3 mutual concern to the extent such powers are specifically delegated to
4 it from time to time by resolution of the governing board of each of its
5 member governments which are affected thereby, provided, that no
6 regional council of governments shall have the authority to construct
7 or purchase buildings, or acquire title to real property, except for the
8 purposes permitted under subdivision (7a) of this section or in order to
9 exercise the authority granted by Chapter 260 of the Session Laws of
10 1979."

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



HB 819: Regional Councils of Government

BILL ANALYSIS

Committee: House Ways and Means
Date: April 20, 2005
Version: PCS H819-CSRL-9

Introduced by: Reps. Saunders, Frye, and Walker
Summary by: Steven Rose
Committee Counsel

SUMMARY: *HB 819 authorizes Regional Councils of Government to acquire and improve real property to meet office and program needs.*

BILL ANALYSIS: G.S. 160A-475 specifies the powers that may be conferred on a regional council of government by the local governments that establish it. Construction or purchase of buildings and acquisition of real property is specifically prohibited. HB 819 would permit the granting of the power to acquire real property and to improve it for the purpose of meeting office space and program needs.

The act is effective when it becomes law.

The Senate companion committee substitute (SB 773) passed second reading in the Senate on April 18, 2005. It was re-referred to Senate Finance on April 19, 2005.

H819-SMRL-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Womble (Chair) for the Committee on WAYS AND MEANS.

☐ Committee Substitute for

HB 819 A BILL TO BE ENTITLED AN ACT ALLOWING REGIONAL COUNCILS
OF GOVERNMENT TO ACQUIRE REAL PROPERTY.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed
on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

Dorothy McLean (Rep. Womble)

From: Dorothy McLean (Rep. Womble)
Sent: Tuesday, April 19, 2005 11:09 AM
To: Rep. Mitch Gillespie; Rep. Bonner Stiller; Rep. Pryor Gibson; Rep. Doug Vinson; Rep. Drew Saunders; Rep. Phillip D. Frye; Rep. Tracy Walker; Rep. Larry Womble; Sen. Jim Jacumin
Cc: Dorothy McLean (Rep. Womble)
Subject: Ways and Means Committee Notice for Wednesday, April 20, 2005 at 12:00 Noon UPDATE
NOTICE HB 819 ADDED

UPDATED NOTICE CORRECTIONS

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

2005-2006 SESSION

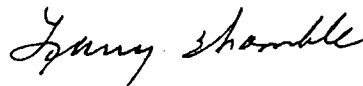
You are hereby notified that the Committee on **Ways and Means** will meet as follows:

DAY & DATE: April 20, 2005
TIME: 12:00 p.m.
LOCATION: Room 424 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 652	Exempt REACT/Charitable Solicitations	Reps. Church, Gillespie,
SB.421	Exempt REACT/Charitable Solicitations	Sen. Jacumin
HB 810	Amend Certain Land Surveyor Licensure Reqs.	Reps. Gillespie, Gibson, Vinson
HB 819	Regional Councils of Government	Reps. Saunders, Frye, Walker

Respectfully,



Representative Womble
Chairman

WAYS AND MEANS COMMITTEE MEETING MINUTES

May 4, 2005

Chairman Larry Womble, Presiding

The House Ways and Means Committee met on Wednesday May 4, 2005 at 12 Noon in Room 424 of the Legislative Office Building.

MEMBERS PRESENT: Chairman Larry Womble; Vice Chairs: Cary Allred and Susan Fisher; Representatives Dollar, Jeffus, and Saunders. Staff Members present: Tom Hovis and Steve Rose.

Chairman Womble called the meeting to order and welcomed everyone to the meeting. The House Pages and Sergeants-at-Arms: Earl Coker and Jim Womack were recognized and thanked for their assistance.

The following bills were heard in committee: House Bill 1202, House Bill 1332 and House Bill 635.

HOUSE BILL 1202 - REGIONAL TRANSPORTATION MPO REPRESENTATION. AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES.

The Chair recognized Representative Bordsen to explain the bill. Representative Borden stated there was a technical correction to the bill. Representative Bordsen stated the bill was at the request of the executive director of the Piedmont authority for regional transportation. The Metropolitan Planning Organization (MPO) would like to be able to designate an alternate to the board in manner that is consistent with other alternates that are sent. If the appointed person is not able to go that meeting, they would like for their MPO to be able to designate who among their group will sit on the board of trustees.

Representative Dollar was recognized for comments.

PAGE 2
WAYS AND MEANS COMMITTEE

Vice Chair Fisher was recognized for the motion. The Committee voted a FAVORABLE report.

HOUSE BILL 1332 - ELECTRONIC PURCHASES AND SALES. AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES.

Representative Saunders was recognized to explain the bill. Representative Saunders stated the bill comes at the request of the League of Municipalities. Representative Dollar was recognized for a question. Representative Saunders asked the Legal Staff to further explain the bill.

Leanne Witter of the North Carolina School Board Association was recognized and explained that they support the bill and appreciate Representative Saunders introducing the bill. Cole Mayer of the North Carolina Association of County Commissioners was also recognized as supporting the bill.

Representative Dollar made the motion for the bill. The committee voted a FAVORABLE report to the original bill and report directly to the floor.

HOUSE BILL 635 - PUBLIC COMMENT AT LOCAL BOARD MEETINGS. AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD.

Representative Earl Jones was recognized to explain the bill. Representative Jones stated the bill had a proposed committee substitute. Representative Dollar made the motion for the proposed committee substitute to be heard. The committee voted FAVORABLE to the proposed committee substitute. Representative Jones stated the bill came from several organizations throughout the state, particularly the NAACP and a couple of grassroots organizations in Durham and Greensboro. This bill amends the public meetings law to allow at least one public comment period per month at a regular meeting of the local school board of education, county of

PAGE 3

WAYS AND MEAN COMMITTEE

commissioner and city governing boards. This legislation came as a result of complaints from citizens throughout the state about not being able to make public comments. Representative Jones met with various groups such as local grass roots in Durham, the NAACP and the municipal association. They agreed to support this legislation and feel it will accommodate what they hope will happen which is the citizens that elect people as their representative to the school board or county commissioners or city council will have the right to speak to their elected official. It would affect all the cities and school boards across the state.

