

2005-2006

**HOUSE
LOCAL GOVERNMENT
II**

**COMMITTEE
MINUTES**

LOCAL GOVERNMENT 11

2005 SESSION

Co-Chairmen

**Representative Earl Jones
Representative Tracy Walker**

Committee Assistants

**Kelli Reed
Barbara Powell
(Mia Bailey-part of session)**

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

2005-2006

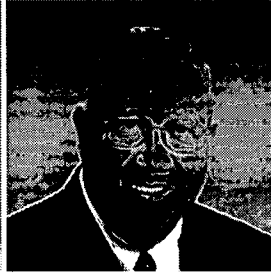
<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
JONES, Earl Co-Chair	Mia Bailey	733-5825	536	80
WALKER, Tracy Co-Chair	Barbara Powell	733-5935	1111	94
CARNEY, Becky Vice-Chair	Joyce Langdon	733-5827	1221	54
RAYFIELD, John Vice-Chair	Brenda Olls	733-5868	510	73
ALLEN, Lucy	Melissa Riddle	733-5860	1307	41
BROWN, Larry	Delores Ledford	733-5607	609	105
CHURCH, Walter	Joyce Fuller	733-5805	1311	33
Frye, Phillip	Mary Hayes	733-5661	1019	62
JEFFUS, Margaret	Mary Lee Robinson	733-5191	2204	6
JUSTICE, Carolyn	Vivian Sherrell	715-9664	301C	16
LANGDON, James	Jackson Stancil	733-5849	610	101
RAPP, Ray	Dot Barbour	733-5732	2213	77
STEEN, Fred	Chris Floyd	733-5881	514	64
WILKINS, "Winkie"	Nancy Brantley	715-0850	1301	71
WOMBLE, Larry	Dorothy McLean	733-5777	534	56
EX-OFFICIO MEMBERS				
Culpepper, William	Dot Crocker	715-3028	404	36
Cunningham, Pete	Valeria Rustin	733-5778	541	7
Eddins, Rick	Susan Phillips	733-5828	1002	26
Hackney, Joe	Emily Reynolds	733-5752	2207	69
Kory Goldsmith, Research		733-2578	545	
Giles Perry, Research		733-2578	545	
Joe Moore, Research		733-2578	545	

NORTH CAROLINA GENERAL ASSEMBLY

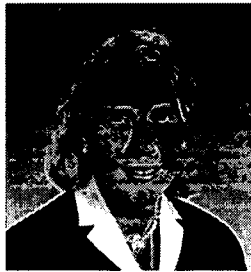
LOCAL GOVERNMENT II 2005 – 2006 SESSION



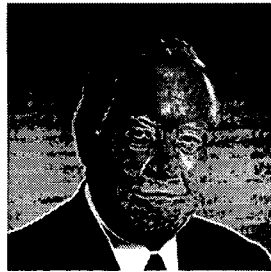
Rep. Jones
Chair



Rep. Walker
Chair



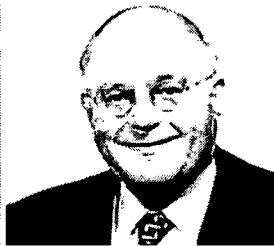
Rep. Carney
Vice chair



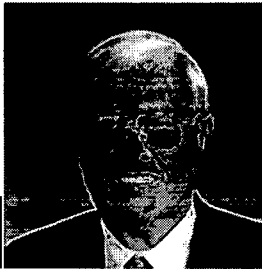
Rep. Rayfield
Vice chair



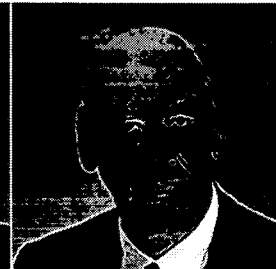
Rep. L. Allen



Rep. Brown



Rep. Church



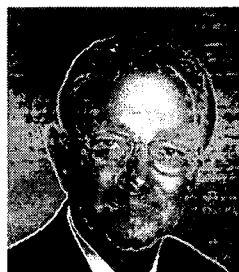
Rep. Frye



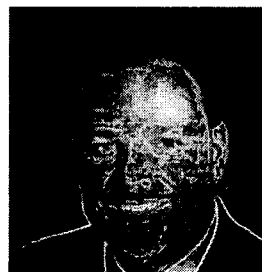
Rep. Jeffus



Rep. Justice



Rep. Langdon



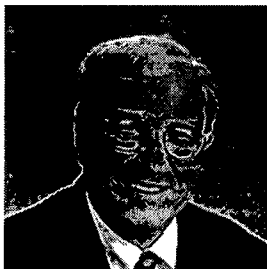
Rep. Steen



Rep. Wilkins



Rep. Womble



Rep. Rapp

North Carolina General Assembly
Through House Committee on
Local Government II

Date: 09/13/2005
Time: 13:36
Page: 001 of 003
Leg. Day: H-125/S-126

2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0075	Crawford	JUNKED/ABANDONED VEHICLES.	*HR Ch. SL 2005-10	02-07-05	03-02-05
H0175	Crawford	JUNKED/ABANDONED VEHICLES.	*HR Ch. SL 2005-10	03-22-05	04-13-05
H0131	Grady	DEED RECORDING/TAX CERT FOR VARIOUS COUNTIES.	*HR Ch. SL 2005-109	02-09-05	03-16-05
H0218	Bell	CLINTON ABC NET PROCEEDS DISTRIBUTION.	*HR Ch. SL 2005-5	02-14-05	03-16-05
H0241	Brown	KERNERSVILLE COURT FACILITIES.	H Ref To Com On Local Government II	02-16-05	
H0317	Clary	WACO TOWN CENTER.	H Re-ref Com On Rules, Calendar, and Operations of the House	02-21-05	03-16-05
H0345	Womble	WINSTON-SALEM POLICE.	*HR Ch. SL 2005-110	02-22-05	03-02-05
H0350	Stiller	HOLDEN BEACH CANAL DREDGING FEE.	*H Ref To Com On Finance	02-23-05	03-16-05
H0370	Steen	SATELLITE ANNEXATIONS/ VARIOUS MUNICIPLALITIES.	*HR Ch. SL 2005-173	02-24-05	03-23-05
H0484=	Jeffus	GREENSBORO CLOSING- OUT SALE.	H Ref To Com On Local Government II	03-07-05	
H0581=	Rayfield	BELMONT STREET LIGHTING ASSESSMENTS.	HR Ch. SL 2005-111	03-10-05	04-06-05
H0826	Gibson	ANSONVILLE WEEDED LOT ORDINANCE.	H Re-ref Com On Rules and Operations of the Senate	03-21-05	04-06-05
H0827	Stiller	TOWN OF CASWELL BEACH- REGULATE GOLF CARTS.	HR Ch. SL 2005-58	03-22-05	04-06-05
H0834	Walker	NORTH WILKESBORO/LAND FOR PRISONS.	*H Re-ref Com On Finance	03-22-05	03-30-05
H0845	Harrell	LAW ENFORCEMENT ATV USE IN SURRY COUNTY.	H Ref To Com On Local Government II	03-22-05	
H0856	Wainwright	Craven County Regional Airport Authority.	*HR Ch. SL 2005-14	03-23-05	04-07-05
H0860	Frye	BAKERSVILLE TOWN ELECTIONS.	*HR Ch. SL 2005-43	03-23-05	04-13-05
H0940	Stiller	LELAND/PINEVILLE/ AYDEN OVERGROWN VEG. ORD.	*HR Ch. SL 2005-81	03-28-05	05-05-05
H0941	Stiller	OCEAN ISLE BEACH ABANDONED AIRPLANES.	HR Ch. SL 2005-59	03-28-05	04-27-05
H0946	Allred	OSSIPEE/MILLS RIVER BUDGETS.	*HR Ch. SL 2005-34	03-29-05	04-20-05
H0962	Gulley	MATTHEWS PUBLIC NUISANCE ORDINANCE.	HR Ch. SL 2005-44	03-29-05	04-20-05
H0963	Gulley	MATTHEWS JUNKED/ ABANDONED VEHICLES.	HR Ch. SL 2005-24	03-29-05	04-13-05
H0972	Cole	ROCKINGHAM COUNTY LIBRARY.	H Re-ref Com On Local Government	04-27-05	

'\$' 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
Local Government II

Date: 09/13/2005
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2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
			II		
973	Grady	JACKSONVILLE JUNKED/ ABANDONED VEHICLES.	HR Ch. SL 2005-25	03-29-05	04-13-05
H0997	Howard	INCREASE DAVIE COUNTY FORCE ACCOUNT LIMIT.	HR Ch. SL 2005-32	03-30-05	04-20-05
H1020	Ray	STATESVILLE HISTORIC STRUCTURES.	HR Ch. SL 2005-143	03-31-05	06-01-05
H1029	Wilkins	LOCAL GOVT STREAM CLEARING/CLARIFY LIABILITY.	*H Pres. To Gov. 8/ 24/2005	03-31-05	06-01-05
H1047	McComas	WRIGHTSVILLE BEACH BOARD OF ADJUSTMENT.	HR Ch. SL 2005-265	03-31-05	05-11-05
H1055	Preston	JONES SCHOOL BOARD VACANCIES.	*HR Ch. SL 2005-107	03-31-05	05-05-05
H1064	Sherrill	SULLIVAN ACT III- ASHEVILLE PUBLIC ENTERPRISES.	*HR Ch. SL 2005-139	03-31-05	04-27-05
H1065	Sherrill	SULLIVAN ACT II.	*HR Ch. SL 2005-140	03-31-05	04-27-05
H1069	Stiller	OAK ISLAND HEIGHT LIMITS.	H Ref To Com On State and Local Government	03-31-05	05-05-05
H1078	Lewis	ANGIER/LAGRANGE WEEDED LOT ORDINANCE.	*HR Ch. SL 2005-308	03-31-05	04-27-05
H1281	L. Allen	COUNTY CONTROL/ NOXIOUS AQUATIC WEEDS.	*H Pres. To Gov. 8/ 23/2005	04-19-05	05-05-05
H1304	L. Allen	MUNICIPAL MULTIMEMBER DISTRICTS.	*HF Failed 2nd Reading	04-20-05	05-31-05
H1305	L. Allen	MAPS/CHARTERS TO SEC. OF STATE.	*H Ref To Com On State and Local Government	04-20-05	05-19-05
177	L. Allen	CLARIFY CITY/COUNTY PLANNING.	H Ref To Com On Local Government II	04-21-05	
H1478	L. Allen	MODERNIZE CITY/COUNTY PLANNING.	H Ref To Com On Local Government II	04-21-05	
S0135	Harry Brown	JONES SCHOOL BOARD VACANCIES.	*H Ref To Com On Local Government II	04-26-05	
S0138	Jerry W. Tillman	ARCHDALE EXTRATERRITORIAL JURISDICTION.	*HR Ch. SL 2005-115	05-18-05	06-22-05
S0271	Julia Boseman	WILMINGTON RED LIGHT CAMERA PROCEEDS.	*H Ref To Com On Local Government II	05-31-05	
S0289	Philip E. Berger	ROCKINGHAM SCHOOL ELECTIONS.	*HR Ch. SL 2005-309	06-02-05	08-22-05
S0294	Don East	PILOT MOUNTAIN CHARTER.	*H Re-ref Com On Local Government I	03-22-05	05-11-05
S0332=	Katie G. Dorsett	GREENSBORO CLOSING- OUT SALE.	HR Ch. SL 2005-12	03-22-05	04-13-05
S0335	Malcolm Graham	CORNELIUS CHARTER AMENDMENT.	*HR Ch. SL 2005-188	06-02-05	06-22-05
S0335	Malcolm Graham	CORNELIUS CHARTER AMENDMENT.	*HR Ch. SL 2005-188	06-27-05	06-29-05
S0340	Robert Lee Hollo	WELDON PRIVATE SALE/	*HR Ch. SL 2005-174	06-02-05	06-29-05

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Through House Committee on
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2005-2006 Biennium

<u>Bill</u>	<u>Introducer</u>	<u>Short Title</u>	<u>Latest Action</u>	<u>In Date</u>	<u>Out Date</u>
		ROANOKE RAPIDS CONSTRUCT.			
48=	John A. Garwood	NORTH WILKESBORO/LAND FOR PRISONS.	*HR Ch. SL 2005-258	03-22-05	05-05-05
S0388	R. C. Soles, Jr.	WATHA TOWN COUNCIL/ BOLTON ANNEXATION.	*HR Ch. SL 2005-141	03-22-05	06-22-05
S0462=	Charlie S. Danne	CHARLOTTE SPEED CAMERA SUNSET EXTENDED.	*HR Ch. SL 2005-27	04-04-05	04-27-05
S0463	Charlie S. Danne	REPEAL MECK. PROP. SUNSET/ADD PROP.	*HR Ch. SL 2005-158	03-31-05	06-29-05

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

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE: Wednesday, March 2, 2005

TIME: 10:00

LOCATION: Room 425 LOB

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

**HB 75 HENDERSON JUNKED/ABANDONED VEHICLES – Representatives
 Crawford and Wray**

HB 345 WINSTON -SALEM POLICE – Representative Womble

HB 241 KERNERSVILLE COURT FACILITIES – Representative Brown

Respectfully,
Representative Walker
Representative Jones (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices at
11:00 am on Thursday, February 24, 2005.

____Principal Clerk
____Reading Clerk - House Chamber

Barbara Powell (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Walker, Presiding Chair

Representative Jones, Co-Chair

March 2, 2005

Room 425

10:00 a.m.

OPENING REMARKS

Representative Walker

Representative Jones

Local Government II Committee Members

AGENDA ITEMS:

✓ HB 75 HENDERSON JUNKED/ABANDONED VEHICLES
Representatives Crawford and Wray

HB 345 WINSTON-SALEM POLICE
Representative Womble

HB 241 KERNERSVILLE COURT FACILITIES
Representative Brown

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

March 2, 2005

The House Committee on Local Government II met on Wednesday, March 2, 2005 in Room 425 of the Legislative Office Building at 10:00 A.M. The following members were present: Chairs Representatives Tracy Walker and Earl Jones, Vice-Chair Becky Carney, Representatives Allen, Brown, Church, Frye, Justice, Steen, Wilkins, Womble and Rapp. Kory Goldsmith, Joe Moore, and Giles Perry, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

Representative Walker called the meeting to order and recognized Pages, Sergeant-at-Arms, Staff and visitors.

Representative Crawford was recognized to explain HB75, **AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON**. This bill changes the definition of junked and abandoned vehicles as it applies to the City of Henderson abandoned and junked vehicles ordinances, to require the vehicle to be worth less the \$500. Upon the motion of Representative Womble and seconded by Representative Allen, the bill received a favorable report.

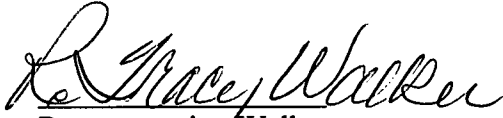
Representative Womble was recognized to explain HB345, **AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S TERRITORIAL AND EXTRATERRITORIAL JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES**. A proposed Committee Substitute was offered at this time and Representative Church moved for its adoption. Motion carried. Kory Goldsmith, Staff Counselor, explained the Committee Substitute, which is basically a technical change, specifying when certain notifications must occur and changes the effective date. Julie Risher with the Winston Salem Police Department spoke in favor of the bill. After some discussion, Representative Church moved for a favorable report to the committee substitute bill and unfavorable to the original bill. Representative Carney seconded the motion and the motion passed.

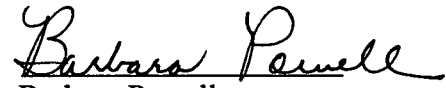
The Chair recognized Representative Brown to explain HB241, **AN ACT TO PROVIDE THAT AN EQUITABLE PORTION OF THE FACILITIES FEES COLLECTED IN FORSYTH COUNTY SHALL BE USED FOR MAINTENANCE OF THE SEAT OF COURT IN KERNERSVILLE**. This bill provides that 5% of the facilities fees assessed and collected in Forsyth County are to be disbursed to the Town of Kernersville for the provision and maintenance of the courtroom in Kernersville. After

much discussion it was the general consensus that this bill was a local problem and should **not** be decided at the state level. With this, Representative Walker withdrew the bill. Representative Rapp moved that a letter be sent to the Chair of the Forsyth County Commissioners and the Mayor of Kernersville urging them to settle this dispute within their communities. Representative Carney seconded and the motion passed.

There being no further business, the meeting was adjourned.

Respectfully submitted


Representative Walker
Presiding Co-Chairman


Barbara Powell
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 75

Short Title: Henderson Junked/Abandoned Vehicles. (Local)

Sponsors: Representatives Crawford and Wray (Primary Sponsors).

Referred to: Local Government II.

February 7, 2005

1 A BILL TO BE ENTITLED
2 AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED
3 MOTOR VEHICLES IN THE CITY OF HENDERSON.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-303(b2) reads as rewritten:

6 "(b2) A junked motor vehicle is an abandoned motor vehicle that also:

7 (1) Is partially dismantled or wrecked; or

8 (2) Cannot be self-propelled or moved in the manner in which it was
9 originally intended to move; or

10 (3) Is more than five years old and worth less than ~~one hundred dollars~~
11 ~~(\$100.00);~~ five hundred dollars (\$500.00); or

12 (4) Does not display a current license plate."

13 SECTION 1. G.S. 160A-303.2(a) reads as rewritten:

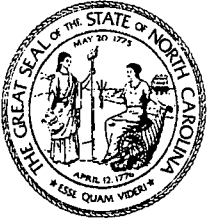
14 "(a) A municipality may by ordinance regulate, restrain or prohibit the
15 abandonment of junked motor vehicles on public grounds and on private property
16 within the municipality's ordinance-making jurisdiction upon a finding that such
17 regulation, restraint or prohibition is necessary and desirable to promote or enhance
18 community, neighborhood or area appearance, and may enforce any such ordinance by
19 removing or disposing of junked motor vehicles subject to the ordinance according to
20 the procedures prescribed in this section. The authority granted by this section shall be
21 supplemental to any other authority conferred upon municipalities. Nothing in this
22 section shall be construed to authorize a municipality to require the removal or disposal
23 of a motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as
24 defined in G.S. 136-143.

25 For purposes of this section, the term "junked motor vehicle" means a vehicle that
26 does not display a current license plate and that:

27 (1) Is partially dismantled or wrecked; or

28 (2) Cannot be self-propelled or moved in the manner in which it originally
29 was intended to move; or

- 1 (3) Is more than five years old and appears to be worth less than one
- 2 ~~hundred dollars (\$100.00).~~ five hundred dollars (\$500.00)."
- 3 **SECTION 3.** This act applies only to the City of Henderson.
- 4 **SECTION 4.** This act is effective when it becomes law.



HOUSE BILL 75: Henderson Junked/Abandoned Vehicles

BILL ANALYSIS

Committee: House Local Government II
Date: March 2, 2004
Version: 1st Edition

Introduced by: Reps. Crawford and Wray
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 75 changes the definition of junked and abandoned vehicle, as it applies to City of Henderson abandoned and junked vehicle ordinances, to require the vehicle to be worth less than \$500.*

CURRENT LAW: Under current general law, municipalities are authorized to regulate by ordinance junked and abandoned vehicles more than five years old and worth less than \$100.

BILL ANALYSIS: House Bill 75 changes the definition of junked or abandoned vehicle as it applies to the City of Henderson to require any vehicle regulated under a City of Henderson junked or abandoned vehicle ordinance to be worth less than \$500.

House Bill 75 would become effective when it becomes law.

H75-SMRW-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 75 A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF
ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF HENDERSON

- ☒ 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 345

Short Title: Winston-Salem Police.

(Local)

Sponsors: Representatives Womble; Parmon, McGee, Folwell, and Brown.

Referred to: Local Government II.

February 22, 2005

A BILL TO BE ENTITLED

AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S TERRITORIAL AND EXTRATERRITORIAL JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES.

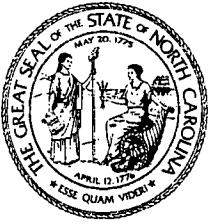
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 74E-13 is amended by adding the following new subsection to read:

"(d) A company police agency certified under this Chapter shall notify the Winston-Salem Police Department if the agency is providing on-site police security personnel services for persons or property within the Police Department's territorial jurisdiction, including the Department's one-mile extraterritorial jurisdiction as defined in G.S. 160A-286. The notification shall include the names of all physical locations where services are being provided and the beginning and ending dates of all contracts for service for each location. A company police agency shall also submit, in writing, to the Police Department the following information on all arrests made by the agency within the Police Department's territorial jurisdiction, including the one-mile extraterritorial jurisdiction: (i) the name and address of the individual arrested; (ii) the offense for which the individual was arrested; and (iii) the date and location of the offense."

SECTION 2. This act applies only to the City of Winston-Salem and company police agencies providing on-site police security personnel services for persons or property within the City of Winston-Salem.