Representative Saunders was recognized for a comment and stated he did not realize this was an option and that he thought they board was required to do allow citizens to speak.

Representative Jones stated that this was part of the compromise in the proposed committee substitute and that the North Carolina Board of County Commissioners believes in local control and the requirement is that they provide a period of time for public comments at least once a month and then the local officials can control the time of the allowed period. It would make a requirement and resolve the situation in the cities and counties where people are not allowed to public comment. They must provide time for citizens to speak to them about items not on the agenda at least once a month.

Vice Chair Fisher asked for bill motion recognition at the appropriate time.

Melvin Skip Alston, President of the North Carolina NAACP branches. Mr. Alston stated he supports the bill and that it would allow the public comment period to be granted at every city council, county commissioners and school board meetings at least once a month and whatever the citizens want to say on behalf of the community, they should have the right and opportunity. The bill comes to as a result of some of the elected officials in Durham, Dunn and other cities that refused to allow citizens to speak to them during their meetings.

PAGE
WAYS AND MEANS COMMITTEE

4

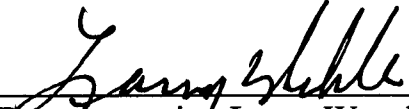
Cynthia Brown, former member of Durham City Council, supports the legislation and added it would not be a financial burden on the individual bodies, which is a non-partisan issue.


Mrs. Wagstaff, Donald Hughes, Mrs. Allison, Mr. Gateway, T. Williams, The Association of County Commissioners and the School Board all spoke in support of the bill.

Vice Chair Fisher was recognized for the motion. The Committee voted a FAVORABLE report to the proposed committee substitute and UNFAVORABLE to the original bill.

The Chair adjourned the meeting.

Respectfully submitted,


Representative Larry Womble
Committee Chairman


Dorothy McLean
Committee Assistant

Attachments:

Agenda
Visitor Registration Sheet
HB 1202
HB 1332
HB 635
Committee Notice

UPDATED NOTICE CORRECTIONS
2nd CORRECTION HB 1332 ADDED
NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
AGENDA

2005-2006 SESSION

You are hereby notified that the Committee on **Ways and Means** will meet as follows:

DAY & DATE: May 4, 2005

TIME: 12:00 p.m.

LOCATION: Room 424 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

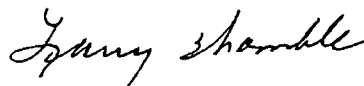
~~HB 652 Exempt REACT/Charitable Solicitations Reps. Church, Gillespie,~~

HB 635 Public Comment At Local Board Meetings. Reps. E. Jones

HB 1202 Regional Transportation MPO Representation Reps. Bordsen

HB 1332 Electronic Purchases and Sales Rep. Saunders

Respectfully,



Representative Womble
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at 2:00 P.M., on Friday April 29, 2005 .

☒ Principal Clerk
☒ Reading Clerk - House Chamber



VISITOR REGISTRATION SHEET

Ways & Means

Name of Committee

05/04/05

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Carol Wallham	Concerned
	Concerned
Jane W. Smith	DPS School Board Member
Darlene Russell	Concerned Citizens of Durham
Jervious Wallen	Concerned " " "
Bertha Higgo	Concerned Citizens of Durham
Sheryl Smith	Concern Citizens of Durham and Parent
Ralph Williams	Concern Citizen
Minnie F. Brown	Concern Citizen
Cynthia D. Brown	NC Citizen 1920 WARD ST DURHAM, NC 27707
Chip Kithair	Near Mullins

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 1202

Short Title: Regional Transportation MPO Representation.

(Public)

Sponsors: Representative Bordsen.

Referred to: Ways and Means.

April 13, 2005

A BILL TO BE ENTITLED
AN ACT TO CLARIFY ALTERNATIVE REPRESENTATION OF
METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL
TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES.

The General Assembly of North Carolina enacts:

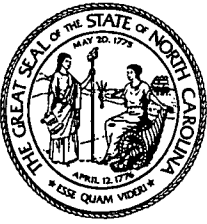
SECTION 1. G.S. 160A-635(a) reads as rewritten:

"(a) The governing body of an authority is the Board of Trustees. The Board of Trustees shall consist of:

- (1) The mayor of the four cities within the service area that have the largest population, or a member of the city council designated by the city council to serve in the absence of the mayor.
- (2) Two members of the Board of Transportation appointed by the Secretary of Transportation, to serve as ex officio nonvoting members.
- (3) The chair of each Metropolitan Planning Organization or a member of the Metropolitan Planning Organization designated by the Metropolitan Planning Organization in the territorial jurisdiction. ~~The chair of the Metropolitan Planning Organization may appoint the Chair of the Transportation Advisory Committee, or a designee approved by the Transportation Advisory Committee, as his or her designee.~~
- (4) The chair of the board of commissioners of any county within the territorial jurisdiction or a member of the board of commissioners designated by the board to serve in the absence of the chair, but only if the Board of Trustees by resolution has expanded the Board of Trustees to include the chair of the board of commissioners of that county and the board of commissioners of that county has consented by resolution.
- (5) The chair of the principal airport authority or airport commission of each of the two most populous counties within the territorial jurisdiction, as determined by the most recent decennial federal census.

1 The chair of the airport authority or airport commission may appoint a
2 designee. The designee is not required to be a member of the airport
3 authority or airport commission."

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



HB 1202: Regional Transportation MPO Representation

BILL ANALYSIS

Committee: House Ways and Means
Date: May 4, 2005
Version: 1st Edition

Introduced by: Rep. Bordsen
Summary by: Steven Rose
Committee Counsel

SUMMARY: *HB 1202 amends G.S. 160A-635(a) to change representation on the board of trustees of a Regional Transportation Authority.*

CURRENT LAW: Article 27 of Chapter 160A authorizes the creation of a Regional Transportation Authority in a five county area meeting certain population requirements. The Authority is governed by a board of trustees, the make up of which is governed by G.S. 160A-635(a). The chairs of each Metropolitan Planning Organization (MPO) in the territorial jurisdiction of the Authority are designated as members of the board. Those chairs are authorized by the statute to appoint a designee who may be the chair of the MPO's Transportation Advisory Committee (TAC) or a person approved by the TAC.

BILL ANALYSIS: The bill changes the authorized designee for the MPO chair to a member of the MPO designated by the MPO chair, rather than the TAC chair or a designee of the TAC.

The act is effective when it becomes law.

H1202-SMRL-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Womble (Chair) for the Committee on WAYS AND MEANS.

☐ Committee Substitute for

HB 1202 A BILL TO BE ENTITLED AN ACT TO CLARIFY ALTERNATIVE
REPRESENTATION OF METROPOLITAN PLANNING ORGANIZATIONS ON REGIONAL
TRANSPORTATION AUTHORITY BOARDS OF TRUSTEES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1332

Short Title: Electronic Purchases and Sales.

(Public)

Sponsors: Representatives Saunders; and Faison.

Referred to: Ways and Means.

April 20, 2005

A BILL TO BE ENTITLED

AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL
GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING
CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-129 reads as rewritten:

"§ 143-129. Procedure for letting of public contracts.

(a) Bidding Required. – No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than three hundred thousand dollars (\$300,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars (\$90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the ~~manager or the manager, school superintendent, chief purchasing official, or both, official, or other employee~~ the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body.

...

(g) Waiver of Bidding for Previously Bid Contracts. – When the governing board of any political subdivision of the State, or ~~the manager or purchasing official delegated authority~~ the person to whom authority has been delegated under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment

1 from any person or entity that has, within the previous 12 months, after having
2 completed a public, formal bid process substantially similar to that required by this
3 Article, contracted to furnish the apparatus, supplies, materials, or equipment to:

4 (1) The United States of America or any federal agency;

5 (2) The State of North Carolina or any agency or political subdivision of
6 the State; or

7 (3) Any other state or any agency or political subdivision of that state, if
8 the person or entity is willing to furnish the items at the same or more
9 favorable prices, terms, and conditions as those provided under the
10 contract with the other unit or agency. Notwithstanding any other
11 provision of this section, any purchase made under this subsection
12 shall be approved by the governing body of the purchasing political
13 subdivision of the State at a regularly scheduled meeting of the
14 governing body no fewer than 10 days after publication of ~~notice, in a~~
15 ~~newspaper of general circulation in the area served by the governing~~
16 ~~body,~~notice that a waiver of the bid procedure will be considered in
17 order to contract with a qualified supplier pursuant to this section.
18 Notice may be published in a newspaper having general circulation in
19 the political subdivision or by electronic means, or both. A decision to
20 publish notice solely by electronic means for a particular contract or
21 for all contracts under this subsection shall be approved by the
22 governing board of the political subdivision. Rules issued by the
23 Secretary of Administration pursuant to G.S. 143-49(6) shall apply
24 with respect to participation in State term contracts."

25 **SECTION 2. G.S. 143-131 reads as rewritten:**

26 **"§ 143-131. When counties, cities, towns and other subdivisions may let contracts**
27 **on informal bids.**

28 (a) All contracts for construction or repair work or for the purchase of apparatus,
29 supplies, materials, or equipment, involving the expenditure of public money in the
30 amount of ~~five thousand dollars (\$5,000)~~thirty thousand dollars (\$30,000) or more, but
31 less than the limits prescribed in G.S. 143-129, made by any officer, department, board,
32 local school administrative unit, or commission of any county, city, town, or other
33 subdivision of this State shall be made after informal bids have been secured. All such
34 contracts shall be awarded to the lowest responsible, responsive bidder, taking into
35 consideration quality, performance, and the time specified in the bids for the
36 performance of the contract. It shall be the duty of any officer, department, board, local
37 school administrative unit, or commission entering into such contract to keep a record of
38 all bids submitted, and such record shall not be subject to public inspection until the
39 contract has been awarded.

40"

41 **SECTION 3. G.S. 160A-266 reads as rewritten:**

42 **"§ 160A-266. Methods of sale; limitation.**

43 ...

1 (c) A city council may adopt regulations prescribing procedures for disposing of
2 personal property valued at less than ~~five thousand dollars (\$5,000)~~ thirty thousand
3 dollars (\$30,000) for any one item or group of items in substitution for the requirements
4 of this Article. The regulations shall be designed to secure for the city fair market value
5 for all property disposed of and to accomplish the disposal efficiently and economically.
6 The regulations may, but need not, require published notice, and may provide for either
7 public or private exchanges and sales. The council may authorize one or more city
8 officials to declare surplus any personal property valued at less than ~~five thousand~~
9 ~~dollars (\$5,000)~~ thirty thousand dollars (\$30,000) for any one item or group of items, to
10 set its fair market value, and to convey title to the property for the city in accord with
11 the regulations. A city official authorized under this section to dispose of property shall
12 keep a record of all property sold under this section and that record shall generally
13 describe the property sold or exchanged, to whom it was sold, or with whom exchanged,
14 and the amount of money or other consideration received for each sale or exchange."

15 **SECTION 4. G.S. 160A-270 reads as rewritten:**

16 **"§ 160A-270. Public auction.**

17 ...