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



HOUSE BILL 345: Winston-Salem Police

BILL ANALYSIS

Committee: House Local Government II
Date: March 1, 2005
Version: Proposed Committee Substitute
H345- CSRC-2[v.2]

Introduced by: Rep. Womble
Summary by: Kory J. Goldsmith *KJB*
Committee Counsel

SUMMARY: *The Proposed Committee Substitute to HB 345 would require company police agencies providing on-site personnel services in Winston-Salem and within the 1-mile area surrounding the city's corporate limits to notify the Winston-Salem Police Department prior to providing those services. The notification must include the name of the company or individual receiving services, the location where services will be provided, and the length of each service contract. The company police agency must also provide the following information to the Police Department within 48 hours of any arrest made by the agency: the name and address of the person arrested, the offense, and the date and location of the offense.*

The act would only apply to the City of Winston-Salem and company police agencies providing on-site personnel services within one mile of the city's corporate limits.

The Proposed Committee Substitute makes technical changes, specifies when certain notifications must occur, and changes the effective date.

The act becomes effective July 1, 2005. It applies to existing contracts and new contracts, and to offenses occurring on or after the effective date.

CURRENT LAW: Company police agencies are licensed and regulated by the Attorney General under Chapter 74E of the General Statutes. The companies must maintain liability insurance. Company police officers are sworn law enforcement officers. During the performance of their duties of employment, they have the same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and may charge for infractions occurring in the following locations:

- Real property owned or in the possession and control of their employer;
- Real property owned or in the possession and control of a person who has contracted with their employer for on-site company police security personnel services; and
- Any other real property while in continuous and immediate pursuit of a person for an offense committed on the property described above.

If authorized by a superior officer, company police officers may carry concealed weapons. A violation of any of the provisions of Chapter 74E by any person, firm, association, or corporation, or their agents and employees is a Class 1 misdemeanor.

City police departments have jurisdiction to arrest and have all the other powers invested in law enforcement officers both within the city's corporate limits and for up to one mile beyond the corporate limits of the city. G.S. 15A-402 and G.S. 160A-286.

BILL ANALYSIS: The Proposed Committee Substitute to HB 345 requires a company police agency to notify the Winston-Salem Police Department (Police Department) prior to providing on-site police security personnel services within the Police Department's jurisdiction. The notification must include the

HOUSE BILL 345

Page 2

names of the companies or persons receiving services, the physical locations where services are being provided, and the start and end dates of the contracts for those services. The company police agency would also be required to provide the Police Department within 48 hours of making an arrest the following information: the name and address of the individual arrested, the offense, and the date and location of the offense.

Failure to comply with the provisions of this act would be a Class 1 misdemeanor. Class 1 misdemeanors are punishable by 1-45 days of community punishment if the defendant has no prior convictions. Because the bill creates a new offense, it will need an incarceration note before it can be considered by the full House.

H345e1-SMRC-PCS

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 345 A BILL TO BE ENTITLED AN ACT REQUIRING COMPANY POLICE AGENCIES TO NOTIFY THE CITY OF WINSTON-SALEM POLICE DEPARTMENT WHEN THEY ARE PROVIDING ON-SITE POLICE SECURITY PERSONNEL SERVICES WITHIN THE DEPARTMENT'S TERRITORIAL AND EXTRATERRITORIAL JURISDICTION AND TO PROVIDE THE DEPARTMENT WITH CERTAIN INFORMATION ON ARRESTS MADE BY THE AGENCIES.

☐ 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 241

Short Title: Kernersville Court Facilities.

(Local)

Sponsors: Representatives Brown; Folwell and McGee.

Referred to: Local Government II.

February 16, 2005

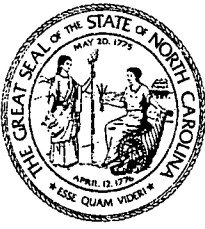
A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AN EQUITABLE PORTION OF THE FACILITIES
FEES COLLECTED IN FORSYTH COUNTY SHALL BE USED FOR
MAINTENANCE OF THE SEAT OF COURT IN KERNERSVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Article 28 of Chapter 7A of the General Statutes, unless Forsyth County and the Town of Kernersville agree otherwise, five percent (5%) of the facilities fees assessed and collected annually in Forsyth County under that Article shall be disbursed to the Town of Kernersville for the provision and maintenance of courtroom and related judicial facilities in the seat of court in Kernersville.

SECTION 2. This act becomes effective July 1, 2005.



HOUSE BILL 241: Kernersville Court Facilities

BILL ANALYSIS

Committee: House Local Government II
Date: March 2, 2005
Version: 1st Edition

Introduced by: Rep. Brown; Folwell and
McGee
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 241 provides that 5% of the facilities fees assessed and collected in Forsyth County are to be disbursed to the Town of Kernersville for the provision and maintenance of the courtroom in Kernersville.*

CURRENT LAW: Facilities fees are fees charges in criminal and civil cases for use of the courtroom and related facilities (Article 28 of Chapter 7A of the General Statutes). Fees are charges per case, and remitted to the county or city maintaining the courtroom.

BILL ANALYSIS: House Bill 241 changes the general law method for assessing and disbursing court facilities fees to provide that 5% of all of the facilities fees assessed and collected in Forsyth County be disbursed to Kernersville for the provision and maintenance of the courtroom there.

House Bill 241 would become effective July 1, 2005.

H241-SMRW-001

*Bill withdrawn by Chair
Letter to go to*

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II**.

☐ Committee Substitute for

H.B. 241 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN EQUITABLE PORTION OF THE FACILITIES FEES COLLECTED IN FORSYTH COUNTY SHALL BE USED FOR MAINTENANCE OF THE SEAT OF COURT IN KERNERSVILLE.

☐ 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

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

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

____ On motion of Rep. _____, (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

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

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

VISITOR REGISTRATION SHEET

Local Govt. II

Name of Committee

3-2-05

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY

Kim Hibbard

NCLM

Tulie Risher

Winston-Salem Police Dept.

Postnick Buffkin

NLGA

Frank Bone

Bone & ASSO.

BRUCE THOMPSON

PARKER POE

Barbara Powell (Rep. Walker)

From: Mia Bailey (Rep. Jones)**Sent:** Thursday, March 10, 2005 9:58 AM**To:** Rep. Debbie Clary; Shirley Winstead (Rep. Clary); Rep. Robert Grady; Neta Grady (Rep. Grady); Rep. George Cleveland; Susan West (Rep. Cleveland); Rep. Russell Tucker; Sally Gillis (Rep. Tucker); Joe Moore (Research); Rep. Bernard Allen; Rep. Larry Bell; Carolyn Edwards (Rep. Bell); Latisha Dumas (Rep. Bernard Allen); Rep. Bonner Stiller; Carla Farmer (Rep. Stiller)**Subject:** Local Government II Meeting Notice and Bill Sponsor Notification

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

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE: **Wednesday, March 16, 2005****TIME:** **10:00 AM****LOCATION:** **Room 425 LOB**

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

HB 317 WACO TOWN CENTER-Representative Clary**HB 131 ONSLOW DEED RECORDING-Representatives Grady, Cleveland and Tucker****HB 350 HOLDEN BEACH CANAL DREDGING FEE-Representative Stiller****HB 218 CLINTON ABC NET PROCEEDS DISTRIBUTION-Representatives Bell and B.
Allen**

Respectfully,
Representative Jones
Representative Walker (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices on **Thursday, March 10, 2005.**

X Principal Clerk

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Jones, Presiding Chair

Representative Walker, Co- Chair

March 16, 2005

Room 425

10:00 a.m.

OPENING REMARKS

Representative Jones

Representative Walker

Local Government II Committee Members

AGENDA ITEMS:

HB 317 WACO TOWN CENTER

Representative Clary

HB 131 ONSLOW DEED RECORDING

Representatives Grady, Cleveland and Tucker

HB 350 HOLDEN BEACH CANAL DREDGING FEE

Representative Stiller

HB 218 CLINTON ABC NET PROCEEDS DISTRIBUTION

Representatives Bell and B. Allen

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Wednesday, March 16, 2005

10:00 a.m.

Room 421, Legislative Office Building

The Local Government II Committee met on Wednesday, March 16, 2005, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representatives present were Jones, Walker, Carney, Rayfield, L. Allen, Brown, Church, Frye, Jeffus, Justice, Langdon, Steen, Wilkins, Womble and Rapp. Legislative Staff in attendance included Giles Perry, Kory Goldsmith and Joe Moore. The original Visitor Registration Sheet is attached to these minutes as *Attachment 1*.


Chairman Earl Jones presided over the meeting. He welcomed the committee members and introduced the committee staff and each committee member. Representative Jones then welcomed Rep. Grady to explain his bill *HB 131 Onslow Deed Recording*. Rep. Church made motion to give HB 131 a favorable report. The committee gave their verbal approval and the motion carried.

Representative Earl Jones recognized Rep. Womble's motion to allow the Proposed Committee Substitute for HB 350 to be discussed. Rep. Stiller was welcomed to explain his bill, *HB 350 Holden Beach Canal Dredging Fee*. Rep. Rayfield moved that the PCS for HB 350 be given a favorable report and an unfavorable report be given to the original version. The committee gave their verbal approval and the motion carried.

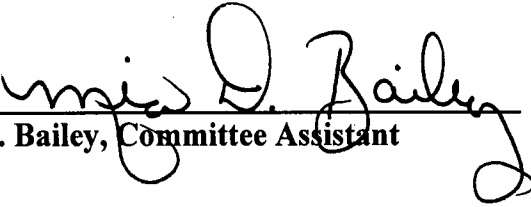
Rep. Bell was welcomed by Rep. Earl Jones to explain *HB 218 Clinton ABC Net Proceeds Distribution* to the committee. After his presentation to the committee, Rep. Bell noted that an amendment to his bill would be necessary to change the word "annually" on page 2, line 4 of the bill to read "quarterly" instead. Rep. L. Allen moved that the PCS for HB 218 be given a favorable report and an unfavorable report be given to the original version. A copy of the amendment is attached to these minutes as *Attachment 2*. The committee gave their verbal approval and the motion carried.

Rep. Clary was welcomed to explain her bill, *HB 317 Waco Town Center* to the committee. Rep. Frye made a motion to give HB 317 a favorable report. The committee gave their verbal approval and the motion carried.

The committee adjourned.


Representative Earl Jones, Presiding Co-Chair

Representative R. Tracey Walker, Co-Chair



Mia D. Bailey, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 317*

Short Title: Waco Town Center.

(Local)

Sponsors: Representative Clary.

Referred to: Local Government II.

February 21, 2005

A BILL TO BE ENTITLED

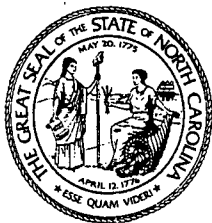
AN ACT AMENDING THE CHARTER OF THE TOWN OF WACO TO
CORRECTLY IDENTIFY THE CENTER OF TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of the Charter of the Town of Waco, being Chapter
147 of the 1907 Private Laws, reads as rewritten:

"Sec. 2. ~~That the incorporate limits of said corporation of Waco shall remain
hereafter as formerly defined and located, as follows: All that territory covered by and
included in the circle having as its center the railroad bridge in the town of Waco, and
made by a radius extending one half of a mile in length from said center; that is, all that
territory within a radius of one half mile from the railroad bridge, the present center of
the Town of Waco.~~The center of the Town of Waco is described as follows: Mag nail
set in the centerline of the intersection of Cherryville Road (NC Hwy. 150) and Main
Street (S.R. 1001). Grid coordinates: Y=595,434.5286; X=1,276,039.0584.
Latitude=35°21'42.234723"; Longitude=81°25'42.607645"."

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



HOUSE BILL 317: Waco Town Center

BILL ANALYSIS

Committee: House Local Government II
Date: March 9, 2005
Version: 1st Edition

Introduced by: Rep. Clary
Summary by: Giles Perry
Committee Counsel

SUMMARY: *House Bill 317 amends the Town of Waco Charter to change the description of the Town center.*

CURRENT LAW: The current Town of Waco Charter describes the Town as a circle with a ½ mile radius, with the center being located at a railroad bridge.

BILL ANALYSIS: House Bill 317 changes the Charter of the Town of Waco to precisely locate the center of town with survey coordinates.

House Bill 317 would become effective when it becomes law.

H317-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 131*

Short Title: Onslow Deed Recording.

(Local)

Sponsors: Representatives Grady; Cleveland and Tucker.

Referred to: Local Government II.

February 9, 2005

A BILL TO BE ENTITLED

AN ACT TO ADD ONSLOW COUNTY TO THOSE COUNTIES AUTHORIZED TO
USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION
OF DELINQUENT PROPERTY TAXES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 161-31 reads as rewritten:

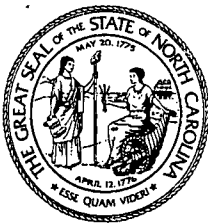
"§ 161-31. Tax certification.

(a) Tax Certification. – The board of commissioners of a county may, by resolution, require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed. The county commissioners may describe the form the certification must take in its resolution.

(a1) Exception to Tax Certification. – If a board of county commissioners adopts a resolution pursuant to subsection (a) of this section, notwithstanding the resolution, the register of deeds shall accept without certification a deed submitted for registration under the supervision of a closing attorney and containing this statement on the deed: "This instrument prepared by: _____, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds."

(b) Applicability. – This section applies only to Alleghany, Anson, Beaufort, Bertie, Cabarrus, Camden, Carteret, Cherokee, Chowan, Clay, Cleveland, Currituck, Davidson, Duplin, Durham, Edgecombe, Forsyth, Gaston, Gates, Graham, Granville, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Lee, Lenoir, Macon, Madison, Martin, Montgomery, Nash, Northampton, Onslow, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Rockingham, Rowan, Rutherford, Stanly, Swain, Transylvania, Vance, Warren, Washington, Wilson, and Yadkin Counties."

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



HOUSE BILL 131: Onslow Deed Recording

BILL ANALYSIS

Committee: House Local Government II
Date: March 8, 2005
Version: 1st Edition

Introduced by: Rep. Grady
Summary by: Kory J. Goldsmith *KA*
 Committee Counsel

SUMMARY: *House Bill 131 adds Onslow County to the list of counties that have the authority to require tax certification of a deed prior to registration. The bill becomes effective when it becomes law.*

CURRENT LAW: G.S. 161-31 provides that in certain counties, the board of county commissioners may adopt a resolution to require the register of deeds to refuse to register a deed unless the county tax collector has certified that no delinquent taxes are due on the property. The register of deeds must still accept an uncertified deed that is submitted for registration under the supervision of a closing attorney if the deed contains the following statement, "*This instrument prepared by: _____, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.*"

The following 54 counties have received this authorization under G.S. 161-31: Alleghany, Anson, Beaufort, Bertie, Cabarrus, Camden, Carteret, Cherokee, Chowan, Clay, Cleveland, Currituck, Davidson, Duplin, Durham, Edgecombe, Forsyth, Gaston, Gates, Graham, Granville, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Lee, Lenoir, Macon, Madison, Martin, Montgomery, Nash, Northampton, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Rockingham, Rowan, Rutherford, Stanly, Swain, Transylvania, Vance, Warren, Washington, Wilson, and Yadkin Counties. In addition to G.S. 161-31, the General Assembly has enacted similar laws that prohibit a register of deeds from registering deeds unless the tax collector has certified that no delinquent taxes are due. These provisions apply to the following local governments: Avery County (1963); Mitchell County (1987); Ashe County (1993); the Towns of Newland, Spruce Pine, and Alleghany County (1997); the Town of Banner Elk (1998); and the Town of Bakersville (1999).

In a county or local government where G.S. 161-31 and other similar State laws do not apply, the register of deeds registers deeds submitted for registration regardless of whether delinquent taxes are due on the property.

BILL ANALYSIS: House Bill 131 adds Onslow County to the list of counties that have the authority to require tax certification of a deed prior to registration.

H131e1-SMRC

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 350*

Short Title: Holden Beach Canal Dredging Fee.

(Local)

Sponsors: Representative Stiller.

Referred to: Local Government II.

February 23, 2005

A BILL TO BE ENTITLED

AN ACT TO ALLOW TOWN OF HOLDEN BEACH TO IMPOSE A CANAL
DREDGING FEE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of S.L. 2004-14 reads as rewritten:

"**SECTION 7.** This act applies only within the municipal boundaries of the Town
Towns of Holden Beach and Ocean Isle Beach."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

D

HOUSE BILL 350*

PROPOSED COMMITTEE SUBSTITUTE H350-PCS70139-RW-1

Short Title: Holden Beach Canal Dredging Fee.

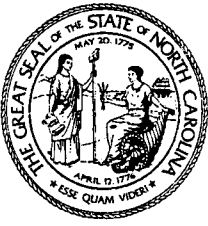
(Local)

Sponsors:

Referred to:

February 23, 2005

- 1 A BILL TO BE ENTITLED
- 2 AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A CANAL
- 3 DREDGING FEE.
- 4 The General Assembly of North Carolina enacts:
- 5 SECTION 1. Section 7 of S.L. 2004-104 reads as rewritten:
- 6 "SECTION 7. This act applies only within the municipal boundaries of the Town
- 7 Towns of Holden Beach and Ocean Isle Beach."
- 8 SECTION 2. This act is effective when it becomes law.



HOUSE BILL 350: Holden Beach Canal Dredging Fee

BILL ANALYSIS

Committee: House Local Government II
Date: March 9, 2005
Version: H350-PCS70139-RW-1

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

SUMMARY: *House Bill 350 authorizes the Town of Holden Beach to charge a canal dredging fee.*

CURRENT LAW: Under current law, the Town of Ocean Isle is authorized to create a canal dredging district and charge an annual fee to all property owners contiguous to a canal for canal dredging.

BILL ANALYSIS: House Bill 350 would add the Town of Holden Beach to the existing legislation, authorizing the Town to:

- create a canal dredging district;
- charge an annual fee to all property owners contiguous to a canal; and
- create a fund to finance canal dredging.

House Bill 350 would become effective when it becomes law.

H350-SMRW-001

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 218

Short Title: Clinton ABC Net Proceeds Distribution.

(Local)

Sponsors: Representatives Bell; and B. Allen.

Referred to: Local Government II.

February 14, 2005

A BILL TO BE ENTITLED

AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE
SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON
ALCOHOLIC BEVERAGE CONTROL STORES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6 of Chapter 1191 of the 1957 Session Laws reads as
rewritten:

"Sec. 6. Out of the gross profits derived from the operation of said Alcoholic Beverage Control Stores and after the payment of all costs and operating expenses, and after obtaining sufficient and proper working capital, the amount thereof to be determined by the Town of Clinton Board of Alcoholic Beverage Control, said board shall further expend an amount necessary for law enforcement purposes and the treatment and hospitalization of persons addicted to alcohol of not less than five per cent (5%) nor more than fifteen per cent (15%) thereof, to be determined by quarterly audits, which amount shall supplement and not supplant the amount usually budgeted for such purposes by the Town of Clinton. In the expenditure of said funds, the Town Board of Alcoholic Control shall employ one or more persons as law enforcement officer or officers to be appointed by and directly responsible to the said board. The person or persons so appointed shall, after taking the oath prescribed by law for peace officers, have the same powers and authorities within Sampson County as other peace officers. And any such person or persons so appointed, or any other peace officer while in hot pursuit of anyone found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such defendant therein so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to said offenses and such officer or officers. Any law enforcement officer appointed by the said board of Alcoholic Control and any other peace officer are hereby authorized, upon request of the sheriff or other Lawful officer in any other county, to go into such other county and assist in suppressing a violation of the prohibition laws therein, and while so acting shall have such powers as a peace officer

1 as are granted to him in Sampson County and be entitled to all the protection provided
2 for said officer while acting in his own county.

3 Out of the net profits derived from the operation of said Alcoholic Beverage Control
4 Stores, the Town of Clinton Board of Alcoholic Beverage Control, shall, on a quarterly
5 basis, pay over to the following named governing bodies, boards and agencies amounts
6 equal to the percentages of the net profits which shall be expended by said governing
7 bodies, boards and agencies for the following purposes and none other:

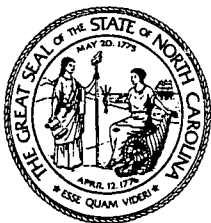
8 (a) Twenty per cent (20%) to the Clinton City Board of Education as a
9 supplement to the current expense fund, including supplements to teachers' salaries.
10 Such amount shall supplement and not supplant the amount normally budgeted by the
11 City Board of Education and the Board of County Commissioners of Sampson County
12 for such purposes.