18 (c) The council may conduct auctions of real or personal property electronically
19 by authorizing the establishment of an electronic auction procedure or by authorizing
20 the use of existing private or public electronic auction services. Notice of an electronic
21 auction of property shall identify, in addition to the information required in subsections
22 (a) and (b) of this section, the electronic address where information about the property
23 to be sold can be found and the electronic address where electronic bids may be posted.
24 Notice may be published in a newspaper having general circulation in the political
25 subdivision or by electronic means, or both. A decision to publish notice solely by
26 electronic means for a particular contract or for all contracts under this subsection shall
27 be approved by the governing board of the political subdivision. Except as provided in
28 this subsection, all ~~All~~ requirements of subsections (a) and (b) of this section apply to
29 electronic auctions."

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



HB 1332: Electronic Purchases and Sales

BILL ANALYSIS

Committee: House Ways and Means
Date: May 4, 2005
Version: 1st Edition

Introduced by: Reps. Saunders and Faison
Summary by: Steven Rose
Committee Counsel

SUMMARY: *HB 1332 makes changes in the procedures for letting certain public contracts and conducting certain public sales.*

BILL ANALYSIS:

SECTION 1--Amends G.S. 143-129, which governs the letting of public contracts by the State, State agencies, and local governments. For the purchase of supplies, apparatus, materials, or equipment, subsection (a) allows the governing body of a political subdivision of the State to delegate the power to award contracts and reject bids to the manager or chief purchasing official. The bill adds the school superintendent and other employees designated by the governing body to those who may accept or reject bids.

Subsection (g) allows the formal bidding requirements of G.S. 143-129 to be waived by political subdivisions of the State for purchase of apparatus, supplies, materials, or equipment when the purchase is from a supplier who has completed similar formal bidding process within the last 12 months and entered into a contract to supply the same items, if the supplier is willing to furnish them for the same, or better, price, terms and conditions. Such a purchase must be approved by the governing body at a regularly scheduled meeting after 10 days notice in a newspaper of general circulation in the area served by the governing body. The amendment to subsection (g) permits notice of the meeting to be by electronic means in addition to, or instead of, the newspaper notice. Use of electronic notice must be approved by the governing body.

SECTION 2—G.S. 143-131 provides that contracts for repairs or construction in the amount of \$5,000 or more, but less than \$300,000, or for apparatus, supplies, materials, or equipment in the amount of \$5,000 or more but less than \$90,000, made by any officer, department, board, or commission of any local government or other subdivision of the State shall be by informal bids. The bill amends subsection (a) to raise \$5,000 to \$30,000 and adds local school administrative units to the entities that must use informal bids.

SECTION 3—G.S. 160A-266(c) allows cities to adopt regulations for the disposal of personal property worth less than \$5,000 in substitution for the statutory requirements. It also allows the city council to authorize city officials to declare personal property worth less than \$5,000 as surplus, determine its value, and sell it. The amendments to subsection (c) raise the \$5,000 figures to \$30,000.

SECTION 4—G.S. 160A-270 governs sales of real and personal property of cities by public auction. Subsection (c) authorizes the use of an electronic auction procedure. Presently, notice must be by

publication. The notice must specify the electronic address where information about the property can be obtained and where bids can be posted. The bill amends subsection (c) to provide that for an electronic auction, the notice may be by publication or by electronic means, or both. Notice by electronic means alone must be approved by the governing board.

SECTION 5—The act is effective when it becomes law.

H1332-SMRL-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Womble (Chair) for the Committee on WAYS AND MEANS.

☐ Committee Substitute for

HB 1332

A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING CHANGES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 635

Short Title: Public Comment at Local Board Meetings.

(Public)

Sponsors: Representatives Jones; Adams, B. Allen, Pierce, and Wainwright.

Referred to: Ways and Means.

March 15, 2005

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A PUBLIC COMMENT PERIOD DURING EACH
REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY
BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 115C of the General Statutes is amended
by adding a new section to read:

"§ 115C-51. Public comment period during regular meetings.

For the first 30 minutes of each regular meeting of the local board of education, a period shall be provided for public comment. The board may adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing."

SECTION 2. Part 3 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-52.1. Public comment period during regular meetings.

For the first 30 minutes of each regular meeting of the board of commissioners, a period shall be provided for public comment. The board may adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing."

1 SECTION 3. Part 3 of Article 5 of Chapter 160A of the General Statutes is
2 amended by adding a new section to read:

3 **"§ 160A-81.1. Public comment period during regular meetings.**

4 For the first 30 minutes of each regular meeting of the council, a period shall be
5 provided for public comment. The council may adopt reasonable rules governing the
6 conduct of the public comment period, including, but not limited to, rules (i) fixing the
7 maximum time allotted to each speaker, (ii) providing for the designation of spokesmen
8 for groups of persons supporting or opposing the same positions, (iii) providing for the
9 selection of delegates from groups of persons supporting or opposing the same positions
10 when the number of persons wishing to attend the hearing exceeds the capacity of the
11 hall, and (iv) providing for the maintenance of order and decorum in the conduct of the
12 hearing."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 635
PROPOSED COMMITTEE SUBSTITUTE H635-PCS10304-RG-16

Short Title: Public Comment at Local Board Meetings.