13 ~~(b) Twenty per cent (20%) to the Board of Trustees of the Sampson County~~
14 ~~Memorial Hospital Incorporated.~~

15 ~~(c) Five per cent (5%) for industrial and commercial development of the Town of~~
16 ~~Clinton and its vicinity and for this purpose the Board of Control may make direct~~
17 ~~grants to any nonprofit organization for said purposes, may expend said fund directly~~
18 ~~for said purposes or may accumulate said fund from year to year and expend said~~
19 ~~accumulated funds for said purposes at any time in its discretion. The word "vicinity" as~~
20 ~~used in this subparagraph shall be construed to mean any part of Sampson County.~~

21 ~~(d) Fifty five per cent (55%) to the general fund of the Town of Clinton, of~~
22 ~~which sum three percent (3%) shall be paid by said town to the Clinton Recreation~~
23 ~~Commission and two percent (2%) shall be expended by the board of commissioners of~~
24 ~~said town annually for the use and benefit of the Clinton Fire Department Eighty per~~
25 ~~cent (80%) to the General Fund of the Town of Clinton."~~

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



HOUSE BILL 218: Clinton ABC Net Proceeds Distribution

BILL ANALYSIS

Committee: House Local Government II
Date: March 14, 2005
Version: 1st Edition

Introduced by: Reps. Bell and Allen
Summary by: Kory J. Goldsmith *KJG*
 Committee Counsel

SUMMARY: *House Bill 218 changes how 80% of the net proceeds from the operation of the ABC stores in the Town of Clinton are distributed.*

CURRENT LAW: The net proceeds are currently distributed as follows:

- 20% to the Clinton City Board of Education
- 20% to the Board of Trustees of the Sampson County Memorial Hospital Incorporated
- 5% for industrial and commercial development of the Town of Clinton and its vicinity
- 55% to the General Fund of the Town of Clinton, of which 3% goes to the Clinton Recreation Commission and 2% to be expended for the Clinton Fire Department.

BILL ANALYSIS: House Bill 218 would provide that the net proceeds from the ABC stores would be distributed as follows:

- 20% to the Clinton City Board of Education
- 80% General Fund of the Town of Clinton.

H218-SMRC-001

(Please type or use ballpoint pen)

EDITION No. 81stH. B. No. 218DATE 3/16/05

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

Allen1 moves to amend the bill on page 2, line 4

2 () WHICH CHANGES THE TITLE

3 by

deleting the words "a quarterly"
to "an annual".

5

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18

19

SIGNED

Greg J. Allen

ADOPTED _____

FAILED _____

TABLED _____

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

Name of Committee

March 16, 2005

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Lisa Martin

NC Home Builders Assoc.

Reg Russell

Tucker NC GA

Bill Wilkes

D.O.R.

R. Paul Wilson

НСНБА

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

Name of Committee

March 16, 2005

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

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

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

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

TIME: **10:00 A.M.**

LOCATION: **Room 425 LOB**

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

HB 370 Landis Satellite Annexations
Representative Steen

HB 484 Greensboro Closing-Out Sale
Representatives Jeffus and Harrison

Respectfully,
Representatives Jones and Walker
Co-Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at
1:30 am on Wednesday, March 16, 2005.

____Principal Clerk
____Reading Clerk - House Chamber

Barbara Powell (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II
Representative Walker, Presiding Chair
Representative Jones, Co-Chair

March 23, 2005
Room 425
10:00 a.m.

OPENING REMARKS

Representative Walker
Representative Jones
Local Government II Committee Members

AGENDA ITEMS:

HB 370 LANDIS SATELLITE ANNEXATIONS
Representative Steen

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II MARCH 23, 2005

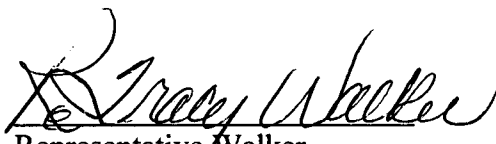
The House Committee on Local Government II met on Wednesday, March 23, 2005 in Room 425 of the Legislative Office Building at 10:00 A.M. The following members were present: Co-Chairs Representatives Tracy Walker and Earl Jones, Vice Chair, Representative Rayfield, Representatives Allen, Brown, Church, Frye, Jeffus, Justice, Steen, Wilkins, Womble and Rapp. Kory Goldsmith and Giles Perry, Staff Counselors were in attendance.

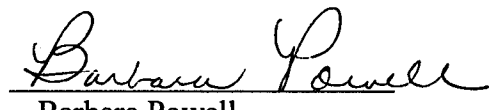
Representative Walker called the meeting to order and recognized Pages and Sergeant-at-arms staff.

Representative Steen was recognized to explain HB370, **AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS**. This bill removes the 10% area cap for voluntary noncontiguous "satellite" annexations by the Town of Landis in Rowan County. After some discussion, Representative Womble moved the bill receive a favorable report. Representative Allen seconded this motion.

There being no further business, the meeting was adjourned.

Respectfully submitted


Representative Walker
Presiding Co. Chairman


Barbara Powell
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 370

Short Title: Landis Satellite Annexations.

(Local)

Sponsors: Representatives Steen; and Coates.

Referred to: Local Government II.

February 24, 2005

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE
TOWN OF LANDIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b)(5) reads as rewritten:

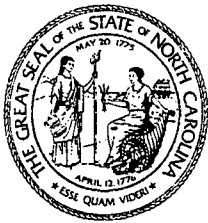
"(b) A noncontiguous area proposed for annexation must meet all of the following
standards:

...

(5) The area within the proposed satellite corporate limits, when added to
the area within all other satellite corporate limits, may not exceed ten
percent (10%) of the area within the primary corporate limits of the
annexing city.

This subdivision does not apply to the Cities of Claremont,
Concord, Conover, Gastonia, Hickory, Locust, Marion, Mount Airy,
Mount Holly, New Bern, Newton, Oxford, Randleman, Rockingham,
Sanford, Salisbury, Southport, Statesville, and Washington and the
Towns of Angier, Bladenboro, Calabash, Catawba, Creswell, Dallas,
Fuquay-Varina, Garner, Godwin, Holly Ridge, Holly Springs, Kenly,
Knightdale, Landis, Leland, Louisburg, Maiden, Mayodan, Midland,
Mocksville, Morrisville, Pembroke, Pine Level, Ranlo, Rolesville,
Rutherfordton, Swansboro, Troy, Wallace, Warsaw, Waynesville,
Wendell, and Zebulon."

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



HOUSE BILL 370: Landis Satellite Annexation

BILL ANALYSIS

Committee: House Local Government II
Date: March 23, 2005
Version: 1st edition

Introduced by: Rep.Steen; and Coates
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 370 removes the 10% area cap for voluntary noncontiguous "satellite" annexations by the Town of Landis in Rowan County.*

CURRENT LAW: Under current law, municipalities are authorized to voluntarily annex noncontiguous "satellite" areas, as long as the total of all satellite areas does not exceed 10% of the area within the primary corporate limits of the annexing municipality.

BILL ANALYSIS: ~~X~~ House Bill 370 adds the Town of Landis to a list of 51 cities and towns that are excepted from the current 10% area cap on satellite annexations.

House Bill 370 would become effective when it becomes law.

H370-SMRW-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 370 A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF LANDIS.

☒ 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

Barbara Powell (Rep. Walker)

From: Mia Bailey (Rep. Jones)

Sent: Thursday, March 24, 2005 12:04 PM

To: Beth LeGrande (Rep. Harrell); Rep. Jim A. Harrell; Joe Moore (Research); Rep. Ray Rapp

Subject: Local Government II Meeting Notice and Bill Sponsor Notification

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

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE: Wednesday, March 30, 2005

TIME: 10:00 AM

LOCATION: Room 425 LOB

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

HB 834 NORTH WILKESBORO/LAND FOR PRISONS
Representative Walker

HB 845 LAW ENFORCEMENT ATV USE IN SURRY COUNTY
Representative Harrell

Respectfully,
Representative Jones
Representative Walker (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices on **Thursday, March 24, 2005.**

☒ Principal Clerk
☒ Reading Clerk - House Chamber

Mia D. Bailey (Committee Assistant)

3/24/2005

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Jones, Presiding Chair

Representative Walker, Co- Chair

March 30, 2005

Room 425

10:00 a.m.

OPENING REMARKS

Representative Jones

Representative Walker

Local Government II Committee Members

AGENDA ITEMS:

HB 834 NORTH WILKESBORO/LAND FOR PRISONS
Representative Walker

HB 845 LAW ENFORCEMENT ATV USE IN SURRY COUNTY
Representative Harrell

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Wednesday, March 30, 2005

10:00 a.m.

Room 421, Legislative Office Building

The Local Government II Committee met on Wednesday, March 30, 2005, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representatives present were Jones, Walker, Carney, Rayfield, L. Allen, Brown, Church, Frye, Jeffus, Justice, Langdon, Steen, Wilkins, Womble and Rapp. Legislative Staff in attendance included Giles Perry, Kory Goldsmith and Joe Moore. The original Visitor Registration Sheet is attached to these minutes as *Attachment 1*.

Chairman Earl Jones presided over the meeting. He welcomed the pages, committee members and introduced the committee staff and each committee member. Representative Earl Jones recognized Rep. Womble's motion to allow the Proposed Committee Substitute for HB 834 to be discussed. Rep. Walker was then welcomed to explain his bill, *HB 834 North Wilkesboro/Land for Prisons* to the committee. Rep. Walker invited staff member Kory Goldsmith to explain the PCS to the committee. Rep. Rayfield moved that the PCS for HB 834 be given a favorable report and an unfavorable report be given to the original version. The committee gave their verbal approval and the motion carried.

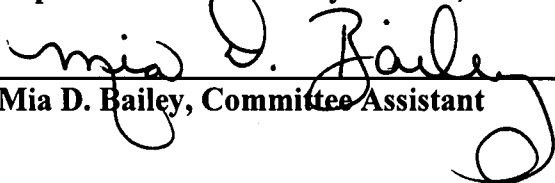
At the request of the bill sponsor, Rep. Harrell, the committee removed the second item on the agenda, HB 845, Law Enforcement ATV use in Surry County, from consideration. Representative Earl Jones recognized Rep. Womble's motion to displace HB 845. The committee gave their verbal approval and the motion carried.

The committee adjourned.

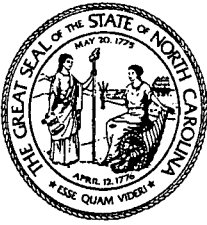


Representative Earl Jones, Presiding Co-Chair

Representative R. Tracey Walker, Co-Chair



Mia D. Bailey, Committee Assistant



HOUSE BILL 834: North Wilkesboro/Land for Prisons

BILL ANALYSIS

Committee: House Local Government II
Date: March 30, 2005
Version: Proposed Committee Substitute
 H834-CSRC-8[v.2]

Introduced by: Rep. Walker
Summary by: Kory J. Goldsmith
 Committee Counsel

SUMMARY: *This Proposed Committee Substitute for HB834 would authorize the Town of North Wilkesboro to acquire property and convey it to the State for use as correctional facilities. There would be no limitation on the terms of the acquisition or conveyance; it may be with or without consideration.*

The Proposed Committee Substitute places the authorization with similar authorizations to other counties and municipalities.

The act is effective when it becomes law.

BACKGROUND: In Carter v. Stanly County, 125 N.C. App. 628 (1997), the Court of Appeals reviewed a case in which the plaintiffs had sued Stanly County and its Board of Commissioners to prevent the acquisition of private property, and its conveyance to the State for use as a correctional facility. The court reviewed the statutes in effect at the time of the action, and found that the Commissioners had exceeded their authority under the applicable statutes, G.S. 153A-158 and G.S. 160A-274(b) as limited by Dillon's Rule. However, the court noted that after the filing of the lawsuit, the General Assembly had enacted a local law specifically authorizing Stanley County to acquire real and personal property and convey it to the State. Based upon the act, the court held that the Commissioners acted within their authority. The bill amends the same local law relied upon by the court in Carter v. Stanly County.

H834-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 834*
PROPOSED COMMITTEE SUBSTITUTE H834-CSRC-8 [v.2]

3/29/2005 4:02:51 PM

Short Title: North Wilkesboro/Land for Prisons.

(Local)

Sponsors:

Referred to:

March 22, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY
3 ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH
4 CAROLINA FOR USE AS A PRISON.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 1 of Chapter 600 of the 1995 Session Laws, as
7 amended by S.L. 2000-31, S.L. 2002-85 and S.L. 2004-28 is amended by adding a new
8 subsection to read:

9 "Section 1.(a) The Counties of Alexander, Anson, Bertie, Columbus, Greene,
10 Scotland, Stanly, and Transylvania have power under general law to acquire real and
11 personal property and convey it to the State under G.S. 160A-274 or other applicable
12 law for use as correctional facilities.

13 **Section 1.(b)** The Town of Windsor has the power under the general law to acquire
14 real and personal property and convey it to the State under G.S. 160A-274 or other
15 applicable law for use as a correctional facility. It may acquire that property by eminent
16 domain, and such power under this subsection is supplementary to any other power it
17 may have to take property by eminent domain.

18 **Section 1.(c)** The Town of North Wilkesboro has the power under general law to
19 acquire real and personal property and convey it to the State under G.S. 160A-274 or
20 other applicable law for use as a correctional facility."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 834*

Short Title: North Wilkesboro/Land for Prisons.

(Local)

Sponsors: Representative Walker.

Referred to: Local Government II.

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY
ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH
CAROLINA FOR USE AS A PRISON.

The General Assembly of North Carolina enacts:

SECTION 1. The Town of North Wilkesboro has power under general law
to acquire real and personal property and convey it to the State under G.S. 160A-274 or
other applicable law for use as a correctional facility.

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

VISITOR REGISTRATION SHEET

Local Government II

Name of Committee

March 30, 2005
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Anna Catherine Dickens

Meredith College

Christie Kimsey

Meredith College

Beth Namishia

Meredith College

Patricia Johnson

Cathedral Day Care

Kevin Lacy

NC DOT

Barbara Powell (Rep. Walker)

From: Barbara Powell (Rep. Walker)
Sent: Thursday, March 31, 2005 9:23 AM
To: Rep. Bonner Stiller; Rep. Pryor Gibson; Rep. William Wainwright; Rep. Alice Underhill; Carla Farmer (Rep. Stiller); Shirlyn MacPherson (Rep. Gibson); Blinda Edwards (Rep. Wainwright); Judy Veorse (Rep. Underhill)
Cc: Giles Perry (Research); Kory Goldsmith (Research); Joe Moore (Research)
Subject: House Committee Meeting April 6, 2005

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

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE: **Wednesday April 6, 2005**

TIME: **10:00 a.m.**

LOCATION: **Room 425 LOB**

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

HB 826 ANSONVILLE WEEDING LOT ORDINANCE
Representative Gibson

HB 827 TOWN OF CASWELL BEACH-REGULATE GOLF CARTS
Representative Stiller

HB 856 CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY
Representatives Wainwright and Underhill

Respectfully,
Representatives Jones and Walker
Co-Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **11:00 a.m.** on
Thursday, March 31st 2005
____ Principal Clerk

REVISED

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

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE: **Wednesday April 6, 2005**

TIME: **10:00 a.m.**

LOCATION: **Room 425 LOB**

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

HB 826 ANSONVILLE WEEDED LOT ORDINANCE
Representative Gibson

HB 827 TOWN OF CASWELL BEACH-REGULATE GOLF CARTS
Representative Stiller

HB 856 CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY .
Representatives Wainwright and Underhill

HB 581 BELMONT STREET LIGHTING ASSESSMENTS
Representative Rayfield

Respectfully,
Representatives Jones and Walker
Co-Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at
11:00 a.m. on Thursday, March 31st 2005

___ Principal Clerk
___ Reading Clerk - House Chamber

Barbara Powell (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Walker, Presiding Chair

Representative Jones, Co-Chair

April 6, 2005

Room 425

10:00 a.m.

OPENING REMARKS

Representative Walker

Representative Jones

Local Government II Committee Members

AGENDA ITEMS:

✓ **HB 826 ANSONVILLE WEEDING LOT ORDINANCE**
Representative Gibson

✓ **HB 827 TOWN OF CASWELL BEACH-REGULATE GOLF CARTS**
Representative Stiller

HB 856 CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY
Representatives Wainwright and Underhill

✓ **HB 581 BELMONT STREET LIGHTING ASSESSMENTS**
Representative Rayfield

*PCS
Title Change?*

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 6, 2005

The House Committee on Local Government II met on Wednesday, April 6, 2005 in Room 425 of the Legislative Office Building at 10:00A.M. The following members were present: Chairs: Representatives Tracy Walker and Earl Jones, Vice-Chairs Becky Carney and John Rayfield, Representatives Allen, Brown, Church, Frye, Justice, Langdon, Steen, Wilkins, Womble and Rapp. Kory Goldsmith, Joe Moore, and Giles Perry, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

Representative Walker called the meeting to order and recognized pages, sergeant-at-arms, staff and visitors.

Representative Wainwright was recognized to explain HB856, AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY. A proposed Committee Substitute was offered at this time and Representative Carney moved for its adoption. Motion carried. Representative Wainwright explained the bill which expands the number of members for the Craven County Airport Authority from 5 to 8, increases their terms from 2 to 3 years and allows the Commanding General of Cherry Point to have a designee serve as a nonvoting Honorary member of the Authority. The Proposed Committee Substitute made technical changes to the bill. Representative Womble moved for a favorable report to the committee substitute bill and unfavorable to the original bill. Motion passed.

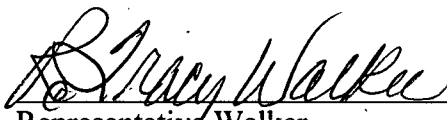
The Chair recognized Representative Gibson to explain HB 826, AN ACT AUTHORIZING THE TOWN OF ANSONVILLE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE. This bill would allow Ansonville to provide the annual notification to violators of the weeded lot ordinance, remove the violation, and assess surcharges for additional violations in the same calendar year. Upon motion of Representative Justice and seconded by Representative Carney the bill received a favorable report.

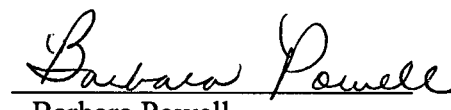
Representative Stiller was recognized to explain HB 827, AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO REGULATE GOLF CARTS. This bill would authorize the Town of Caswell Beach to regulate the operation of electric golf carts on public streets within the municipality. Representative Allen moved for a favorable report. It was seconded by Representative Justice and the motion carried.

Representative Rayfield was recognized to explain HB 581, AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS. House Bill 581 allows Belmont to make special assessments for street lighting, upon receipt of a petition of a majority of the landowners representing a majority of the road frontage benefited. Upon motion of Representative Carney and seconded by Representative Rapp the bill received a favorable report.

There being no further business, the meeting was adjourned.

Respectfully submitted


Representative Walker
Presiding Co-Chairman


Barbara Powell
Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

1

HOUSE BILL 856

Short Title: Craven County Regional Airport Authority.

(Local)

Sponsors: Representatives Wainwright and Underhill (Primary Sponsors).

Referred to: Local Government II.

March 23, 2005

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY
REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Subsections 2(a) and 2(b) of Chapter 1197 of the Session Laws of 1979, as rewritten by Section 1 of Chapter 838 of the Session Laws of 1985, and as further rewritten by Section 1 of Chapter 1046 of the Session Laws of 1989, read as rewritten:

"(a) The Airport Authority shall consist of five-eight voting members, all of whom shall be residents of Craven County. The Commanding General of the United States Marine Corps Air Station, Cherry Point, North Carolina, Carolina or his designee may serve as a nonvoting Honorary Member of the Authority.

"(b) ~~The Airport Authority shall consist of five members appointed by the Board of Commissioners of Craven County for two-year terms. The initial terms shall commence July 1, 1986. Effective on or after July 1, 1990, the Craven County Board of Commissioners shall appoint two members to the Airport Authority for two-year terms, and three members to the Airport Authority for three-year terms. All terms shall expire on June 30 of the year of expiration. At the expiration of those terms, successors shall be appointed for two-year terms, and subsequent terms shall likewise be for two years.~~ Before ratification of this act, the Airport Authority consisted of five members. The terms of two of the current members expire on June 30, 2005, and the terms of three of the current members expire on June 30, 2006. Within 30 days after the ratification of this act, the Craven County Board of Commissioners shall appoint three new members to the Airport Authority; one new member shall serve a three-year term, and two new members shall serve two-year terms. Effective July 1, 2005, the Craven County Board of Commissioners shall appoint two members to the Airport Authority for three-year terms. Effective July 1, 2006, the Craven County Board of Commissioners shall appoint three members to the Airport Authority for three-year terms. All terms shall expire on June 30 of the year of expiration. At the expiration of

1 these terms, successors shall be appointed for three-year terms, and subsequent terms
2 shall be for three years."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 856
PROPOSED COMMITTEE SUBSTITUTE H856-CSRC-13 [v.1]

4/5/2005 1:26:37 PM

Short Title: Craven County Regional Airport Authority.

(Local)

Sponsors:

Referred to:

March 23, 2005

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE CRAVEN COUNTY
REGIONAL AIRPORT AUTHORITY AND TO CHANGE THE TERMS FROM
TWO TO THREE YEARS.

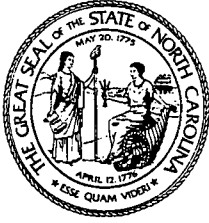
The General Assembly of North Carolina enacts:

SECTION 1. Subsections 2(a) and 2(b) of Chapter 1197 of the Session Laws of 1979, as rewritten by Section 1 of Chapter 838 of the Session Laws of 1985, and as further rewritten by Section 1 of Chapter 1046 of the Session Laws of 1989, read as rewritten:

"(a) The Airport Authority shall consist of ~~five~~ eight voting members, all of whom shall be residents of Craven County. The Commanding General of the United States Marine Corps Air Station, Cherry Point, North Carolina, ~~Carolina~~ or the General's designee may serve as a nonvoting Honorary Member of the Authority.

"(b) The Airport Authority shall consist of ~~five~~ eight members appointed by the Board of Commissioners of Craven County for ~~two~~ three year terms. ~~The initial terms shall commence July 1, 1986. Effective on or after July 1, 1990, the Craven County Board of Commissioners shall appoint two members to the Airport Authority for two-year terms, and three members to the Airport Authority for three-year terms. All terms shall expire on June 30 of the year of expiration. At the expiration of those terms, successors shall be appointed for two-year terms, and subsequent terms shall likewise be for two years. All members serving on the Airport Authority as of the effective date of this act shall finish their two year terms. Within 30 days after the effective date of this act, the Craven County Board of Commissioners shall appoint three new members to the Airport Authority; one new member shall serve a term that shall expire June 30, 2008, and two new members shall serve terms that shall expire June 30, 2007. All subsequent appointments shall be for terms of three years. All terms shall expire on June 30 of the year of expiration.~~"

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



House Bill 856: Craven County Regional Airport Authority

BILL ANALYSIS

Committee: House Local Government II

Introduced by: Reps. Wainwright,
Underhill

Date: April 6, 2005

Summary by: Kory Goldsmith
Committee Counsel

Version: First Edition, PCS
H856-CSRC-13[v.1]

SUMMARY: *House Bill 856 expands the number of members for the Craven County Airport Authority from 5 to 8, increases their terms from 2 to 3 years, and allows the Commanding General of Cherry Point to have a designee serve as a nonvoting Honorary Member of the Authority. Members who are currently serving on the Authority would finish their 2-year terms.*

The Proposed Committee Substitute makes technical changes to the bill.

The act would become effective when it becomes law.

CURRENT LAW: The Craven County Airport Authority currently has 5 members who each serve a 2-year term. The Craven County Board of Commissioners appoints the Area Authority members. The Commanding General of the United States Marine Corps Air Station, Cherry Point, North Carolina may serve as a nonvoting Honorary Member of the Authority.

H0856e1-SMRC-PCS

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chair) for the Committee on **Local Government II.**

- ☐ Committee Substitute for
H.B. 856 A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF
THE CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☒ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the original bill) (~~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 826

Short Title: Ansonville Weeded Lot Ordinance.

(Local)

Sponsors: Representative Gibson.

Referred to: Local Government II.

March 21, 2005

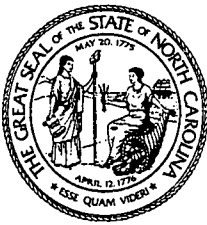
A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. The Town of Ansonville may notify a violator of the Town's weeded lot ordinance that if the violator's property is found to be in violation of the ordinance again in the calendar year in which notice is given, the Town shall, without further notice, take action to remedy the violation, and the expense of that action shall be charged to the violator. The notice may also provide that for each additional violation the Town shall charge the violator the expense of the action and a surcharge of up to fifty percent (50%) over the expense to remedy the preceding violation. Notice of violation shall be served by registered or certified mail.

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



HOUSE BILL 826: Ansonville Weeded Lot Ordinance

BILL ANALYSIS

Committee: House Local Government II
Date: April 6, 2005
Version: 1st Edition

Introduced by: Representative Gibson
Summary by: Kory J. Goldsmith *KJG*
Committee Counsel

SUMMARY: *House Bill 826 would allow the Town of Ansonville provide annual notification to violators of the weeded lot ordinance, remove the violation, and assess surcharges for additional violations in the same calendar year.*

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

BILL ANALYSIS: The bill allows the Town to notify a landowner that if their property is found in violation again during the calendar year, the Town will remedy the violation without further notice. The Town may charge the cost of the remedial action to the property owner. Notice of the violation shall be by registered or certified mail. If there is a subsequent violation during the same calendar year, the Town may abate the violation again and charge the owner up to a fifty percent (50%) surcharge over the expense of removal.

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

The act is effective when it becomes law.

H826-SMRC-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chair) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 826 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF ANSONVILLE TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

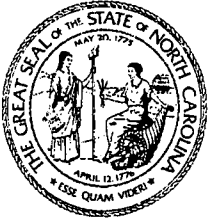
☐ With an indefinite postponement report, with a Minority Report attached.

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

03/19/03

1

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



HOUSE BILL 827: Town of Caswell Beach - Regulate Golf Carts

BILL ANALYSIS

Committee: House Local Government II
Date: April 6, 2005
Version: 1st Edition

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

SUMMARY: *House Bill 827 authorizes the Town of Caswell Beach to regulate the operation of electric golf carts and utility vehicles on public streets within the municipality.*

CURRENT LAW: Under current law, vehicles intended to be operated on the streets and highways of the State must be registered (G.S. 20-50), and golf carts and utility vehicles cannot be registered (G.S. 20-54).

BILL ANALYSIS: House Bill 827 authorizes the Town of Caswell Beach to enact an ordinance to authorize the operation of electric golf carts and utility vehicles on any public street or road within the Town.

House Bill 827 would become effective when it becomes law.

BACKGROUND: The General Assembly has previously granted similar authority to the Town of Lake Waccamaw, the Town of Cary, the Village of Whispering Pines, the Town of Beach Mountain, Moore County (within the Seven Lakes Community), and the Town of Seven Devils.

H827-SMRW-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chair) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 827 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF
CASWELL BEACH TO REGULATE GOLF CARTS

☒ 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 581*

Short Title: Belmont Street Lighting Assessments.

(Local)

Sponsors: Representative Rayfield.

Referred to: Local Government II.

March 10, 2005

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITY OF BELMONT TO UTILIZE THE PETITION
3 PROCEDURE FOR STREET LIGHTING AS IT IS CURRENTLY AUTHORIZED
4 FOR STREET OR SIDEWALK IMPROVEMENTS.

5 The General Assembly of North Carolina enacts:

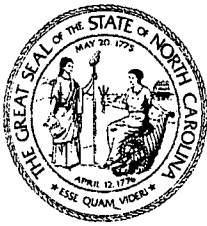
6 SECTION 1. G.S. 160A-216 is amended by adding a new subdivision to
7 read:

8 "(4a) Providing street lights and street lighting;".

9 SECTION 2. Assessments made under G.S. 160A-216(4a), as enacted by
10 this act, shall be governed by the same petition requirements of G.S. 160A-217 as if it
11 were an assessment for street or sidewalk improvements.

12 SECTION 3. This act applies to the City of Belmont only.

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



HOUSE BILL 581: Belmont Street Lighting Assessments

BILL ANALYSIS

Committee: House Local Government II
Date: April 6, 2005
Version: 1st Edition

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

SUMMARY: *House Bill 581 authorizes the City of Belmont to make special assessments for street lighting, upon receipt of a petition of a majority of the landowners representing a majority of the road frontage benefited.*

CURRENT LAW: Under current law, cities may make special assessments against benefited property for streets, sidewalks, sewers, and storm drainage systems. For street and sidewalk improvements, the city must receive a petition from the majority of landowners representing a majority of the road frontage benefited before making the assessment.

BILL ANALYSIS: House Bill 581 authorizes the City of Belmont to special assessments for street lighting upon receipt of a petition of a majority of the landowners representing a majority of the road frontage benefited.

H581-SMRW-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives Walker and Jones (Chair) for the Committee on Local Government II.

- ☐ Committee Substitute for
H.B. 581 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF
BELMONT TO UTILIZE THE PETITION PROCEDURE FOR STREET LIGHTING AS IT
IS CURRENTLY AUTHORIZED FOR STREET OR SIDEWALK IMPROVEMENTS.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to 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

VISITOR REGISTRATION SHEET

LG. #
Name of Committee

4-6-05
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY

John Phelps

NCLM

Rebecca Key

Rep. Gibson's office

Barbara Powell (Rep. Walker)

From: Mia Bailey (Rep. Jones)

Sent: Thursday, April 07, 2005 2:04 PM

To: Sen. Katie Dorsett; Phyllis Cameron (Sen. Dorsett); Rep. Robert Grady; Neta Grady (Rep. Grady); Rep. George Cleveland; Susan West (Rep. Cleveland); Rep. Jim Gulley; Suzanne Gulley (Rep. Gulley); Rep. Jim Crawford; Linda Winstead (Rep. Jim Crawford); Rep. Michael Wray; Mary Capps (Rep. Wray)

Subject: Local Government II Meeting Notice and Bill Sponsor Notification

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

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE: Wednesday, April 13, 2005

TIME: 10:00 AM

LOCATION: Room 425 LOB

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

HB 860 ✓ BAKERSVILLE TOWN ELECTIONS-Representative Frye

SB 332 ✓ GREENSBORO CLOSING-OUT SALE-Senator Dorsett

HB 973 JACKSONVILLE JUNKED/ABANDONED VEHICLES -Representatives Grady and Cleveland

HB 963 ✓ MATTHEWS JUNKED/ABANDONED VEHICLES-Representative Gulley

HB 75 ✓ JUNKED/ABANDONED VEHICLES-Representatives Crawford and Wray

Respectfully,
Representative Jones
Representative Walker (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices on **Thursday, April 7, 2005.**

4/13/2005

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II
Representative Jones, Presiding Chair
Representative Walker, Co- Chair

April 13, 2005
Room 425
10:00 a.m.

OPENING REMARKS

Representative Jones
Representative Walker
Local Government II Committee Members

AGENDA ITEMS:

HB 860	BAKERSVILLE TOWN ELECTIONS-Representative Frye
SB 332	GREENSBORO CLOSING-OUT SALE-Senator Dorsett
HB 973	JACKSONVILLE JUNKED/ABANDONED VEHICLES - Representatives Grady and Cleveland
HB 963	MATTHEWS JUNKED/ABANDONED VEHICLES- Representative Gulley
HB 75	JUNKED/ABANDONED VEHICLES-Representatives Crawford and Wray

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Wednesday, April 13, 2005
10:00 a.m.
Room 421, Legislative Office Building

The Local Government II Committee met on Wednesday, April 13, 2005, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representatives present were Jones, Walker, Carney, Rayfield, L. Allen, Brown, Church, Frye, Jeffus, Justice, Langdon, Steen, Wilkins, Womble and Rapp. Legislative Staff in attendance included Giles Perry, Kory Goldsmith and Joe Moore. The original Visitor Registration Sheet is attached to these as *Attachment 1*.

Chairman Earl Jones presided over the meeting. He welcomed the committee members and introduced the committee staff and each committee member. Representative Jones then welcomed Rep. Crawford to explain *HB 75 Junked/Abandoned Vehicles*. The bill was discussed and committee staff made the suggestion that the committee report the bill out with the recommendation that the House concur. Rep. Church made the motion. The committee gave their verbal approval and the motion carried.

Representative Earl Jones recognized Rep. Womble's motion to allow the Proposed Committee Substitute for HB 860 to be discussed. Rep. Frye was welcomed to explain his bill, *HB 860 Bakersville Town Elections*. Rep. Rayfield moved that the PCS for HB 350 be given a favorable report and an unfavorable report be given to the original version. The committee gave their verbal approval and the motion carried.

Sen. Dorsett was welcomed by Rep. Earl Jones to explain *SB 332 Greensboro Closing Out Sale* to the committee. After her presentation to the committee, Rep. Jeffus made a motion to give SB 332 a favorable report. The committee gave their verbal approval and the motion carried.

Rep. Gulley was welcomed to explain his bill, *HB 963 Matthews Junked/Abandoned Vehicles* to the committee. Rep. Carney made a motion to give HB 963 a favorable report. The committee gave their verbal approval and the motion carried.

The committee adjourned.



Representative Earl Jones, Presiding Co-Chair

Representative R. Tracey Walker, Co-Chair


Mia D. Bailey, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 973

Short Title: Jacksonville Junked/Abandoned Vehicles.

(Local)

Sponsors: Representatives Grady and Cleveland (Primary Sponsors).

Referred to: Local Government II.

March 29, 2005

A BILL TO BE ENTITLED

AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED
MOTOR VEHICLES IN THE CITY OF JACKSONVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-303.2(a) reads as rewritten:

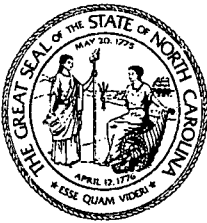
"(a) A municipality may by ordinance regulate, restrain or prohibit the abandonment of junked motor vehicles on public grounds and on private property within the municipality's ordinance-making jurisdiction upon a finding that such regulation, restraint or prohibition is necessary and desirable to promote or enhance community, neighborhood or area appearance, and may enforce any such ordinance by removing or disposing of junked motor vehicles subject to the ordinance according to the procedures prescribed in this section. The authority granted by this section shall be supplemental to any other authority conferred upon municipalities. Nothing in this section shall be construed to authorize a municipality to require the removal or disposal of a motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in G.S. 136-143.

For purposes of this section, the term "junked motor vehicle" means a vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than ~~one hundred dollars (\$100.00)~~ five hundred dollars (\$500.00)."

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

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



HOUSE BILL 973: Jacksonville Junked/Abandoned Vehicles

BILL ANALYSIS

Committee: House Local Government II
Date: April 13, 2005
Version: 1st Edition

Introduced by: Reps. Grady and Cleveland
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 973 changes the definition of a junked and abandoned motor vehicle, as it applies to ordinances in the City of Jacksonville.*

CURRENT LAW: G.S. 160A-303.2, authorizes municipalities to adopt ordinances concerning removal of junked and abandoned vehicles, using a community appearance standard.

BILL ANALYSIS: House Bill 973, applicable only to the City of Jacksonville, amends the definition of a junked motor vehicle in G.S. 160A-303.2 to provide that it applies only to vehicles that appear to be worth less than \$500.

House Bill 973 would become effective when it becomes law.

H973-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 332*

Short Title: Greensboro Closing-Out Sale.

(Local)

Sponsors: Senators Dorsett, Hagan; Berger of Rockingham, and Bingham.

Referred to: State and Local Government.

March 3, 2005

A BILL TO BE ENTITLED

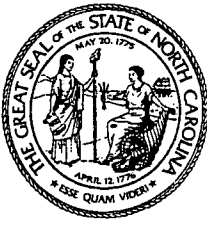
AN ACT TO PERMIT THE CITY OF GREENSBORO TO DESIGNATE SOMEONE
OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE
LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2002-33 reads as rewritten:

"**SECTION 2.** This act applies to the ~~City of Charlotte~~ Cities of Charlotte and
Greensboro only."

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



SENATE BILL 332: Greensboro Closing-Out Sale.

BILL ANALYSIS

Committee: House Local Government II
Date: April 13, 2005
Version: First Edition

Introduced by: Senators Dorsett & Hagan
Summary by: Kory Goldsmith *YJG*
 Committee Counsel

SUMMARY: *Senate Bill 332 allows the City of Greensboro to designate someone other than the city clerk to issue licenses to conduct a closing-out sale.*

CURRENT LAW:

Article 17 of Chapter 66 outlines the requirements for conducting a closing-out sale. Under the article, a closing-out sale includes all sales advertised or represented under the following designations:

- Going out of business
- Selling out
- Lost our lease
- Forced out
- Any other designation of like meaning.
- Discontinuance of business
- Liquidation
- Must vacate
- Removal

Distress sales are defined as all sales in which it is represented or implied that going out of business is possible or anticipated, in which closing out is referred to in any way, or in which it is implied that business conditions are so difficult that the seller is forced to conduct the sale.

G.S. 66-77 provides that no person shall advertise or offer for sale a stock of goods, wares or merchandise under the description of closing-out sale, or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise, or a distress sale unless a license to conduct such a sale has been obtained. The license may be obtained from:

- the clerk of the city or town in which the sale will be conducted, or
- the officer designated by the Board of County Commissioners if the sale is conducted in an unincorporated area.

G.S. 66-77 also provides the requirements for the contents of applications, inventory required, fees, bond, extension of licenses, records, and false statements.

S.L. 2002-33 amended **G.S. 66-77(a)** to allow the clerk of the city or town or "another officer designated by the City Council" to issue the license. Conforming amendments reflecting this change were made throughout **G.S. 66-77**. **S.L. 2002-33** is effective only for the City of Charlotte.

BILL ANALYSIS:

Senate Bill 322 amends **S.L. 2002-33** to include the City of Greensboro. Thereby allowing the Greensboro City Council to designate an officer other than the city clerk to issue the license required under **G.S. 66-77**.

Senate Bill 322 is effective when it becomes law and applies only to the City of Greensboro.

S0332-SMRC-001

Theresa Matula, committee staff to Senate State, & Local Government Committee substantially contributed to this summary.

SENATE BILL 332

Page 2

S.L. 2002-33

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO
ISSUE CLOSING-OUT SALE LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 66-77 reads as rewritten:

"§ 66-77. License required; contents of applications; inventory required; fees; bond; extension of licenses; records; false statements.

(a) No person shall advertise or offer for sale a stock of goods, wares or merchandise under the description of closing-out sale, or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise, or a distress sale unless he shall have obtained a license to conduct such sale from the clerk of the city or town in which he proposes to conduct such a sale (or from another officer designated by the City Council) or from the officer designated by the Board of County Commissioners if the sale is conducted in an unincorporated area. The applicant for such a license shall make to such clerk or officer an application therefor, in writing and under oath at least seven days prior to the opening date of sale, showing all the facts relating to the reasons and character of such sale, including the opening and terminating dates of the proposed sale, the opening and terminating dates of any previous distress sale or closing-out sale held by the applicant within that county during the preceding 12 months, a complete inventory of the goods, wares or merchandise actually on hand in the place whereat such sale is to be conducted, and all details necessary to locate exactly and identify fully the goods, wares or merchandise to be sold. Provided, the seller in a distress sale need not file an inventory.

(b) If such clerk or other officer shall be satisfied from said application that the proposed sale is of the character which the applicant desires to advertise and conduct, the clerk or other officer shall issue a license, upon the payment of a fee of fifty dollars (\$50.00) therefor, together with a bond, payable to the city or town or county in the penal sum of five hundred dollars (\$500.00), conditioned upon compliance with this Article, to the applicant authorizing him to advertise and conduct a sale of the particular kind mentioned in the application. The license fee provided for herein shall be good for a period of 30 days from its date, and if the applicant shall not complete said sale within said 30-day period then the applicant shall make application to such clerk or other officer for a license for a new permit, which shall be good for an additional period of 30 days, and shall pay therefor the sum of fifty dollars (\$50.00), and a second extension period of 30 days may be similarly applied for and granted by the clerk or other officer upon payment of an additional fee of fifty dollars (\$50.00) and upon the clerk or other officer being satisfied that the applicant is holding a bona fide sale of the kind contemplated by this Article and is acting in a bona fide manner; provided, however, that the clerk or other officer may not grant an extension period as provided in this subsection if (i) the applicant conducted a distress sale immediately preceding the current sale for which the extension is applied for and (ii) the period of the extension applied for, when added to the period of the preceding sale and the period of the current sale, will exceed 120 days. No additional bond shall be required in the event of one or more extensions as herein provided for. Any merchant who shall have been conducting a business in the same location where the sale is to be held for a period of not less than one year, prior to the date of holding such sale, or any merchant who shall have been conducting a business in one location for such period but who shall, by reason of the building being untenable or by reason of the fact that said merchant shall have no existing lease or ownership of the building and shall be forced to hold such sale at another location, shall be exempted from the payment of the fees and the filing of the bond herein provided for.

(c) Every city or town or county to whom application is made shall endorse upon such application the date of its filing, and shall preserve the same as a record of his office, and shall make an abstract of the facts set forth in such application, and shall indicate whether the license was granted or refused.

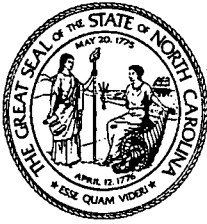
(d) Any person making a false statement in the application provided for in this section shall, upon conviction, be deemed guilty of perjury."

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

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

In the General Assembly read three times and ratified this the 22nd day of July, 2002.

s/ Marc Basnight
President Pro Tempore of the Senate
s/ James B. Black
Speaker of the House of Representatives



House Bill 860: Bakersville Town Elections

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Frye
Version: First Edition
 H860-CSRC-15[v.1]

Date: April 13, 2005
Summary by: Kory Goldsmith *KJG*
 Committee Counsel

SUMMARY: *House Bill 860 changes the term of the Mayor of Bakersville from 2 to 4 years, changes the name of the governing board from "Board of Aldermen" to "Town Council", and changes the terms of the council members from all three seats holding two-year terms to one seat that is elected every four years and two seats that are elected every two years.*

The Proposed Committee Substitute makes clarifying changes.

The act is effective when it becomes law.

CURRENT LAW: The Mayor and the three members of the Bakersville Board of Aldermen are currently elected for two-year terms.