(Public)

Sponsors:

Referred to:

March 15, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE AT LEAST ONE PUBLIC COMMENT PERIOD PER
3 MONTH AT A REGULAR MEETING OF A LOCAL BOARD OF EDUCATION,
4 COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING
5 BOARD.
6 The General Assembly of North Carolina enacts:
7 SECTION 1. Article 5 of Chapter 115C of the General Statutes is amended
8 by adding a new section to read:
9 "§ 115C-51. Public comment period during regular meetings.
10 The local board of education shall provide at least one period for public comment
11 per month at a regular meeting of the board. The board may adopt reasonable rules
12 governing the conduct of the public comment period, including, but not limited to, rules
13 (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation
14 of spokesmen for groups of persons supporting or opposing the same positions, (iii)
15 providing for the selection of delegates from groups of persons supporting or opposing
16 the same positions when the number of persons wishing to attend the hearing exceeds
17 the capacity of the hall, and (iv) providing for the maintenance of order and decorum in
18 the conduct of the hearing."
19 SECTION 2. Part 3 of Article 4 of Chapter 153A of the General Statutes is
20 amended by adding a new section to read:
21 "§ 153A-52.1. Public comment period during regular meetings.
22 The board of commissioners shall provide at least one period for public comment
23 per month at a regular meeting of the board. The board may adopt reasonable rules
24 governing the conduct of the public comment period, including, but not limited to, rules
25 (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation
26 of spokesmen for groups of persons supporting or opposing the same positions, (iii)
27 providing for the selection of delegates from groups of persons supporting or opposing
28 the same positions when the number of persons wishing to attend the hearing exceeds

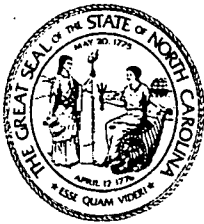
1 the capacity of the hall, and (iv) providing for the maintenance of order and decorum in
2 the conduct of the hearing."

3 **SECTION 3.** Part 3 of Article 5 of Chapter 160A of the General Statutes is
4 amended by adding a new section to read:

5 **"§ 160A-81.1. Public comment period during regular meetings.**

6 The council shall provide at least one period for public comment per month at a
7 regular meeting of the council. The council may adopt reasonable rules governing the
8 conduct of the public comment period, including, but not limited to, rules (i) fixing the
9 maximum time allotted to each speaker, (ii) providing for the designation of spokesmen
10 for groups of persons supporting or opposing the same positions, (iii) providing for the
11 selection of delegates from groups of persons supporting or opposing the same positions
12 when the number of persons wishing to attend the hearing exceeds the capacity of the
13 hall, and (iv) providing for the maintenance of order and decorum in the conduct of the
14 hearing."

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



HOUSE BILL 635: Public Comment at Local Board Meetings

BILL ANALYSIS

Committee: House Ways and Means
Introduced by: Rep. Jones
Version: H635e1-SMRG-CSRG-16[v.3]

Date: May 4, 2005
Summary by: Tim Hovis
Committee Counsel

SUMMARY: *House Bill 635 would require at least one public comment period per month at a regular meeting of a local board of education, county board of commissioners, or municipal board.*

The bill authorizes the local boards to adopt reasonable rules governing the conduct of the public comment period including the following rules:

- *Fixing the maximum time allotted to each speaker*
- *Designating spokespersons for groups*
- *Providing for the selection of delegates from groups when space exceeds capacity*
- *Providing for order and decorum during the meeting*

EFFECTIVE DATE: House Bill 635 is effective when it becomes law.

H635e1-SMRG-CSRG-16v3

Rep. Womble

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Womble (Chair) for the Committee on WAYS AND MEANS.

☐ Committee Substitute for

HB 635 A BILL TO BE ENTITLED AN ACT TO REQUIRE A PUBLIC COMMENT PERIOD DURING EACH REGULAR MEETING OF A LOCAL BOARD OF EDUCATION, COUNTY BOARD OF COMMISSIONERS, OR MUNICIPAL GOVERNING BOARD.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTICE
2005-2006 SESSION

You are hereby notified that the Committee on Ways and Means will meet as follows:

DAY & DATE: May 4, 2005

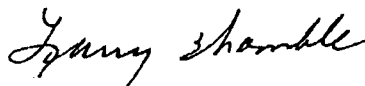
TIME: 12:00 p.m.

LOCATION: Room 424 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor)

HB 635	Public Comment At Local Board Meetings	Rep. E. Jones
HB 1202	Regional Transportation MPO Representation	Rep. Bordsen
HB 1332	Electronic Purchases and Sales	Rep. Saunders

Respectfully,



Representative Womble
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at 12:30 p. n on Friday, May 27, 2005 .

☒ Principal Clerk
☒ Reading Clerk - House Chamber

Dorothy McLean (Committee Assistant)

WAYS AND MEANS COMMITTEE
MEETING MINUTES
May 18, 2005

Chairman Larry Womble, Presiding

The House Ways and Means Committee met on Wednesday May 18, 2005 at 12 Noon in Room 424 of the Legislative Office Building.

MEMBERS PRESENT: Chairman Larry Womble; Vice Chairs: Cary Allred and Susan Fisher; Representatives Dollar, Jeffus, and Saunders. The Chair called the meeting to order and acknowledged the House Pages and Sergeants-At-Arms: Thomas Wilder and Martha Gadison. Staff Members present: Tom Hovis and Steve Rose.

The following bills were on the meeting agenda: House Bill 1291*, Senate Bill 763 and Senate Bill 867.

* House Bill 1291 was pulled from the agenda at the request of Vice Chair Allred.

The Chair recognized Senator Cowell to explain Senate Bill 763.

SENATE BILL 763 - NOTARY PUBLIC - PUBLIC OFFICIAL RECOMMENDATION. AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC.

Senator Cowell was recognized to explain the bill. The bill exempts the signature on a Notary Form, effective in Wake County only. There is one signature on the form, which is a character reference, and they ask that a local public official sign the form. In larger counties such as Wake and Mecklenburg, many forms have been signed but they notary public has not been seen so the elected official has not met the individual in most cases. This puts the elected official in an awkward position.

PAGE 2

WAYS AND MEANS COMMITTEE

There was a concern that counties with fewer notaries liked the current system.

Representative Jeffus was recognized for a comment and stated that people walk into the Legislative Building looking for a signature and you often do not know the person.

Representative Dollar was recognized for the motion. The committee voted a FAVORABLE report.

SENATE BILL 867 - MULTIJURISDICTION INDUSTRIAL PARK CHANGES. AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR COMMERCIAL PARK MAY REMAIN IN EFFECT.

The Chair recognized Senator Berger to present the bill. Senator Berger stated he represents Franklin, Granville, Vance and Warren counties. These counties have come together in an attempt to form a multi-jurisdictional industrial park system. They have proposed that industrial parks in Granville County and Vance County will meet together at their community college and will be the main site of the industrial park. There is also a park in Warren and Franklin counties. All these parks are over 500 acres. This bill expands the number of years that the four counties can negotiate in terms of sharing the proceeds that will come from these parks.

The Chair asked how the proceeds would be divided with joint ownership of the park. Senator Berger stated the contractual negotiation continues and has not been determined yet.

Ernest Pierson of Sanford Holsizer, LLP was recognized to further explain. Mr. Pierson stated their law firm has had a focus on economic development and one of the concepts we developed some years ago was for two or more counties or municipalities to come together and create a quality industrial property to help attract industry because many rural areas in this state cannot do it by themselves. The proceeds will be divided proportionately to how much each county puts in.

PAGE 3

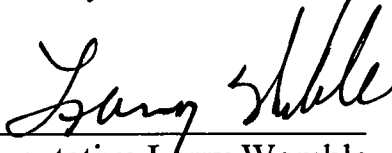
WAYS AND MEANS COMMITTEE

Senator Berger further commented that the bill passed unanimously in the Senate without opposition. All four counties reviewed this and would like to see it take place. However, the law would be available to everyone across the state.

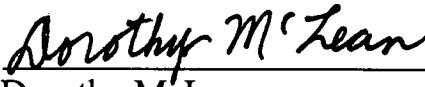
Representative Jeffus was recognized for the motion. The committee voted a FAVORABLE report.

The Chair adjourned the meeting.

Respectfully submitted,



Representative Larry Womble
Committee Chairman



Dorothy McLean
Committee Assistant

Attachment:

Agenda

Visitor Registration. Sheet

HB 1291 p

SB 763

SB 867

Committee Notice

AGENDA

Ways and Means Committee

DATE

May 18, 2005

Room 424 LOB

Representative Larry Womble
Chair

CALL TO ORDER

WELCOME

INTRODUCTION OF PAGES and SERGEANT-at-ARMS

BILLS TO BE DISCUSSED

~~HB 1291 Eliminate Continuing Ed. Req's/Locksmiths Rep. Allred~~

SB. 763 Notary Public Official Recommendation Sen. Cowell

SB 867 Multi-Jurisdiction Industrial Park Changes Sen. Berger

COMMENTS

ADJOURNMENT

**Name of Committee****Date**

NAME

FIRM OR AGENCY AND ADDRESS

DON ROBERT

NC DOC

ERNEST PEARSON

SAUNDERS HOLDINGS LLP
FOR KERR-TAN REGIONAL COUNCIL OF GVT.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

2

SENATE BILL 763
Judiciary I Committee Substitute Adopted 4/27/05

Short Title: Notary Public Public Official Recommendation.

(Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL
RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES
WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 10A-4(b) reads as rewritten:

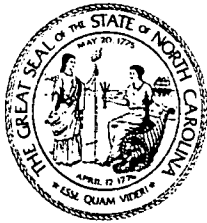
"(b) A person qualified for a notarial commission shall meet all of the following requirements:

- (1) Be at least 18 years of age.
- (2) Reside or work in this State.
- (3) Satisfactorily complete a course of study that is approved by the Secretary and consists of not less than three hours nor more than six hours of classroom instruction provided by community colleges throughout the State, unless the person is a licensed member of the Bar of this State.
- (4) Purchase and keep as a reference a manual approved by the Secretary that describes the duties, authority, and ethical responsibilities of notaries public.
- (5) Submit an application containing no significant misstatement or omission of fact. The application form shall be provided by the Secretary and be available at the register of deeds office in each county. Every application shall bear the signature of the applicant written with pen and ink, and the signature shall be acknowledged by the applicant before a person authorized to administer oaths. The Except for any applicant who seeks to receive the oath of office from the register of deeds of a county where more than 15,000 active notaries public are on record on January 1 of the year when the application is filed, the applicant shall also obtain the recommendation

1 of one publicly elected official in North Carolina whose
2 recommendation shall be contained on the application.

3 (6) Pay a nonrefundable fee of fifty dollars (\$50.00)."

4 **SECTION 2.** This act becomes effective January 1, 2006, and applies to
5 notary public applications filed on or after that date.



SENATE BILL 763: Notary Public Public Official Recommendation

BILL ANALYSIS

Committee: House Ways and Means
Introduced by: Sen. Cowell
Version: Second Edition

Date: May 17, 2005
Summary by: William R. Gilkeson,
Tim Hovis, Staff
Attorneys

SUMMARY: Senate Bill 763 would remove in certain counties the requirement that notary applicants must have the recommendation of an elected public official. Notary applicants would not need the recommendation if they sought to receive the oath of office from registers of deeds of counties that had at least 15,000 active notaries on record as of January 1 of the year in which the application is filed.

CURRENT LAW: Currently, to be a notary public in North Carolina, a person must pay a \$50 fee, be at least 18, live or work in North Carolina, complete a course approved by the Secretary of State (unless the applicant is a lawyer), buy and keep a manual, submit a truthful application, and receive a recommendation from a publicly elected official in North Carolina.

If the Secretary of State approves the application, she sends a commission for the applicant to the register of deeds of the county where the applicant lives or works. Within 90 days of being commissioned the person takes the oath of office before that register of deeds.

BILL ANALYSIS: The bill would remove the requirement of a recommendation from an elected official for any notary application who seeks to receive the oath of office from the register of deeds of a North Carolina county that had at least 15,000 active notaries on record as of January 1 of the year in which the application is filed.

Here is a list provided by the Secretary of State's office showing, as of April 11, 2005, the top seven NC counties in number of active notaries on record.