H0860e1-SMRC-PCS

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 860

Short Title: Bakersville Town Elections.

(Local)

Sponsors: Representative Frye.

Referred to: Local Government II.

March 23, 2005

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE
TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE
TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED
TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL
SHALL BE ELECTED FOR TWO AND FOUR-YEAR TERMS.

The General Assembly of North Carolina enacts:

SECTION 1. The governing board of the Town of Bakersville is the Town Council, which consists of three members.

SECTION 2. The Mayor of the Town of Bakersville shall be elected in 2005 and quadrennially thereafter for a four-year term.

SECTION 3. In 2005 and quadrennially thereafter, the three members of the Town Council of the Town of Bakersville shall be elected. The candidate receiving the highest number of votes is elected to a four-year term, and the two candidates receiving the next highest numbers of votes are elected to two-year terms. In 2007 and quadrennially thereafter, two members are elected to two-year terms.

SECTION 4. Section 3 of Chapter 1291 of the 1955 Session Laws is repealed.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

D

**HOUSE BILL 860
PROPOSED COMMITTEE SUBSTITUTE H860-CSRC-15 [v.1]**

4/12/2005 7:43:07 PM

Short Title: Bakersville Town Elections.

(Local)

Sponsors:

Referred to:

March 23, 2005

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NAME OF THE GOVERNING BOARD OF THE TOWN OF BAKERSVILLE FROM THE BOARD OF ALDERMEN TO THE TOWN COUNCIL, TO PROVIDE THAT THE MAYOR SHALL BE ELECTED TO A FOUR-YEAR TERM, AND TO PROVIDE THAT THE TOWN COUNCIL SHALL BE ELECTED FOR TWO AND FOUR-YEAR TERMS.

The General Assembly of North Carolina enacts:

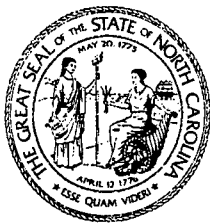
SECTION 1. The governing board of the Town of Bakersville is the Town Council, which consists of three members.

SECTION 2. The Mayor of the Town of Bakersville shall be elected in 2005 and quadrennially thereafter for a four-year term.

SECTION 3. In 2005, the three members of the Town Council of the Town of Bakersville shall be elected. The candidate receiving the highest number of votes shall be elected to a four-year term, and the two candidates receiving the next highest numbers of votes shall each be elected to a two-year term. In 2007 and biennially thereafter, two members shall be elected to two-year terms. In 2009 and quadrennially thereafter, one member shall be elected to a four-year term.

SECTION 4. Section 3 of Chapter 1291 of the 1955 Session Laws is repealed.

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



HOUSE BILL 963: Matthews Junked/Abandoned Vehicles

BILL ANALYSIS

Committee: House Local Government II
Date: April 13, 2005
Version: 1st Edition

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

SUMMARY: *House Bill 963 changes the definition of a junked and abandoned motor vehicle, as it applies to ordinances in the Town of Matthews.*

CURRENT LAW: G.S. 160A-303.2 authorizes municipalities to adopt ordinances concerning removal of junked and abandoned vehicles, using a community appearance standard.

BILL ANALYSIS: Section 1 of the bill amends a prior session law, S.L. 2004-30, to add the Town of Matthews. The effect of this amendment, applicable only to the Town of Matthews, is to change the definition of junked motor vehicle in G.S. 160A-303.2, to provide that it applies only to vehicles that appear to be worth less than \$500.

House Bill 963 would become effective when it becomes law.

H963-SMRW-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 963

Short Title: Matthews Junked/Abandoned Vehicles. (Local)

Sponsors: Representative Gulley.

Referred to: Local Government II.

March 29, 2005

A BILL TO BE ENTITLED

AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED
MOTOR VEHICLES IN THE TOWN OF MATTHEWS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2004-30 reads as rewritten:

"**SECTION 2.** This act applies to the Cities of Greenville and Henderson and the
~~Town~~ Towns of Matthews and Waynesville only."

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

2

HOUSE BILL 75

Senate State and Local Government Committee Substitute Adopted 3/16/05

Short Title: Junked/Abandoned Vehicles.

(Local)

Sponsors:

Referred to:

February 7, 2005

A BILL TO BE ENTITLED

AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED
MOTOR VEHICLES IN THE CITY OF HENDERSON AND THE TOWN OF
LOUISBURG.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-303(b2) reads as rewritten:

"(b2) A junked motor vehicle is an abandoned motor vehicle that also:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than five years old and worth less than ~~one hundred dollars (\$100.00);~~ five hundred dollars (\$500.00); or
- (4) Does not display a current license plate."

SECTION 2. G.S. 160A-303.2(a) reads as rewritten:

"(a) A municipality may by ordinance regulate, restrain or prohibit the abandonment of junked motor vehicles on public grounds and on private property within the municipality's ordinance-making jurisdiction upon a finding that such regulation, restraint or prohibition is necessary and desirable to promote or enhance community, neighborhood or area appearance, and may enforce any such ordinance by removing or disposing of junked motor vehicles subject to the ordinance according to the procedures prescribed in this section. The authority granted by this section shall be supplemental to any other authority conferred upon municipalities. Nothing in this section shall be construed to authorize a municipality to require the removal or disposal of a motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in G.S. 136-143.

For purposes of this section, the term "junked motor vehicle" means a vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked; or

1 (2) Cannot be self-propelled or moved in the manner in which it originally
2 was intended to move; or

3 (3) Is more than five years old and appears to be worth less than ~~one~~
4 ~~hundred dollars (\$100.00).~~ five hundred dollars (\$500.00)."

5 **SECTION 3.** Section 1 of this act applies only to the City of Henderson and
6 the Town of Louisburg. Section 2 of this act applies only to the Town of Louisburg.

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



HOUSE BILL 75: Junked/Abandoned Vehicles

BILL ANALYSIS

Committee: House Local Government II
Date: April 13, 2005
Version: 2nd Edition

Introduced by: Reps. Crawford and Wray
Summary by: Giles S. Perry
 Committee Counsel

SUMMARY: *House Bill 75 changes the definition of a junked and abandoned motor vehicle, as it applies to ordinances in the City of Henderson and the Town of Louisburg.*

CURRENT LAW:

There are currently two statutes authorizing municipalities to adopt ordinances regulating junked and abandoned motor vehicles. G.S.160A-303 authorizes municipalities to adopt ordinances concerning removal of junked and abandoned vehicles using a *health and safety standard*. G.S. 160A-303.2, authorizes municipalities to adopt ordinances concerning removal of junked and abandoned vehicles using a *community appearance standard*.

BILL ANALYSIS:

Section 1 of the bill, applicable to the City of Henderson and the Town of Louisburg, amends the definition of junked motor vehicle in G.S. 160-303 (*the health and safety standard junked vehicle removal statute*) to provide that it applies to vehicles that are worth less than \$500.

Section 2 of bill, applicable only to the Town of Louisburg, amends the definition of junked motor vehicle in G.S. 160A-303.2 (*the community appearance standard junked vehicle removal statute*), to provide that it applies only to vehicles that appear to be worth less than \$500.

House Bill 75 would become effective when it becomes law.

H75-SMRW-001

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mary Emma Evans	Clean up Henderson C. Henderson City Council
Liane Barberio	Clean up Henderson
Ronald Greene	" " "
Sarala Reddy	" " "
Cam Cruz	B P M H L
Lynn Harper	Clean up Henderson! Committee
Michael J. J. J.	Home in Henderson.com
Frank S. S.	Clean up Henderson Committee
Jackie Finch Jackson	Clean up Henderson! Committee

Barbara Powell (Rep. Walker)

From: Barbara Powell (Rep. Walker)
Sent: Thursday, April 14, 2005 11:26 AM
To: Rep. Jim A. Harrell; Rep. Cary Allred; Rep. Jim Gulley; Rep. Julia Howard; Beth LeGrande (Rep. Harrell); Jean Allred (Rep. Allred); Suzanne Gulley (Rep. Gulley); Anne Soles (Rep. Howard)
Cc: Giles Perry (Research); Kory Goldsmith (Research); Joe Moore (Research)
Subject: Local Government II -April 20, 2005

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

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

DAY & DATE: Wednesday, April 20, 2005
TIME: 10:00
LOCATION: Room 425 LOB

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

HB 845 LAW ENFORCEMENT ATV USE IN SURRY COUNTY
Representative Harrell

HB 946 OSSIPEE BUDGET
Representative Allred

HB 962 MATTHEWS PUBLIC NUISANCE ORDINANCE
Representative Gulley

HB 997 INCREASE DAVIE COUNTY FORCE ACCOUNT LIMIT
Representative Howard

Respectfully,
Representative Walker
Representative Jones (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices at **11:00 am** on **Thursday, April 14, 2005.**

____Principal Clerk
____Reading Clerk - House Chamber

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Walker, Presiding
Representative Jones, Co-Chair

April 20, 2005
Room 425
10:00 a.m.

OPENING REMARKS

Representative Walker

AGENDA ITEMS:

HB 845 LAW ENFORCEMENT ATV USE IN SURRY COUNTY
Representative Harrell

HB 946 OSSIPEE BUDGET
Representative Allred

✓ **HB 962 MATTHEWS PUBLIC NUISANCE ORDINANCE**
Representative Gulley ✓

HB 997 INCREASE DAVIE COUNTY FORCE ACCOUNT LIMIT
Representative Howard

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

April 20, 2005

The House Committee on Local Government II met on Wednesday, April 20, 2005 in Room 425 of the Legislative Office Building at 10:00 a.m. The following members were present: Chairs- Representatives Tracy Walker and Earl Jones, Vice-Chairs Becky Carney and John Rayfield, Representatives Allen, Brown, Church, Jeffus, Justice Langdon, Steen, Wilkins, Womble and Rapp. Kory Goldsmith, Joe Moore and Giles Perry, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

Representative Walker recognized Representative Gulley to explain HB 962, AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE. This bill allows the Town of Matthews to remedy a violation of the public nuisance ordinance where the Town has notified the violator at least three times in the prior year that the owner is in violation of the ordinance. The cost of the action becomes a lien against the property and is collected as unpaid taxes. Representative Rayfield moved for a favorable report. Motion carried.

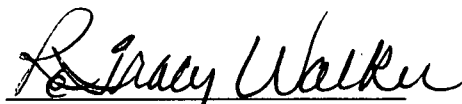
The Chair recognized Representative Allred to explain HB 946, AN ACT TO ALLOW THE TOWN OF OSSIPEE TO AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO SHOW CONFORMANCE WITH G.S.136-41.2. This bill would authorize the Town of Ossipee to amend its 2002-2003 and 2003-2004 budget ordinances to reflect actual expenditures in preparing to provide solid waste collection or disposal, and with the amendment, the Town will be considered to have complied with the statutory requirement that makes it eligible to receive certain sales tax and Highway Trust Fund revenues. After much discussion, Representative Allen moved for a favorable report. The motion carried.

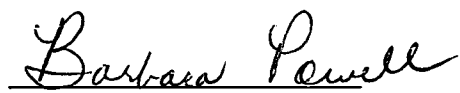
Representative Howard was recognized to explain HB 997 AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES STATION. In summary this bill authorized Davie County to use its own employees, known as "force account" labor, to expand and improve Emergency Medical Services Station Number One, without the requirement for bids, for up to maximum project cost of \$600,000. Upon motion of Representative Allen the bill received a favorable report.

Representative Harrell was recognized to explain HB 845 AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE ALL-TERRAIN VEHICLES ON PUBLIC STREETS AND HIGHWAYS IN SURRY COUNTY. He asked that the bill be removed from today's calendar. He will ask Representative Culpepper that it be sent to Rules. No action taken by committee.

There being no further business, the meeting was adjourned.

Respectfully submitted


Representative Walker
Presiding Co-Chairman


Barbara Powell
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 962

Short Title: Matthews Public Nuisance Ordinance.

(Local)

Sponsors: Representative Gulley.

Referred to: Local Government II.

March 29, 2005

A BILL TO BE ENTITLED

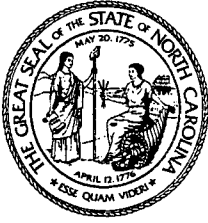
AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL
NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE
ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may notify a chronic violator of the municipality's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality gave notice of violation at least three times under any provision of the public nuisance ordinance.

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

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



HOUSE BILL 962: Matthews Public Nuisance Ordinance

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Gulley
Version: First Edition

Date: April 20, 2005
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: *House Bill 962 allows the Town of Matthews to remedy a violation of the public nuisance ordinance where the Town has notified the violator at least three times in the prior year that the owner is in violation of the ordinance. The cost of the action becomes a lien against the property and is collected as unpaid taxes.*

CURRENT LAW: G.S. 160A-193 grants to cities the authority to remove or otherwise remedy situations that are dangerous or prejudicial to the public health or public safety. The expense of removal is paid by the property owner or becomes a lien against the property that is collected as unpaid ad valorem taxes.

BILL ANALYSIS: House Bill 962 provides that a municipality may notify a chronic violator of the municipality's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which the notice is given, take action to remedy the violation.

- The expense of the action becomes a lien upon the violator's property and will be collected as unpaid taxes.
- The initial annual notice is served by registered or certified mail.
- A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality gave notice of violation at least three times under the public nuisance ordinance.

The act applies to the Town of Matthews only

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

H0962e1-SMRC

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 962 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 946

Short Title: Ossipee Budget.

(Local)

Sponsors: Representatives Allred; and Bordsen.

Referred to: Local Government II.

March 29, 2005

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF OSSIPEE TO AMEND ITS BUDGET
ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL YEARS TO
SHOW CONFORMANCE WITH G.S. 136-41.2.

Whereas, G.S. 136-41.2, as amended by S.L. 1999-458, provides that for municipalities incorporated with an effective date of on or after January 1, 2000, certain shared revenues are available to the municipality only if it has adopted a budget ordinance showing that funds have been appropriated for at least four of the following municipal services: (i) police protection; (ii) fire protection; (iii) solid waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning; and

Whereas, The Town of Ossipee was incorporated by S.L. 2002-137 effective when the results of the incorporation referendum were certified following the 2002 general election; and

Whereas, the municipal incorporation petition submitted under G.S. 120-163 stated in accordance with G.S. 120-163(c) that the municipality would offer four of the services listed above no later than the first day of the third fiscal year following the effective date of the incorporation; and

Whereas, the requirement for expenditures by the third fiscal year was also contained in S.L. 1999-458; and

Whereas, the town believed that the two different parts of S.L. 1999-458 were intended to allow new municipalities a period of time to receive funds as it was establishing the services; and

Whereas, the Town of Ossipee actually expended funds for those four services, the sum of \$4,320 for fire protection as a contractual payment to the Altamahaw-Ossipee Fire Department, appropriations for water distribution under Sections 3 and 4 of its budget ordinance, and \$1,800 appropriated in the budget ordinance for "Planning and Zoning Board", to be used to pay a consultant to begin the process of adopting a zoning ordinance; and

1 Whereas, the 2002-2003 and 2003-2004 budget ordinances showed a line
2 item for "Environmental Protection" with a zero for the amount, but in fact in the 2002-
3 2003 and 2003-2004 fiscal years expended funds for legal and administrative purposes
4 related to preparing to provide solid waste collection or disposal; and

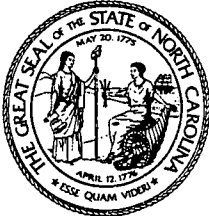
5 Whereas, the town clearly expended funds for those four categories, but did
6 not itemize them in the budget ordinance in the format strictly required; and

7 Whereas, S.L. 1999-458 appeared to allow the town three years in any case;
8 Now, therefore,

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** The Town of Ossipee shall, upon amending its budget
11 ordinances for the 2002-2003 and 2003-2004 fiscal years to reflect actual expenditures
12 by the town in preparing to provide solid waste collection or disposal, be considered to
13 have complied with the provisions of G.S. 136-41.2 for those two fiscal years.

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



HOUSE BILL 946: Ossipee Budget

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Allred
Version: First Edition

Date: April 20, 2005
Summary by: Kory Goldsmith *KG*
Committee Counsel

SUMMARY: *House Bill 946 would authorize the Town of Ossipee to amend its 2002-2003, and 2003-2004 budget ordinances to reflect actual expenditures in preparing to provide solid waste collection or disposal, and with the amendment, the Town will be considered to have complied with the statutory requirement that makes it eligible to receive certain sales tax and Highway Trust Fund revenues.*

The act would be effective when it becomes law.

CURRENT LAW: In 1999, the General Assembly passed legislation revising the municipal incorporation process. S.L. 1999-458. Among other things, the bill required that the petition to Municipal Incorporations Commission must include a statement that the proposed municipality will offer four of eight services no later than the first day of the third fiscal year following the effective date of the incorporation. The listed services are: police protection, fire protection, solid waste collection or disposal, water distribution, street maintenance street construction or right-of-way acquisition, street lighting, and zoning. The act also included amendments to various statutes that allocate revenues to municipalities. In particular, the amendments provided that for municipalities incorporated on or after January 1, 2000, the municipality would not be eligible for the funds unless had formally adopted a budget ordinance showing that funds had been appropriated for at least four of the eight services listed above. See G.S. 136-41.2.

BILL ANALYSIS: The Department of Revenue has identified 4 municipalities that received sales tax revenues, but had not complied with the requirements of G.S. 136-41.2. Ossipee is one of those municipalities. The Town's budget ordinance did include appropriations for fire protection, water distribution and zoning. It did not specifically include an appropriation for solid waste collection or disposal, although funds were expended for legal and administrative purposes related to preparing to provide solid waste collection or disposal.

If enacted, the bill would allow the Town to amend its 2002-2003 and 2003-2004 budget to specify the funds expended for legal and administrative purposes were for preparing to provide solid waste collection or disposal, and the budget ordinances would be considered to comply with the requirements of G.S. 136-41.2(c). This in turn will allow the Town to be eligible for the various sales tax and Highway revenues.

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

H0946e1-SMRC

House Bill 946

Page 2

§ 136-41.2. Eligibility for funds; municipalities incorporated since January 1, 1945.

(a) No municipality shall be eligible to receive funds under G.S. 136-41.1 unless it has conducted the most recent election required by its charter or the general law, whichever is applicable, for the purpose of electing municipal officials. The literal requirement that the most recent required election shall have been held may be waived only:

- (1) Where the members of the present governing body were appointed by the General Assembly in the act of incorporation and the date for the first election of officials under the terms of that act has not arrived; or,
- (2) Where validly appointed or elected officials have advertised notice of election in accordance with law, but have not actually conducted an election for the reason that no candidates offered themselves for office.

(b) No municipality shall be eligible to receive funds under G.S. 136-41.1 unless it has levied an ad valorem tax for the current fiscal year of at least five cents (5¢) on the one hundred dollars (\$100.00) valuation upon all taxable property within its corporate limits, and unless it has actually collected at least fifty percent (50%) of the total ad valorem tax levied for the preceding fiscal year; provided, however, that, for failure to have collected the required percentage of its ad valorem tax levy for the preceding fiscal year:

- (1) No municipality making in any year application for its first annual allocation shall be declared ineligible to receive such allocation; and
- (2) No municipality shall be declared ineligible to receive its share of the annual allocation to be made in the year 1964.

(c) No municipality shall be eligible to receive funds under G.S. 136-41.1 unless it has formally adopted a budget ordinance in substantial compliance with G.S. 160-410.3, showing revenue received from all sources, and showing that funds have been appropriated for at least two of the following municipal services if the municipality was incorporated with an effective date prior to January 1, 2000, water distribution; sewage collection or disposal; garbage and refuse collection or disposal; fire protection; police protection; street maintenance, construction, or right-of-way acquisition; or street lighting, or at least four of the following municipal services if the municipality was incorporated with an effective date of on or after January 1, 2000: (i) police protection; (ii) fire protection; (iii) solid waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning.

(d) The provisions of this section shall not apply to any municipality incorporated prior to January 1, 1945.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for
H.B. 946 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OSSIPEE TO
AMEND ITS BUDGET ORDINANCES FOR THE 2002-2003 AND 2003-2004 FISCAL
YEARS TO SHOW CONFORMANCE WITH G.S. 136-41.2.

☒ 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 997

Short Title: Increase Davie County Force Account Limit.

(Local)

Sponsors: Representative Howard.

Referred to: Local Government II.

March 30, 2005

A BILL TO BE ENTITLED

AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF DAVIE COUNTY AS
TO AN EMERGENCY MEDICAL SERVICES STATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-135 reads as rewritten:

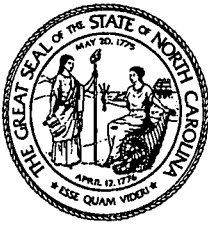
"§ 143-135. Limitation of application of Article.

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars (\$125,000) or the total cost of labor on the project does not exceed fifty thousand dollars (\$50,000).~~ six hundred thousand dollars (\$600,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

SECTION 2. This act applies only to the expansion and improvement of Emergency Medical Services Station Number One.

SECTION 3. This act applies to Davie County only.