Wake	15,185
Mecklenburg	14,444
Guilford	8,209
Forsyth	6,080
Cumberland	4,806
Buncombe	4,623
Durham	4,591

BACKGROUND: Apparently because registers of deeds are the local elected officials most involved with the notary application process, they are frequently the elected officials to whom notary applicants turn for recommendations. Some registers of deeds are reportedly reluctant to recommend people they do not know well, and are uncomfortable being in the position of having to decline to do so.

EFFECTIVE DATE: Senate Bill 763 becomes effective January 1, 2006 and applies to notary public applications filed on or after that date.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Womble (Chair) for the Committee on WAYS AND MEANS.

☒ Committee Substitute for

SB 763 A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT
OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS
IN COUNTIES WITH MORE THAN FIFTEEN THOUSAND NOTARIES PUBLIC.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

2

**SENATE BILL 867
State and Local Government Committee Substitute Adopted 3/30/05**

Short Title: Multijurisdiction Industrial Park Changes.

(Public)

Sponsors:

Referred to:

March 23, 2005

A BILL TO BE ENTITLED

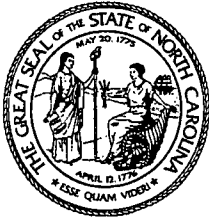
AN ACT TO INCREASE THE PERIOD OF TIME OVER WHICH AN
INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR
COMMERCIAL PARK MAY REMAIN IN EFFECT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 158-7.4(b) reads as rewritten:

"(b) Any undertaking entered into pursuant to this section may be for that period
that is agreed to by the participating local governments, up to a maximum of ~~40~~99
years."

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



SENATE BILL 867: Multijurisdiction Industrial Park Changes

BILL ANALYSIS

Committee:	House Ways and Means	Date:	May 17, 2005
Introduced by:	Sen. Berger of Franklin	Summary by:	Steven Rose
Version:	Second Edition		Committee Counsel

SUMMARY: *G.S. 158-7.4 allows local governments to enter into joint agreements for purposes of developing industrial or commercial sites or parks. The length of such agreements is limited to 40 years. SB 867 amends the statute to authorize agreements up to 99 years.*

The act is effective when it becomes law.

S0867e2-SMRL

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Womble (Chair) for the Committee on WAYS AND MEANS.

☒ Committee Substitute for

SB 867 A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME
OVER WHICH AN INTERLOCAL AGREEMENT REGARDING AN INDUSTRIAL OR
COMMERCIAL PARK MAY REMAIN IN EFFECT.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**3ND CORRECTED NOTICE
HB 1291 REMOVED****NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTICE
2005-2006 SESSION**

You are hereby notified that the Committee on Ways and Means will meet as follows:

DAY & DATE: May 18, 2005

TIME: 12:00 p.m.

LOCATION: Room 424 LOB

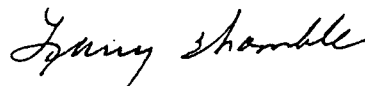
The following bills will be considered (Bill # & Short Title & Bill Sponsor):

~~HB 1291 Eliminate Continuing Ed. Req's/Locksmiths Rep. Allred~~

SB. 763 Notary Public Official Recommendation Sen. Cowell

SB 867 Multi-Jurisdiction Industrial Park Changes Sen. Berger

Respectfully,



Representative Womble
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at 5:00 p. m. on Thursday, May 12, 2005

☒ Principal Clerk
☒ Reading Clerk - House Chamber

WAYS AND MEANS COMMITTEE
MEETING MINUTES

June 1, 2005

Chairman Larry Womble, Presiding

The House Ways and Means Committee met on Wednesday June 1, 2005 at 12 Noon in Room 424 of the Legislative Office Building.

MEMBERS PRESENT: Chairman Larry Womble; Vice Chairs: Cary Allred and Susan Fisher; Representatives Dollar, Jeffus, and Saunders. The Chair called the meeting to order and acknowledged the House Pages and Sergeants-At-Arms staff: Linda Fuller and Charles Williams.

The Chair called the meeting to order.

The following bill was heard: House Bill 1291.

HOUSE BILL 1291 - H 1291. ELIMINATE CONTINUING ED. REQ'S./LOCKSMITHS. TO ELIMINATE CONTINUING EDUCATION REQUIREMENTS FOR LOCKSMITHS UNDER THE NORTH CAROLINA LOCKSMITH LICENSING ACT.

The chair recognized Vice Chair Allred to present the bill. Vice Chair Allred stated a constituent regarding education requirements that were put into effect when the Locksmith Licensing Act was enacted had contacted him. Many locksmiths across the state feel that the continuing education requirement is an unnecessary burden. The technology for locksmiths does not change frequently. If it does, companies that sell the technology are more than willing to provide education about the technology. Vice Chair Allred added he had heard complaints that the courses are not being offered at convenient times or locations and that the continuing education requirement is just a money-making opportunity for the Locksmith Association, which has not really provided much service to the locksmiths.

PAGE 2

WAYS AND MEANS COMMITTEE

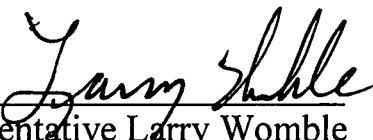
These requirements do not need to become law and force these individuals to spend a couple of hundred dollars every year on what they already know. Vice Chair Allred stated the course is about \$235 for a member of the locksmith association and about \$100 - \$200 for a non-member. It costs \$85 for a two-hour class. The locksmith association opposes the bill because it is financially beneficial for them.

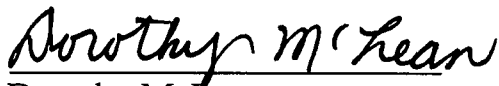
Several member of the locksmith association and independent locksmiths spoke on behalf of the proposed legislation. There were others who spoke in opposition of the bill stating the cost of the locksmith classes as an unlikely burden for locksmiths to pay, given the classes would only have to be taken once a year.