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



HOUSE BILL 997: Increase Davie County Force Account Limit

BILL ANALYSIS

Committee: House Local Government II
Date: April 20, 2005
Version: 1st Edition

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

SUMMARY: *House Bill 997 authorizes Davie County to use its own employees, known as "force account" labor, to expand and improve Emergency Medical Services Station Number One, without the requirement for bids, for up to maximum project cost of \$600,000.*

CURRENT LAW: Under current law, the State, cities, and counties are authorized to use their own employees, known as "force account" labor, to do construction or repair work without the requirement for bids, up to total project cost of \$125,000.

BILL ANALYSIS: House Bill 997 amends the current general law to authorize Davie County to use force account labor to expand and improve Emergency Medical Services Station Number One, without the requirement for bids, for up to maximum project cost of \$600,000.

House Bill 997 would become effective when it becomes law.

one time exception

H997-SMRW-001

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 997 A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT
LIMIT OF DAVIE COUNTY AS TO AN EMERGENCY MEDICAL SERVICES
STATION.

☒ 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 845

Short Title: Law Enforcement ATV Use in Surry County.

(Local)

Sponsors: Representative Harrell.

Referred to: Local Government II.

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE
ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS IN SURRY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a
new section to read:

"§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways.

**Law enforcement officers enforcing the laws of the State may use all-terrain
vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental
agency, on public highways within North Carolina."**

SECTION 2. This act applies in Surry County only.

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

VISITOR REGISTRATION SHEET

Local Gout II

Name of Committee

4-20-05

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS.

Mimi Antonicchia

ESHS

Ashley Ayers

ESHS

Jessica Crooke

East Sunny High School

Carlin Lamb

ESHS

David Diamond

East Lucy HS

VISITOR REGISTRATION SHEET

Local Gov II

4-20-09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Phelps	NCLM
Andy Sabol	NC DOR
Ken Melton	NC DOR
Students	East Surry High School Civics class
Cody Johnson	East Surry High
Kyle Pruitt	ESHS
Marcus Martin	ESHS
Nicole Garriss	ESHS
Lucas Fowler	ESHS
Tyler Gordon	ESHS
Meghan Shelton	ESHS

Barbara Powell (Rep. Walker)

From: Mia Bailey (Rep. Jones)**Sent:** Thursday, April 21, 2005 2:49 PM**To:** Rep. David Lewis; Marie Strickland (Rep. Lewis); Rep. Bonner Stiller; Carla Farmer (Rep. Stiller); Sen. Charlie Dannelly; Dee Hodge (Sen. Dannelly); Wayne Yancey (Sen. Dannelly); Rep. Wilma Sherrill; Rosa Kelley (Rep. Sherrill); Rep. Susan Fisher; Meredith Woodlief (Rep. Fisher); Rep. D. Bruce Goforth; Ann Jordan (Rep. Goforth)**Subject:** Local Government II Committee Meeting Notice/ Bill Sponsor Notification

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

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE: Wednesday, April 27, 2005**TIME:** 10:00 AM**LOCATION:** Room 425 LOB

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

HB 1078 ANGIER WEEDED LOT ORDINANCE
Representative Lewis

HB 941 OCEAN ISLE BEACH ABANDONED AIRPLANES
Representatives Stiller

SB 462 CHARLOTTE SPEED CAMERA SUNSET EXTENDED
Senator Dannelly

HB 1065 SULLIVAN ACT II
Representatives Sherrill, Fisher, and Goforth

HB 1064 SULLIVAN ACT III
Representatives Sherrill, Fisher, and Goforth

Respectfully,
Representative Jones
Representative Walker (Co-Chair)

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Wednesday, April 27, 2005

10:00 a.m.

Room 421, Legislative Office Building

The Local Government II Committee met on Wednesday, April 27, 2005, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representatives present were Jones, Walker, Carney, Rayfield, L. Allen, Brown, Church, Frye, Jeffus, Justice, Langdon, Steen, Wilkins, Womble and Rapp. Legislative Staff in attendance included Giles Perry, Kory Goldsmith and Joe Moore. The original Visitor Registration Sheet is attached to these as *Attachment 1*.

Chairman Earl Jones presided over the meeting. He welcomed the committee members and introduced the committee staff and each committee member. Representative Jones then welcomed Rep. Langdon to explain *HB 1078 Angier Weeded Lot Ordinance*, in place of Rep. Lewis who called earlier that morning to say he would not be able to attend the meeting. Rep. Rayfield made motion to give HB 1078 a favorable report. The committee gave their verbal approval and the motion carried.

Rep. Stiller was welcomed to explain his bill, *HB 941 Ocean Isle Beach Abandoned Airplanes*. Rep. Brown moved that HB 941 be given a favorable report. The committee gave their verbal approval and the motion carried.


Sen. Dannelly was welcomed to explain his bill, *SB 462 Charlotte Speed Camera Sunset Extended*. Rep. Womble moved that SB 462 be given a favorable report. The committee gave their verbal approval and the motion carried.

Rep. Goforth was welcomed by Rep. Earl Jones to explain *HB 1065 Sullivan Act II*. Rep. Sherrill, co-sponsor of the bill, further explained the bill and her responsibility to her constituents as motivation for the bill. Senators Nesbitt and Apodoca also addressed the committee about the sensitive local issues that the bill contains. In opposition to the bill, Asheville City Council members Brownie Newman and Holley Jones made comments. Rep. Fisher, another co-sponsor of the bill spoke to the committee and informed them that she had withdrawn her support for the bill and urged the committee to suspend action on the bill and allow the local government of that region additional time to resolve differences as it pertains to the issues contained within this bill. The chair, decided that the committee would indeed decide the fate of the bill in that meeting. Rep. L. Allen stated that she was "grieved" to have to decide the fate of that bill on that day. Rep. Justice moved that

the PCS for HB 1065 be given a favorable report and an unfavorable report be given to the original version. The committee gave their verbal approval and the motion carried.

Rep. Womble moved that the committee discuss the Proposed Committee Substitute for *HB 1064 Sullivan Local Act III*. The motion carried. Rep. Sherrill explained HB 1064. Rep. Rapp made a motion to give HB 1064 an unfavorable report to the original version of the bill and favorable report to the PCS. The committee gave their verbal approval and the motion carried.

The committee adjourned.



Representative Earl Jones, Presiding Co-Chair

Representative R. Tracey Walker, Co-Chair



Mia D. Bailey, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1078

Short Title: Angier Weeded Lot Ordinance.

(Local)

Sponsors: Representative Lewis.

Referred to: Local Government II.

March 31, 2005

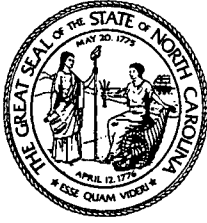
A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. The Town of Angier may notify a violator of the City's weeded lot ordinance that if the violator's property is found to be in violation of the ordinance again in the calendar year in which notice is given, the City shall, without further notice, take action to remedy the violation, and the expense of that action shall be charged to the violator. The notice may also provide that for each additional violation the City shall charge the violator the expense of the action and a surcharge of up to fifty percent (50%) over the expense to remedy the preceding violation. Notice of violation shall be served by registered or certified mail.

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



HOUSE BILL 1078: Angier Weeded Lot Ordinance

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Lewis
Version: First Edition

Date: April 26, 2005
Summary by: Kory Goldsmith
 Committee Counsel

SUMMARY: *House Bill 1078 would allow the Town of Angier to provide annual notification to violators of the Town's weeded lot ordinance, remove the violation, and assess surcharges for additional violations during the same calendar year.*

The act will become effective when it becomes law.

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

BILL ANALYSIS: The bill allows the Town to notify a landowner that if their property is found in violation again during the calendar year, the Town will remedy the violation without further notice. The Town may charge the cost of the remedial action to the property owner. Notice of the violation shall be by registered or certified mail. If there is a subsequent violation during the same calendar year, the Town may abate the violation again and charge the owner up to a fifty percent (50%) surcharge over the expense of removal.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 941

Short Title: Ocean Isle Beach Abandoned Airplanes. (Local)

Sponsors: Representative Stiller.

Referred to: Local Government II.

March 28, 2005

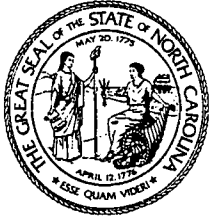
A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO REMOVE
ABANDONED AIRPLANES FROM PUBLIC PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. The Town of Ocean Isle Beach may by ordinance prohibit the abandonment of airplanes on public property within the Town, and may enforce any ordinance adopted by removing and disposing of abandoned airplanes according to the procedures prescribed in G.S. 160A-303. An abandoned airplane is one that is left on property owned or operated by the Town for longer than 90 days.

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



HOUSE BILL 941: Ocean Isle Beach Abandoned Airplanes

BILL ANALYSIS

Committee:	House Local Government II	Date:	April 22, 2005
Introduced by:	Rep. Stiller	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 941 authorizes the Town of Ocean Isle to regulate the abandonment of airplanes on public property.*

BILL ANALYSIS: House Bill 941, applicable to the Town of Ocean Isle, authorizes the Town to prohibit the abandonment of airplanes on public property with the Town, and authorizes the Town to enforce the ordinance by removing or disposing of abandoned airplanes in accordance with the procedure provided for removal and disposal of junked and abandoned vehicles in G.S. 160A-303.

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

H0941e1-SMRW

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

2

SENATE BILL 462
Judiciary II Committee Substitute Adopted 3/29/05

Short Title: Charlotte Speed Camera Sunset Extended.

(Local)

Sponsors:

Referred to:

March 10, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND THE SUNSET OF THE AUTHORIZATION FOR THE CITY
3 OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED MEASURING DURING A
4 PILOT PROGRAM IN DESIGNATED CORRIDORS.

5 The General Assembly of North Carolina enacts:

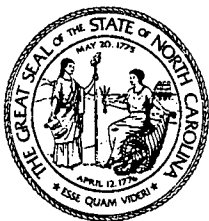
6 SECTION 1. Section 5 of S.L. 2003-280 reads as rewritten:

7 "SECTION 5. This act becomes effective July 1, 2003, and expires ~~June 30,~~
8 ~~2006.~~September 30, 2007."

9 SECTION 2. Section 6 of S.L. 2003-380 reads as rewritten:

10 "SECTION 6. This act is effective when it becomes law. Section 5 of this act
11 expires ~~June 30, 2006.~~September 30, 2007."

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



SENATE BILL 462: Charlotte Speed Camera Sunset Extended.

BILL ANALYSIS

Committee: House Local Government II
Date: April 27, 2005
Version: Second

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

SUMMARY: *Senate Bill 462 would extend the sunset from June 30, 2006, to September 30, 2007, so the City of Charlotte can continue to be authorized to use photographic speed-measuring systems in designated corridors. The bill would be effective when it becomes law.*

BACKGROUND:

In 2003,¹ the General Assembly authorized the City of Charlotte to use photographic speed-measuring systems during a three-year pilot program in designated corridors in that city and to establish civil penalties for speed limit and school zone speed limit violations. A photographic speed-measuring system works in conjunction with a photographic, video, or electronic camera to automatically measure the speed and produce photographs, video or digital images of vehicles violating a speed limit or speed restriction. The systems must be calibrated according to standards adopted by the North Carolina Criminal Justice Education and Training Standards Commission and the Secretary of Crime Control and Public Safety and must be monitored by a sworn law enforcement officer at all times that the system is actively in use. Any system installed or in use shall be identified by appropriate advance warning signs conspicuously posted not more than 1,000 feet from the location of the system.

The owner of a vehicle photographed is responsible for the violation unless the owner furnishes an affidavit within 30 days of notification of the violation that, at the time of the offense, the vehicle was under the care, custody or control of another person or that the vehicle had been stolen. The affidavit must be supported with supporting evidence, such as insurance or police report information. The owner is not responsible for the violation if notice of the violation is given to the registered owner more than 90 days after the date of the violation. A violation is not a crime, but includes a \$50 civil penalty. No license or insurance points may be assessed. If the owner fails to provide evidence or pay the civil penalty, the owner waives the right to contest the responsibility and will be subject to an additional penalty not to exceed \$50.

The city must institute a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed. The clear proceeds from the violations must be paid to the county school fund. Clear proceeds are defined as the funds remaining after paying for the lease, lease-purchase, or purchase of the photographic speed-measuring system; paying for operation of the system, either by the city or by a contractor; paying for a program to provide public awareness of the system; and paying any administrative costs incurred by the city related to the use of the system.

This law became effective July 1, 2003 and expires June 30, 2006. Charlotte would like to extend the sunset for a year because implementation of this pilot was delayed for a year.

S0462e2-SMRW (Susan Sitze, Research Division, contributed significantly to this summary.)

¹ S.L. 2003-280 (HB 562), as amended by S.L. 2003-380 (HB 786). See Attached.

S.L. 2003-280 (HB 562)

The General Assembly of North Carolina enacts:

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

"§ 160A-300.4. Use of photographic speed-measuring systems.

(a) A photographic speed-measuring system is a speed-measuring system that works in conjunction with a photographic, video, or electronic camera to automatically measure the speed and produce photographs, video, or digital images of vehicles violating a speed limit or speed restriction.

(b) A photographic speed-measuring system shall be approved, calibrated, and tested for accuracy in accordance with G.S. 8-50.3.

(c) A photographic speed-measuring system shall be monitored by a sworn law enforcement officer at all times that the system is actively in use.

(d) Any photographic speed-measuring system installed or in use on a street or highway shall be identified by appropriate advance warning signs conspicuously posted not more than 1,000 feet from the location of a photographic speed-measuring system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation.

(e) A municipality may adopt ordinances for the civil enforcement of G.S. 20-141 and G.S. 20-141.1 by means of a photographic speed-measuring system. Notwithstanding the provisions of G.S. 20-141, 20-141.1, and 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-141 or G.S. 20-141.1 detected by a photographic speed-measuring system shall not be an infraction or misdemeanor. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle furnishes, within 21 days of notification of the violation, to the officials or agents of the municipality that issued the citation either of the following:
 - a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of the vehicle.
 - b. An affidavit stating that the vehicle involved was, at the time of the violation, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.
- (2) A violation detected by a photographic speed-measuring system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed and for which no points authorized by G.S. 20-16(c) or G.S. 58-36-65 shall be assigned to the owner or driver of the vehicle.
- (3) The owner of the vehicle shall be issued a citation, written in both English and Spanish, clearly stating the manner in which the violation may be challenged and containing both a street address within the municipality and a local or toll-free telephone number at which the owner may challenge the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or certified mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation and shall be subject to an additional penalty not to exceed fifty dollars (\$50.00). The municipality may establish procedures for the collection of these penalties and may recover the penalties by civil action in the nature of debt.
- (4) The municipality shall provide a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed under this section. The administrative hearing process shall include methods for challenging the violation or penalty either in person, at the street address provided on the citation, or through the telephone, at the telephone number provided on the citation. The municipality shall ensure that a Spanish-speaking person is available both at the street address and through the telephone number to assist Spanish-speaking persons. An administrative hearing decision shall be subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the administrative hearing decision.

- (5) The clear proceeds from the citations issued pursuant to the ordinance authorized by this section shall be paid to the county school fund. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the photographic speed-measuring system; paying for operation of the system, either by the municipality or by a contractor; paying for a program to provide public awareness of the system; and paying any administrative costs incurred by the municipality related to the use of the system."

SECTION 2. Chapter 8 of the General Statutes is amended by adding a new section to read:

"§ 8-50.3. Results of photographic speed-measuring instruments; admissibility.

(a) The results of the use of a photographic speed-measuring system as described in G.S. 160A-300.4 shall be admissible as evidence in a nonjudicial administrative hearing held pursuant to G.S. 160A-300.4(e)(4) for the purpose of establishing the speed of the vehicle detected.

(b) Notwithstanding the provisions of subsection (a) of this section, the results of a photographic speed-measuring system are not admissible unless all of the following are established:

- (1) The photographic speed-measuring system employed was approved for use by the North Carolina Criminal Justice Education and Training Standards Commission and the Secretary of Crime Control and Public Safety pursuant to G.S. 17C-6.
- (2) The photographic speed-measuring system had been calibrated and tested for accuracy in accordance with the standards established by the North Carolina Criminal Justice Education and Training Standards Commission and the Secretary of Crime Control and Public Safety for that particular system.
- (3) At the time the results were obtained, the photographic speed-measuring system was being operated by a sworn law enforcement officer who has been certified by the North Carolina Criminal Justice Education and Training Standards Commission under G.S. 17-6(a).

(c) All photographic speed-measuring systems shall be calibrated and tested in accordance with standards established by the North Carolina Criminal Justice Education and Training Standards Commission and the Secretary of Crime Control and Public Safety. A written certificate by a technician certified by the North Carolina Criminal Justice Education and Training Standards Commission showing that a test was made within the required testing period and that the system was accurate shall be competent and prima facie evidence of those facts in a nonjudicial administrative hearing held pursuant to G.S. 160A-300.4(e)(4).

(d) In every nonjudicial administrative hearing held pursuant to G.S. 160A-300.4(e)(4), where the results of a photographic speed-measuring system are sought to be admitted, notice shall be taken of the rules approving the photographic speed-measuring system and the procedures for calibration or testing for accuracy of the system."

SECTION 3. G.S. 17C-6(a) reads as rewritten:

"(a) In addition to powers conferred upon the Commission elsewhere in this Chapter, the Commission shall have the following powers, which shall be enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17C-10:

- ...
- (13a) In conjunction with the Secretary of Crime Control and Public Safety, approve use of specific models and types of photographic speed-measuring systems as described in G.S. 160A-300.4(a) and establish the standards for calibration and testing for accuracy of each approved system."

SECTION 4. Section 1 of this act applies to the City of Charlotte only, and the photographic speed-measuring systems may only be used in the following corridors:

- (1) South Boulevard between Interstate 485 and Scaleybark.
- (2) Independence between Briarcreek and Sardis Road North.
- (3) East W.T. Harris between The Plaza and Idlewild.
- (4) Tryon Street from 36th to Orr Road.
- (5) Tryon Street between Mallard Creek Church Road and University City Boulevard.
- (6) Eastway between Independence and Sugar Creek.
- (7) West W.T. Harris between North Tryon Street and Technology Drive.
- (8) Albemarle Road between Independence and Lawyers.
- (9) Central between Albemarle and Briar Creek.
- (10) Monroe Road between Sardis Road North and Wendover.
- (11) Providence between McKee and Providence Country Club.
- (12) Highway 51 between Park Road and Alexander Road.

(13) Sharon Amity between Lyttleton Drive and East W.T. Harris.

(14) Billy Graham Parkway between Interstate 85 and Woodlawn.

SECTION 5. This act becomes effective July 1, 2003, and expires June 30, 2006.

S.L. 2003-380 – Sections 5 and 6

The General Assembly of North Carolina enacts:

...

SECTION 5. G.S. 160A-300.4(e), as enacted by S.L. 2003-280, reads as rewritten:

"(e) A municipality may adopt ordinances for the civil enforcement of G.S. 20-141 and G.S. 20-141.1 by means of a photographic speed-measuring system. Notwithstanding the provisions of G.S. 20-141, 20-141.1, and 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-141 or G.S. 20-141.1 detected by a photographic speed-measuring system shall not be an infraction or misdemeanor. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle furnishes, within 2130 days of notification of the violation, to the officials or agents of the municipality that issued the citation either of the following:
 - a. ~~The~~ An affidavit stating the name and address of the person or company who ~~leased, rented, or otherwise~~ had the care, custody, or control of the vehicle.
 - b. An affidavit stating that the vehicle involved was, at the time of the violation, ~~stolen~~ stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information, or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.
- (2) Subdivision (1) of this subsection shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.
- (2)(3) A violation detected by a photographic speed-measuring system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed and for which no points authorized by G.S. 20-16(c) or G.S. 58-36-65 shall be assigned to the owner or driver of the vehicle.
- (3)(4) The owner of the vehicle shall be issued a citation, written in both English and Spanish, clearly stating the manner in which the violation may be challenged and containing both a street address within the municipality and a local or toll-free telephone number at which the owner may challenge the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or certified mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation and shall be subject to an additional penalty not to exceed fifty dollars (\$50.00). The municipality may establish procedures for the collection of these penalties and may recover the penalties by civil action in the nature of debt.
- (4)(5) The municipality shall provide a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed under this section. The administrative hearing process shall include methods for challenging the violation or penalty either in person, at the street address provided on the citation, or through the telephone, at the telephone number provided on the citation. The municipality shall ensure that a Spanish-speaking person is available both at the street address and through the telephone number to assist Spanish-speaking persons. An administrative hearing decision shall be subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the administrative hearing decision.
- (5)(6) The clear proceeds from the citations issued pursuant to the ordinance authorized by this section shall be paid to the county school fund. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the photographic speed-measuring system;

paying for operation of the system, either by the municipality or by a contractor; paying for a program to provide public awareness of the system; and paying any administrative costs incurred by the municipality related to the use of the system."

SECTION 6. This act is effective when it becomes law. Section 5 of this act expires June 30, 2006.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H**1**

HOUSE BILL 1065

Short Title: Sullivan Act II.

(Local)

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

Referred to: Local Government II.

March 31, 2005

A BILL TO BE ENTITLED

AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY.

Whereas, the North Carolina General Assembly previously adopted Chapter 399 of the 1933 Public-Local Laws (known as the "Sullivan Act") to address the particular circumstances of the supplying of water to certain residents of Buncombe County by the City of Asheville and the charges therefore; and

Whereas, from the adoption of the Sullivan Act until the present, the City of Asheville, directly or through the Asheville/Buncombe Water Authority, has continued to supply water to certain consumers of water in Buncombe County outside the corporate limits of the City of Asheville in those areas of the County where water has been supplied by the City of Asheville, all at a rate no higher than that charged by the City of Asheville to similarly situated water consumers residing within the corporate limits of said city; and

Whereas, from and after 1981, the City of Asheville and the County of Buncombe have discharged various of their obligations relating to the provision of water to certain citizens of Buncombe County residing inside and outside the corporate limits of the City of Asheville and the maintenance and upkeep of their respective water facilities pursuant to an Agreement between the City of Asheville and the County of Buncombe establishing the Asheville/Buncombe Water Authority dated 29 October 1981 and certain supplements and amendments thereto (hereinafter "Water Agreement"); and

Whereas, practically all, if not all, of the cost of the waterlines serving Buncombe County (outside of the corporate limits of the City of Asheville, as the same existed in 1959) has been paid by the County of Buncombe, the various water and sewer districts of the County of Buncombe, by the Asheville/Buncombe Water Authority pursuant to its duties to Buncombe County, and by private developers and landowners, desiring water service in such areas and not paid by the City of Asheville; and

1 Whereas, the waterlines inside the corporate limits of the City of Asheville in
2 areas annexed by the City of Asheville after 1959 with preexisting waterlines in place
3 have not been purchased by the City of Asheville; and

4 Whereas, during the term of the Water Agreement, the County of Buncombe
5 has paid directly to the City of Asheville in excess of \$37,000,000 pursuant to that
6 Agreement; and

7 Whereas, at the time of the adoption of the Water Agreement, certain public
8 recreational facilities were transferred to the County of Buncombe by the City of
9 Asheville, and during the term of the Water Agreement, the costs related to those
10 facilities have been borne by the County of Buncombe; and

11 Whereas, during the term of the Water Agreement, the County of Buncombe
12 has expended \$9,025,715 on capital expenditures for the public recreational facilities
13 referenced above; and

14 Whereas, the City of Asheville has given notice to terminate the Water
15 Agreement as of 30 June 2005; and

16 Whereas, the City of Asheville is entitled to a fair return on its capital
17 investment; and

18 Whereas, upon the termination of the Water Agreement as noticed by the City
19 of Asheville for 30 June 2005, the ownership of the public recreational facilities shall
20 revert to the City of Asheville; and

21 Whereas, upon the termination of the Water Agreement as noticed by the City
22 of Asheville for 30 June 2005, the ownership of all water system facilities conveyed to
23 the City of Asheville pursuant to the Water Agreement shall revert to the County of
24 Buncombe and its water districts; and

25 Whereas, the citizens of Buncombe County outside the corporate limits of the
26 City of Asheville now, or in the future to be, supplied water from lines connected to the
27 waterlines currently maintained by the Asheville/Buncombe Water Authority, and
28 replacements, extensions, and additions thereto, are entitled to obtain water at a fair rate
29 from the water system for which they have paid, through taxes, through payments for
30 water, and through direct payments by the County of Buncombe and its water and sewer
31 districts; and

32 Whereas, the population of Buncombe County is projected to grow by more
33 than thirty-eight percent over the next twenty-five years, and more than two-thirds of
34 that growth is projected to occur outside the current city limits of the City of Asheville;
35 and

36 Whereas, the Asheville/Buncombe Water Authority has developed substantial
37 excess capacity in anticipation of the growth of population in Buncombe County and of
38 supplying water to the additional population from facilities the cost of which has been,
39 and in the future will be, paid out of water system revenues; and

40 Whereas, the complicated pattern of dealings between the City of Asheville
41 and the County of Buncombe regarding the provision of water to water consumers in
42 Buncombe County connected to the waterlines currently maintained by the
43 Asheville/Buncombe Water Authority, and replacements, extensions, and additions
44 thereto has now given rise to the issue of the rate that the City of Asheville may charge

1 the water consumers in Buncombe County connected to the waterlines currently
2 maintained by the Asheville/Buncombe Water Authority, and replacements, extensions,
3 and additions thereto to whom it provides water even though the Sullivan Act remains
4 in full force and effect; and

5 Whereas, it is the exclusive right of the State to regulate the provision of and
6 rates charged for public utilities to the citizens of the State; Now, therefore,
7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** From and after the effective date of this act, it shall be
9 unlawful for the City of Asheville, or any of the governing authorities, agents, or
10 employees thereof, to charge, exact, or collect from any water consumer in Buncombe
11 County currently or hereafter connected to the waterlines currently maintained by the
12 Asheville/Buncombe Water Authority, and replacements, extensions, and additions
13 thereto a rate for water consumed higher than the rate charged for the same
14 classification of water consumer residing or located within the corporate limits of the
15 City of Asheville. Classification of water consumer as referred to herein means the type
16 of facility to which the water is provided (e.g. single-family residence, multiple-family
17 residence, retail, commercial, industrial) without regard to geographic location within
18 Buncombe County.

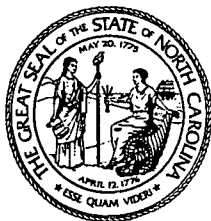
19 **SECTION 2.** The City of Asheville may, through its officers, agents, and
20 employees, cause any user of water who shall fail to pay promptly his water rent for any
21 month to be cut off and his right to further use of water from the city system to be
22 discontinued until payment of any water rent arrearages, all consistent with
23 G.S. 160A-314(b).

24 **SECTION 3.** It is the purpose and intent of this act to declare that water
25 consumers residing and located outside of the corporate limits of the City of Asheville
26 shall be entitled to the use of Asheville surplus water only, and the governing body of
27 the City of Asheville is authorized and empowered to discontinue the supply of water to
28 any districts, or water consumers, out of the corporate limits of the City of Asheville at
29 anytime that there may be a drought or other emergency or at any time the governing
30 body of the City of Asheville may lawfully deem that the City has use for all of its water
31 supply.

32 **SECTION 4.** It shall be the duty of the Board of Commissioners of
33 Buncombe County and/or the trustees of the different water districts operating outside
34 of the corporate limits of the City of Asheville in Buncombe County to maintain the
35 waterlines owned by the County of Buncombe and such water districts in proper repair
36 in order that there may not be a waste of water by leakage.

37 **SECTION 5.** To the extent that the Sullivan Act (Chapter 399 of the
38 Public-Local Laws of 1933) does not conflict with this act, it continues to apply.

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



HOUSE BILL 1065: Sullivan Act II

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Reps. Sherrill, Fisher, Goforth
Version: PCS to First Edition
 H1065-CSRC-23

Date: April 26, 2005
Summary by: Kory Goldsmith *KG*
 Committee Counsel

SUMMARY: *House Bill 1065 restates the substantive provisions of "The Sullivan Act" (Chapter 399 of the 1933 Public-Local Laws).*

The Proposed Committee Substitute makes a technical change.

The act would become effective when it becomes law.

CURRENT LAW: The Sullivan Act (Chapter 399 of the 1933 Public-Local Laws) provides that the City of Asheville must charge residents of Buncombe County who live outside the corporate city limits but are connected or become connected to the Asheville water system the same rate for water as it charges those who live within the corporate limits. It authorized the City to discontinue service if a customer did not pay their bill. It also provided that the obligation of the City to provide water only applied to surplus water, and did not apply if there was an emergency or a shortage of water. Finally, it directed the Buncombe County Commissioners and the trustees of any water districts to keep the water lines in good repair in order to prevent water leakage.

BILL ANALYSIS: The bill contains a number of "Whereas" clauses that describe how the Sullivan Act has been implemented over the years. The operative provisions in Sections 1-4 basically re-state the Sullivan Act, but make it clear that the rate provisions of the Sullivan Act apply to all areas of the County that are connected to the waterlines maintained by the Asheville/Buncombe Water Authority.

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

BACKGROUND: The Sullivan Act was found by the North Carolina Supreme Court to be constitutional, and not in violation of the constitutional provision against local acts pertaining to health and sanitation in the case of Chandler v. City of Asheville, 247 N.C. 398 (1958) because it pertained to the setting of rates for a utility.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

D

**HOUSE BILL 1065
PROPOSED COMMITTEE SUBSTITUTE H1065-CSRC-23 [v.1]**

4/26/2005 2:13:52 PM

Short Title: Sullivan Act II.

(Local)

Sponsors:

Referred to:

March 31, 2005

1 A BILL TO BE ENTITLED
2 AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY.

3 Whereas, the North Carolina General Assembly previously adopted Chapter
4 399 of the 1933 Public-Local Laws (known as the "Sullivan Act") to address the
5 particular circumstances of the supplying of water to certain residents of Buncombe
6 County by the City of Asheville and the charges therefore; and

7 Whereas, from the adoption of the Sullivan Act until the present, the City of
8 Asheville, directly or through the Asheville/Buncombe Water Authority, has continued
9 to supply water to certain consumers of water in Buncombe County outside the
10 corporate limits of the City of Asheville in those areas of the County where water has
11 been supplied by the City of Asheville, all at a rate no higher than that charged by the
12 City of Asheville to similarly situated water consumers residing within the corporate
13 limits of said city; and

14 Whereas, from and after 1981, the City of Asheville and the County of
15 Buncombe have discharged various of their obligations relating to the provision of
16 water to certain citizens of Buncombe County residing inside and outside the corporate
17 limits of the City of Asheville and the maintenance and upkeep of their respective water
18 facilities pursuant to an Agreement between the City of Asheville and the County of
19 Buncombe establishing the Asheville/Buncombe Water Authority dated 29 October
20 1981 and certain supplements and amendments thereto (hereinafter "Water
21 Agreement"); and

22 Whereas, practically all, if not all, of the cost of the waterlines serving
23 Buncombe County (outside of the corporate limits of the City of Asheville) has been
24 paid by the County of Buncombe, the various water and sewer districts of the County of
25 Buncombe, by the Asheville/Buncombe Water Authority pursuant to its duties to
26 Buncombe County, and by private developers and landowners, desiring water service in
27 such areas and not paid by the City of Asheville; and

1 Whereas, the waterlines inside the corporate limits of the City of Asheville in
2 areas annexed by the City of Asheville after 1959 with preexisting waterlines in place
3 have not been purchased by the City of Asheville; and

4 Whereas, during the term of the Water Agreement, the County of Buncombe
5 has paid directly to the City of Asheville in excess of \$37,000,000 pursuant to that
6 Agreement; and

7 Whereas, at the time of the adoption of the Water Agreement, certain public
8 recreational facilities were transferred to the County of Buncombe by the City of
9 Asheville, and during the term of the Water Agreement, the costs related to those
10 facilities have been borne by the County of Buncombe; and

11 Whereas, during the term of the Water Agreement, the County of Buncombe
12 has expended \$9,025,715 on capital expenditures for the public recreational facilities
13 referenced above; and

14 Whereas, the City of Asheville has given notice to terminate the Water
15 Agreement as of 30 June 2005; and

16 Whereas, the City of Asheville is entitled to a fair return on its capital
17 investment; and

18 Whereas, upon the termination of the Water Agreement as noticed by the City
19 of Asheville for 30 June 2005, the ownership of the public recreational facilities shall
20 revert to the City of Asheville; and

21 Whereas, upon the termination of the Water Agreement as noticed by the City
22 of Asheville for 30 June 2005, the ownership of all water system facilities conveyed to
23 the City of Asheville pursuant to the Water Agreement shall revert to the County of
24 Buncombe and its water districts; and

25 Whereas, the citizens of Buncombe County outside the corporate limits of the
26 City of Asheville now, or in the future to be, supplied water from lines connected to the
27 waterlines currently maintained by the Asheville/Buncombe Water Authority, and
28 replacements, extensions, and additions thereto, are entitled to obtain water at a fair rate
29 from the water system for which they have paid, through taxes, through payments for
30 water, and through direct payments by the County of Buncombe and its water and sewer
31 districts; and

32 Whereas, the population of Buncombe County is projected to grow by more
33 than thirty-eight percent over the next twenty-five years, and more than two-thirds of
34 that growth is projected to occur outside the current city limits of the City of Asheville;
35 and

36 Whereas, the Asheville/Buncombe Water Authority has developed substantial
37 excess capacity in anticipation of the growth of population in Buncombe County and of
38 supplying water to the additional population from facilities the cost of which has been,
39 and in the future will be, paid out of water system revenues; and

40 Whereas, the complicated pattern of dealings between the City of Asheville
41 and the County of Buncombe regarding the provision of water to water consumers in
42 Buncombe County connected to the waterlines currently maintained by the
43 Asheville/Buncombe Water Authority, and replacements, extensions, and additions
44 thereto has now given rise to the issue of the rate that the City of Asheville may charge

1 the water consumers in Buncombe County connected to the waterlines currently
2 maintained by the Asheville/Buncombe Water Authority, and replacements, extensions,
3 and additions thereto to whom it provides water even though the Sullivan Act remains
4 in full force and effect; and

5 Whereas, it is the exclusive right of the State to regulate the provision of and
6 rates charged for public utilities to the citizens of the State; Now, therefore,
7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** From and after the effective date of this act, it shall be
9 unlawful for the City of Asheville, or any of the governing authorities, agents, or
10 employees thereof, to charge, exact, or collect from any water consumer in Buncombe
11 County currently or hereafter connected to the waterlines currently maintained by the
12 Asheville/Buncombe Water Authority, and replacements, extensions, and additions
13 thereto a rate for water consumed higher than the rate charged for the same
14 classification of water consumer residing or located within the corporate limits of the
15 City of Asheville. Classification of water consumer as referred to herein means the type
16 of facility to which the water is provided (e.g. single-family residence, multiple-family
17 residence, retail, commercial, industrial) without regard to geographic location within
18 Buncombe County.

19 **SECTION 2.** The City of Asheville may, through its officers, agents, and
20 employees, cause any user of water who shall fail to pay promptly his water rent for any
21 month to be cut off and his right to further use of water from the city system to be
22 discontinued until payment of any water rent arrearages, all consistent with
23 G.S. 160A-314(b).

24 **SECTION 3.** It is the purpose and intent of this act to declare that water
25 consumers residing and located outside of the corporate limits of the City of Asheville
26 shall be entitled to the use of Asheville surplus water only, and the governing body of
27 the City of Asheville is authorized and empowered to discontinue the supply of water to
28 any districts, or water consumers, out of the corporate limits of the City of Asheville at
29 anytime that there may be a drought or other emergency or at any time the governing
30 body of the City of Asheville may lawfully deem that the City has use for all of its water
31 supply.

32 **SECTION 4.** It shall be the duty of the Board of Commissioners of
33 Buncombe County and/or the trustees of the different water districts operating outside
34 of the corporate limits of the City of Asheville in Buncombe County to maintain the
35 waterlines owned by the County of Buncombe and such water districts in proper repair
36 in order that there may not be a waste of water by leakage.

37 **SECTION 5.** To the extent that the Sullivan Act (Chapter 399 of the
38 Public-Local Laws of 1933) does not conflict with this act, it continues to apply.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

1

HOUSE BILL 1064

Short Title: Sullivan Act III.

(Local)

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

Referred to: Local Government II.

March 31, 2005

A BILL TO BE ENTITLED

1 AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE
2 COUNTY.

3
4 Whereas, the North Carolina General Assembly has previously adopted
5 Chapter 399 of the 1933 Public-Local Laws (known as the "Sullivan Act") to address
6 the particular circumstances of the supplying of water to certain residents of Buncombe
7 County by the City of Asheville and the charges therefore; and

8 Whereas, the North Carolina General Assembly has also enacted AN ACT
9 REGARDING WATER RATES IN BUNCOMBE COUNTY, S.L. 2005- ____
10 (hereinafter "Sullivan II") regarding water rates in Buncombe County; and

11 Whereas, from the adoption of the Sullivan Act until the present, the City of
12 Asheville, directly or through the Asheville/Buncombe Water Authority, has continued
13 to supply water to certain consumers of water in Buncombe County outside the
14 corporate limits of the City of Asheville in those areas of the county where water has
15 been supplied by the City of Asheville, all at a rate no higher than that charged by the
16 City of Asheville to similarly situated water consumers residing within the corporate
17 limits of said city; and

18 Whereas, from and after 1981, the City of Asheville and the County of
19 Buncombe have discharged various of their obligations relating to the provision of
20 water to certain citizens of Buncombe County residing inside and outside the corporate
21 limits of the City of Asheville and the maintenance and upkeep of their respective water
22 facilities pursuant to an Agreement between the City of Asheville and the County of
23 Buncombe establishing the Asheville/Buncombe Water Authority dated 29 October
24 1981 and certain supplements and amendments thereto (hereinafter "Water
25 Agreement"); and

26 Whereas, practically all, if not all, of the cost of the waterlines serving
27 Buncombe County (outside of the corporate limits of the City of Asheville, as the same
28 existed in 1959) has been paid by the County of Buncombe, the various water and sewer
29 districts of the County of Buncombe, by the Asheville/Buncombe Water Authority

1 pursuant to its duties to Buncombe County, and by private developers and landowners,
2 desiring water service in such areas and not paid by the City of Asheville; and

3 Whereas, the waterlines inside the corporate limits of the City of Asheville in
4 areas annexed by the City of Asheville after 1959 with preexisting waterlines in place
5 have not been purchased by the City of Asheville; and

6 Whereas, during the term of the Water Agreement, the County of Buncombe
7 has paid directly to the City of Asheville in excess of \$37,000,000 pursuant to that
8 Agreement; and

9 Whereas, at the time of the adoption of the Water Agreement, certain public
10 recreational facilities were transferred to the County of Buncombe by the City of
11 Asheville, and during the term of the Water Agreement, the costs related to those
12 facilities have been borne by the County of Buncombe; and

13 Whereas, during the term of the Water Agreement, the County of Buncombe
14 has expended \$9,025,715 on capital expenditures for the public recreational facilities
15 referenced above; and

16 Whereas, the City of Asheville has given notice to terminate the Water
17 Agreement as of 30 June 2005; and

18 Whereas, upon the termination of the Water Agreement as noticed by the City
19 of Asheville for 30 June 2005, the ownership of the public recreational facilities as
20 improved and maintained shall revert to the City of Asheville; and

21 Whereas, upon the termination of the Water Agreement as noticed by the City
22 of Asheville for 30 June 2005, the ownership of all water system facilities conveyed to
23 the City of Asheville pursuant to the Water Agreement shall revert to the County of
24 Buncombe and its water districts; and

25 Whereas, the citizens of Buncombe County outside the corporate limits of the
26 City of Asheville now, or in the future to be, supplied water from lines connected to the
27 waterlines currently maintained by the Asheville/Buncombe Water Authority, and
28 replacements, extensions, and additions thereto, are entitled to obtain water at a fair rate
29 from the water system for which they have paid, through taxes, through payments for
30 water, and through direct payments by the County of Buncombe and its water and sewer
31 districts; and

32 Whereas, the population of Buncombe County is projected to grow by more
33 than thirty-eight percent over the next twenty-five years, and more than two-thirds of
34 that growth is projected to occur outside the current city limits of the City of Asheville;
35 and

36 Whereas, the Asheville/Buncombe Water Authority has developed substantial
37 excess capacity in anticipation of the growth of population in Buncombe County and of
38 supplying water to the additional population from facilities the cost of which has been,
39 and in the future will be, paid out of water system revenues; and

40 Whereas, the excess capacity in the water system maintained by the
41 Asheville/Buncombe Water Authority, is such that the system has a current capacity in
42 excess of 41 million gallons per day and a current average usage of 22 million gallons
43 per day; and

1 Whereas, the Mills River water treatment plant of the Asheville/Buncombe
2 Water Authority was constructed at a location and in a manner that substantial
3 additional capacity can be added to the water system now served by the
4 Asheville/Buncombe Water Authority in the future without the construction of an
5 additional water treatment plant; and

6 Whereas, the complicated pattern of dealings between the City of Asheville
7 and the County of Buncombe regarding the provision of water to Buncombe County
8 water consumers connected to the waterlines currently maintained by the
9 Asheville/Buncombe Water Authority, and replacements, extensions, and additions
10 thereto has now given rise to the issue of whether current and future consumers of water
11 connected to the waterlines currently maintained by the Asheville/Buncombe Water
12 Authority, and replacements, extensions, and additions thereto in Buncombe County are
13 entitled to obtain water from the water system currently maintained by the
14 Asheville/Buncombe Water Authority; and

15 Whereas, it is the exclusive right of the State to regulate the provision of
16 public utilities to the citizens of the State; Now, therefore,
17 The General Assembly of North Carolina enacts:

18 **SECTION 1.** From and after 30 June 2005, the City of Asheville shall
19 provide water to all water consumers in Buncombe County connected to the waterlines
20 currently maintained by the Asheville/Buncombe Water Authority, and replacements,
21 extensions, and additions thereto and to all water consumers who in the future become
22 connected to said lines, replacements, extensions, and additions thereto, so long as the
23 average daily usage of said water system does not exceed the sum of the fifty-year
24 minimum safe yields then existing at the following locations:

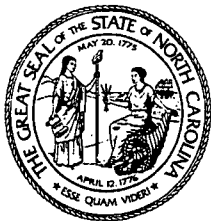
- 25 (1) The Mills River water treatment facility;
- 26 (2) The North Fork Reservoir; and
- 27 (3) The Bee Tree Reservoir.