The Chair made the motion and the committee voted a FAVORABLE report.

The Chair adjourned the meeting.

Respectfully submitted,


Representative Larry Womble
Committee Chairman


Dorothy McLean
Committee Assistant

Attachments:

Agenda

Visitor Registration Sheet

HB 1291

Committee Notice

AGENDA

Ways and Means Committee

DATE

June 1, 2005

Room 424 LOB

Representative Larry Womble
Chair

CALL TO ORDER

WELCOME

INTRODUCTION OF PAGES and SERGEANT-at-ARMS

BILLS TO BE DISCUSSED

HB 1291 Eliminate Continuing Ed. Req's/Locksmiths Rep. Allred

COMMENTS

ADJOURNMENT



VISITOR REGISTRATION SHEET

Ways and Means

June 1, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bill Thorpe

Chapel Hill

James R Hilliard

Burlington

Debra Hilliard

Burlington

Bobby Connelly

Charlotte BC Lock & Key

Anna Bridgers

NC Locksmith Licensing Board

Laura Busse

NC Locksmith Licensing Board

Paul Atkinson

MARSHALL Locksmith & Serv.

TONY TUCKER

DASH SECURITY SOLUTIONS, SANFORD, NC.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1291

Short Title: Eliminate Continuing Ed. Req's./Locksmiths. (Public)

Sponsors: Representatives Allred (By Request); and Sauls.

Referred to: Ways and Means.

April 19, 2005

A BILL TO BE ENTITLED
AN ACT TO ELIMINATE CONTINUING EDUCATION REQUIREMENTS FOR
LOCKSMITHS UNDER THE NORTH CAROLINA LOCKSMITH LICENSING
ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 74F-6 reads as rewritten:

"§ 74F-6. Powers of the Board.

The Board shall have the power and duty to:

- (1) Administer and enforce the provisions of this Chapter.
- (2) Adopt rules as may be necessary to carry out the provisions of this Chapter.
- (3) Examine and determine the qualifications and fitness of applicants for licensure and renewal of licensure.
- (4) Issue, renew, deny, suspend, or revoke licenses or apprenticeship designations and conduct any disciplinary actions authorized by this Chapter.
- (5) Set fees as provided in G.S. 74F-9.
- (6) ~~Establish and approve continuing education requirements for persons licensed under this Chapter.~~
- (7) Receive and investigate complaints from members of the public.
- (8) Conduct investigations for the purpose of determining whether violations of this Chapter or grounds for disciplining licensees exist.
- (9) Conduct administrative hearings in accordance with Article 3A of Chapter 150B of the General Statutes.
- (10) Maintain a record of all proceedings conducted by the Board and make available to licensees and other concerned parties an annual report of all Board action.
- (11) Maintain a list of the names and addresses of all persons licensed by the Board.

1 (12) Employ and fix the compensation of personnel that the Board
2 determines is necessary to carry out the provisions of this Chapter and
3 incur other expenses necessary to perform the duties of the Board.

4 (13) Adopt and publish a code of ethics.

5 (14) Adopt a seal containing the name of the Board for use on all licenses
6 and official reports issued by the Board.

7 (15) Employ an attorney to assist or represent the Board in enforcing this
8 Chapter.

9 (16) Request that the Department of Justice conduct criminal history record
10 checks of applicants for licensure and apprenticeships pursuant to
11 G.S. 114-19.15."

12 **SECTION 2.** No person licensed pursuant to the North Carolina Locksmith
13 Licensing Act shall be required to complete continuing education to maintain a license
14 under the Act.

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

6-1-05

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Womble (Chair) for the Committee on WAYS AND MEANS.

☐ Committee Substitute for

HB 1291 A BILL TO BE ENTITLED AN ACT TO ELIMINATE CONTINUING
EDUCATION REQUIREMENTS FOR LOCKSMITHS UNDER THE NORTH CAROLINA
LOCKSMITH LICENSING ACT.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

Dorothy McLean (Rep. Womble)

From: Dorothy McLean (Rep. Womble)
Sent: Friday, May 27, 2005 12:14 PM
To: Rep. Larry Womble; Rep. Cary Allred
Subject: Ways and Means Committee Notice for Wednesday June 1, 2005

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTICE
2005-2006 SESSION

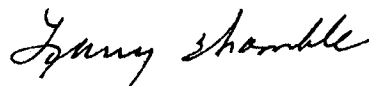
You are hereby notified that the Committee on Ways and Means will meet as follows:

DAY & DATE: June 1, 2005
TIME: 12:00 p.m.
LOCATION: Room 424 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 1291 Eliminate Continuing Ed. Req's/Locksmith **Rep. Allred**

Respectfully,



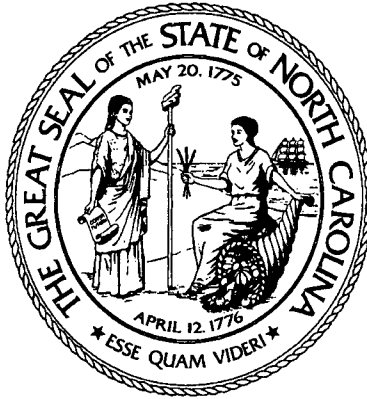
**Representative Womble
Chairman**

**I hereby certify this notice was filed by the committee assistant at the following offices at 12:30 p. n
on Friday, May 27, 2005 .**

☒ **Principal Clerk**
☒ **Reading Clerk - House Chamber**

Dorothy McLean (Committee Assistant)

5/27/2005



HOUSE COMMITTEE ON WAYS AND MEANS

2006 SESSION

REPRESENTATIVE LARRY WOMBLE, CHAIR

**COMMITTEE ASSISTANTS:
DOROTHY McLEAN**

“Committee Did Not Meet During the 2006 Session”