28 **SECTION 2.** It is the purpose and intent of this act to declare that consumers
29 of water outside of the corporate limits of the City of Asheville in Buncombe County
30 who are now or who may hereafter be connected to the waterlines currently maintained
31 by the Asheville/Buncombe Water Authority, and replacements, extensions, and
32 additions thereto shall be entitled to purchase water from the then-existing water supply
33 of the City of Asheville, as defined above, so long as there is excess capacity in said
34 system.

35 **SECTION 3.** It shall be the duty of the County Commissioners of
36 Buncombe County and/or the trustees of the different water districts operating outside
37 of the corporate limits of the City of Asheville in Buncombe County to maintain the
38 waterlines owned by the County of Buncombe and such water districts in proper repair
39 in order that there may not be a waste of water by leakage.

40 **SECTION 4.** To the extent that the Sullivan Act (Chapter 399 of the
41 Public-Local Laws of 1933) does not conflict with this act, it continues to apply.

42 **SECTION 5.** This act becomes effective June 30, 2005.



HOUSE BILL 1064: Sullivan Act III

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Reps. Sherrill, Fisher, Goforth
Version: First Edition
 H1064-CSRC-24

Date: April 26, 2005
Summary by: Kory Goldsmith
 Committee Counsel

SUMMARY: *House Bill 1064 clarifies that current and future consumers of water connected to the waterlines maintained by the Asheville/Buncombe Water Authority are entitled to obtain water from that system provided there is excess capacity.*

The Proposed Committee Substitute makes a technical change.

The act would become effective June 30, 2005.

CURRENT LAW: The Sullivan Act (Chapter 399 of the 1933 Public-Local Laws) provides that the City of Asheville must charge residents of Buncombe County who live outside the corporate city limits but are connected or become connected to the Asheville water system the same rate for water as it charges those who live within the corporate limits. It authorized the City to discontinue service if a customer did not pay their bill. It also provided that the obligation of the City to provide water only applied to surplus water, and did not apply if there was an emergency or a shortage of water. Finally, it directed the Buncombe County Commissioners and the trustees of any water districts to keep the water lines in good repair in order to prevent water leakage.

BILL ANALYSIS: The bill contains a number of "Whereas" clauses that describe how the Sullivan Act has been implemented over the years. The operative provision is in Section 2 which provides that consumers of water outside the corporate limits of the city of Asheville in Buncombe County who are now or may later be connected to the waterlines maintained by the Asheville/Buncombe County Water Authority are entitled to purchase water from the Asheville City water supply to the extent there is excess capacity in that system.

EFFECTIVE DATE: The act would become effective June 30, 2005.

BACKGROUND: The Sullivan Act was found by the North Carolina Supreme Court to be constitutional, and not in violation of the constitutional provision against local acts pertaining to health and sanitation in the case of Chandler v. City of Asheville, 247 N.C. 398 (1958) because it pertained to the setting of rates for a utility. This act does not deal with rates charged for water, but rather who must be provided with water. It is not clear whether this act is constitutional.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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D

HOUSE BILL 1064
PROPOSED COMMITTEE SUBSTITUTE H1064-CSRC-24 [v.1]

4/26/2005 3:09:43 PM

Short Title: Sullivan Act III.

(Local)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED
AN ACT REGARDING THE PROVISION OF WATER SERVICE IN BUNCOMBE
COUNTY.

Whereas, the North Carolina General Assembly has previously adopted Chapter 399 of the 1933 Public-Local Laws (known as the "Sullivan Act") to address the particular circumstances of the supplying of water to certain residents of Buncombe County by the City of Asheville and the charges therefore; and

Whereas, the North Carolina General Assembly has also enacted AN ACT REGARDING WATER RATES IN BUNCOMBE COUNTY, S.L. 2005- ____ (hereinafter "Sullivan II") regarding water rates in Buncombe County; and

Whereas, from the adoption of the Sullivan Act until the present, the City of Asheville, directly or through the Asheville/Buncombe Water Authority, has continued to supply water to certain consumers of water in Buncombe County outside the corporate limits of the City of Asheville in those areas of the county where water has been supplied by the City of Asheville, all at a rate no higher than that charged by the City of Asheville to similarly situated water consumers residing within the corporate limits of said city; and

Whereas, from and after 1981, the City of Asheville and the County of Buncombe have discharged various of their obligations relating to the provision of water to certain citizens of Buncombe County residing inside and outside the corporate limits of the City of Asheville and the maintenance and upkeep of their respective water facilities pursuant to an Agreement between the City of Asheville and the County of Buncombe establishing the Asheville/Buncombe Water Authority dated 29 October 1981 and certain supplements and amendments thereto (hereinafter "Water Agreement"); and

Whereas, practically all, if not all, of the cost of the waterlines serving Buncombe County (outside of the corporate limits of the City of Asheville) has been paid by the County of Buncombe, the various water and sewer districts of the County of

1 Buncombe, by the Asheville/Buncombe Water Authority pursuant to its duties to
2 Buncombe County, and by private developers and landowners, desiring water service in
3 such areas and not paid by the City of Asheville; and

4 Whereas, the waterlines inside the corporate limits of the City of Asheville in
5 areas annexed by the City of Asheville after 1959 with preexisting waterlines in place
6 have not been purchased by the City of Asheville; and

7 Whereas, during the term of the Water Agreement, the County of Buncombe
8 has paid directly to the City of Asheville in excess of \$37,000,000 pursuant to that
9 Agreement; and

10 Whereas, at the time of the adoption of the Water Agreement, certain public
11 recreational facilities were transferred to the County of Buncombe by the City of
12 Asheville, and during the term of the Water Agreement, the costs related to those
13 facilities have been borne by the County of Buncombe; and

14 Whereas, during the term of the Water Agreement, the County of Buncombe
15 has expended \$9,025,715 on capital expenditures for the public recreational facilities
16 referenced above; and

17 Whereas, the City of Asheville has given notice to terminate the Water
18 Agreement as of 30 June 2005; and

19 Whereas, upon the termination of the Water Agreement as noticed by the City
20 of Asheville for 30 June 2005, the ownership of the public recreational facilities as
21 improved and maintained shall revert to the City of Asheville; and

22 Whereas, upon the termination of the Water Agreement as noticed by the City
23 of Asheville for 30 June 2005, the ownership of all water system facilities conveyed to
24 the City of Asheville pursuant to the Water Agreement shall revert to the County of
25 Buncombe and its water districts; and

26 Whereas, the citizens of Buncombe County outside the corporate limits of the
27 City of Asheville now, or in the future to be, supplied water from lines connected to the
28 waterlines currently maintained by the Asheville/Buncombe Water Authority, and
29 replacements, extensions, and additions thereto, are entitled to obtain water at a fair rate
30 from the water system for which they have paid, through taxes, through payments for
31 water, and through direct payments by the County of Buncombe and its water and sewer
32 districts; and

33 Whereas, the population of Buncombe County is projected to grow by more
34 than thirty-eight percent over the next twenty-five years, and more than two-thirds of
35 that growth is projected to occur outside the current city limits of the City of Asheville;
36 and

37 Whereas, the Asheville/Buncombe Water Authority has developed substantial
38 excess capacity in anticipation of the growth of population in Buncombe County and of
39 supplying water to the additional population from facilities the cost of which has been,
40 and in the future will be, paid out of water system revenues; and

41 Whereas, the excess capacity in the water system maintained by the
42 Asheville/Buncombe Water Authority, is such that the system has a current capacity in
43 excess of 41 million gallons per day and a current average usage of 22 million gallons
44 per day; and

Whereas, the Mills River water treatment plant of the Asheville/Buncombe Water Authority was constructed at a location and in a manner that substantial additional capacity can be added to the water system now served by the Asheville/Buncombe Water Authority in the future without the construction of an additional water treatment plant; and

Whereas, the complicated pattern of dealings between the City of Asheville and the County of Buncombe regarding the provision of water to Buncombe County water consumers connected to the waterlines currently maintained by the Asheville/Buncombe Water Authority, and replacements, extensions, and additions thereto has now given rise to the issue of whether current and future consumers of water connected to the waterlines currently maintained by the Asheville/Buncombe Water Authority, and replacements, extensions, and additions thereto in Buncombe County are entitled to obtain water from the water system currently maintained by the Asheville/Buncombe Water Authority; and

Whereas, it is the exclusive right of the State to regulate the provision of public utilities to the citizens of the State; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. From and after 30 June 2005, the City of Asheville shall provide water to all water consumers in Buncombe County connected to the waterlines currently maintained by the Asheville/Buncombe Water Authority, and replacements, extensions, and additions thereto and to all water consumers who in the future become connected to said lines, replacements, extensions, and additions thereto, so long as the average daily usage of said water system does not exceed the sum of the fifty-year minimum safe yields then existing at the following locations:

- (1) The Mills River water treatment facility;
- (2) The North Fork Reservoir; and
- (3) The Bee Tree Reservoir.

SECTION 2. It is the purpose and intent of this act to declare that consumers of water outside of the corporate limits of the City of Asheville in Buncombe County who are now or who may hereafter be connected to the waterlines currently maintained by the Asheville/Buncombe Water Authority, and replacements, extensions, and additions thereto shall be entitled to purchase water from the then-existing water supply of the City of Asheville, as defined above, so long as there is excess capacity in said system.

SECTION 3. It shall be the duty of the County Commissioners of Buncombe County and/or the trustees of the different water districts operating outside of the corporate limits of the City of Asheville in Buncombe County to maintain the waterlines owned by the County of Buncombe and such water districts in proper repair in order that there may not be a waste of water by leakage.

SECTION 4. To the extent that the Sullivan Act (Chapter 399 of the Public-Local Laws of 1933) does not conflict with this act, it continues to apply.

SECTION 5. This act becomes effective June 30, 2005.

VISITOR REGISTRATION SHEET

Local Gov't II

4-27-05

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Andy Romanet	NCLM
Brownie Newman	Asheville City Council
Holly Jones	Asheville City Council
Randy Perkins	Moore + Van Allen, Charlotte for City of Asheville
Erin Kieren	NC Conservation Network
Sen Tom Apodaca	NC General Assen.
Mark Hedbill	NC Senate
Awe Metcalf	The Policy Group
Eatherine Davis	Electricity
Rick Fedrini	NC Assoc. of REALTORS

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

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

DAY & DATE: **Wednesday, May 4, 2005**

TIME: **10:00**

LOCATION: **Room 425 LOB**

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

HB 940 LELAND OVERGROWN VEGETATION ORDINANCE

Representative Stiller

HB 1069 OAK ISLAND HEIGHT LIMITS

Representative Stiller

HB 1055 JONES SCHOOL BOARD VACANCIES

Representative Preston

HB 1281 COUNTY CONTROL OF NOXIOUS WEEDS

Representatives L. Allen, Ed Jones and Wray

SB 348 NORTH WILKESBORO/LAND FOR PRISONS

Senator Garwood

Respectfully,
Representative Walker
Representative Jones (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices at **11:00 am on Thursday, April 28, 2005.**

____Principal Clerk
____Reading Clerk - House Chamber

AGENDA
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
Representative Walker, Presiding Chair
Representative Jones, Co-Chair

May 4, 2005
Room 425
10:00 a.m.

OPENING REMARKS
Representative Walker

AGENDA ITEMS:

- HB 940 LELAND OVERGROWN VEGETATION ORDINANCE**
Representative Stiller

- HB 1069 OAK ISLAND HEIGHT LIMITS**
Representative Stiller

- HB 1055 JONES SCHOOL BOARD VACANCIES**
Representative Preston

- HB 1281 COUNTY CONTROL OF NOXIOUS WEEDS**
Representatives L. Allen, Ed Jones and Wray

- SB 348 NORTH WILKESBORO/LAND FOR PRISONS**
Senator Garwood

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 4, 2005

The House Committee on Local Government II met on Wednesday, May 4, 2005 in Room 425 of the Legislative Office Building at 10:00 a.m. The following members were present: Chairs Representatives Walker and Jones, Vice-Chairs Carney and Rayfield, Representatives Allen, Brown, Church, Jeffus, Justice, Langdon, Wilkins, Womble and Rapp. Giles Perry and Joe Moore, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

Representative Walker called the meeting to order and recognized Pages, Sergeant-at-Arms, Staff and visitors.

Senator Garwood was recognized to explain SB 348 **A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON.** A Proposed Committee Substitute was offered at this time and Representative Church moved for its adoption. Motion carried. The Proposed Committee Substitute authorized the Town of North Wilkesboro to acquire property and convey it to the State for use as correctional facilities. There would be no limitation on the terms of the acquisition or conveyance; it may be with or without consideration. It places the authorization with similar authorizations to other counties and municipalities. Representative Church moved for a favorable report to the committee substitute and unfavorable to the original bill. Motion passed.

The Chair recognized Representative Stiller to explain HB940 **A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LELAND TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE.** A Proposed Committee Substitute was offered and Representative Justice moved for its adoption. Motion carried. The Committee Substitute adds the Town of Pineville to the bill, thus changing the title. Representative Justice then moved for a favorable report to the committee substitute bill and unfavorable to the original bill. Motion carried.


Representative Stiller was once again recognized to explain **HB 1069 A BILL TO BE ENTITLED AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND.** Prior local acts set a building height limit in the Towns of Yaupon Beach and Long Beach. Those towns have consolidated into the Town of Oak Island. Representative L.Allen moved for a favorable report. Motion carried.

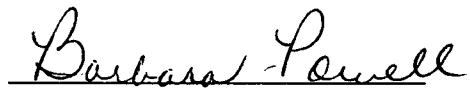
Representative Preston was recognized to explain **HB 1055 AN ACT TO PROVIDE THAT IN FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY, THE JONES COUNTY BOARD OF EDUCATION MUST APPOINT THE NOMINEE OF THE PARTY EXECUTIVE COMMITTEE OF THE VACATING OFFICER.** A Proposed Committee Substitute was offered at this time and Representative Rapp moved for its adoption. Motion carried. The Committee Substitute provided a title change which says that the Board of Education in Jones County fills a vacancy in the same manner in which a vacancy on the Board of Commissioners of Jones County is filled. This bill adds Jones County to a statute governing filling of vacancies on partisan school boards to provide that the Jones County School Board must fill any vacancy with the recommendation of the party executive committee of the vacating member. Representative Carney moved for a favorable report to the committee substitute and unfavorable to the original bill. Motion passed.

Representative Allen was recognized to explain **HB 1281 AN ACT TO GRANT COUNTIES THE AUTHORITY TO MAKE SPECIAL ASSESSMENTS FOR NOXIOUS WEED CONTROL PROJECTS IN RIVERS AND LAKES AND TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS WEED CONTROL SERVICE DISTRICTS.** A Proposed Committee Substitute was offered at this time and Representative Womble moved for its adoption. This bill would allow a Board of Commissioners of a county that adjoins or contains a lake, river, or tributary of a river or lake that has an identified noxious aquatic weed problem to define noxious aquatic weed control service districts. The Proposed Committee Substitute changes the term "noxious weed" to "noxious aquatic weed" and changes the title. Counsel recommended that this bill be sent to Finance. Representative Womble moved for a favorable report to the committee substitute, that it be referred to Finance and unfavorable to the original bill. Motion passed.

There being no further business, the meeting was adjourned.

Respectfully submitted


Representative Walker
Presiding Co-Chairman


Barbara Powell
Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 940

Short Title: Leland Overgrown Vegetation Ordinance. (Local)

Sponsors: Representative Stiller.

Referred to: Local Government II.

March 28, 2005

A BILL TO BE ENTITLED

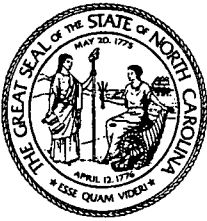
AN ACT AUTHORIZING THE TOWN OF LELAND TO GIVE ANNUAL NOTICE
TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION
ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 1999-58, as amended by S.L. 2000-33, S.L. 2000-38, S.L. 2001-107, S.L. 2003-77, and S.L. 2003-80, reads as rewritten:

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

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



HOUSE BILL 940: Leland/Pineville Overgrown Vegetation Ord.

BILL ANALYSIS

Committee: House Local Government II
Date: May 4, 2005
Version: PCS to 1st Edition
H940-CSRC-34

Introduced by: Rep. Stiller
Summary by: Kory J. Goldsmith
Committee Counsel

SUMMARY: *House Bill 940 allows the Town of Leland to provide annual notification to violators of the Town's overgrown vegetation ordinance and to remove the violation. The expense of remedying the violation would become a lien upon the property and may be collected as unpaid taxes.*

The Proposed Committee Substitute adds the Town of Pineville to the bill.

The act will become effective when it becomes law.

CURRENT LAW: G.S. 160A-174 grants to cities the authority to adopt ordinances related to the health, safety, or welfare of its citizens. G.S. 160-175 authorizes cities to enforce their ordinances and G.S. 160-193 allows cities to abate situations that are dangerous or prejudicial to the public health and welfare. The cost of abatement may be charged to the violator.

BILL ANALYSIS: The Proposed Committee Substitute allows the Towns of Leland and Pineville to notify a landowner who is a chronic violator that if the owner's property is found in violation of the overgrown vegetation ordinance again during the calendar year, the Town will remedy the violation without further notice. A chronic violator is a person who owns property and who has been notified at least three times during the previous calendar year that the property is in violation of the overgrown vegetation ordinance.

The Town may charge the cost of the remedial action to the property owner. Notice of the violation shall be by registered or certified mail. If there is a subsequent violation during the same calendar year, the Town may abate the violation and the cost of the abatement becomes a lien against the property and may be collected as unpaid taxes.

H940e1-SMRC-CSRC-34

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 940 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF
LELAND TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S
OVERGROWN VEGETATION ORDINANCE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

☐ 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 1069*

Short Title: Oak Island Height Limits.

(Local)

Sponsors: Representative Stiller.

Referred to: Local Government II.

March 31, 2005

A BILL TO BE ENTITLED
AN ACT CONSOLIDATING AND CLARIFYING BUILDING HEIGHT LIMITS
FOR THE TOWN OF OAK ISLAND.

Whereas, the Town of Oak Island was consolidated from the former towns of Yaupon Beach and Long Beach by S.L. 1999-66; and

Whereas, each of the former towns established building height limitations by local acts of the legislature, setting limits at 35 feet except that the height limitation may be increased with the approval of a majority of the qualified voters in a referendum of an ordinance; and

Whereas, both former towns held and passed referenda to increase height in certain flood hazard zones; and

Whereas, the standards passed for the former towns are not consistent and furthermore leave unanswered questions about the application of the standards on parcels where flood zones transition inside the parcel boundaries; and

Whereas, the Town Council of the Town of Oak Island has requested the introduction of legislation to consolidate and clarify the height standards that apply within the Town of Oak Island, with the legislation not modifying any other portion of or procedures for increasing height limits as outlined in S.L. 1989-456 and S.L. 1991-772; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The building height standards in the Town of Oak Island shall be set at 35 feet except inside flood zones designated by the National Flood Insurance Program as Velocity Zones where maximum building height may be up to 41 feet where needed to accommodate not more than two living levels on pile supports in accordance with the public referenda adopted prior to consolidation in the former towns of Yaupon Beach and Long Beach.

SECTION 2.(a) The height limitation contained in Section 1 of this act may be increased within the town with the approval by the qualified voters of the town in a

1 referendum of an ordinance to increase or clarify the limit. The referendum may be
2 called only by the governing body of the town.

3 **SECTION 2.(b)** A proposition to approve an ordinance under this section
4 shall be printed on the ballot in substantially the following form:

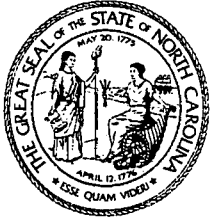
5 "Shall the ordinance (describe the effect of the ordinance) be approved?

6 [] Yes [] No"

7 **SECTION 3.** This act supersedes and consolidates all prior local acts
8 relating to height and local referenda for the former towns of Yaupon Beach and Long
9 Beach.

10 **SECTION 4.** This act does not apply to corporate limits of the Town of Oak
11 Island located north of the Atlantic Intracoastal Waterway where building heights limits
12 are established in accordance with general law rather than this act.

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



HOUSE BILL 1069: Oak Island Height Limits

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Stiller
Version: First Edition

Date: May 2, 2005
Summary by: Giles Perry
Committee Counsel

SUMMARY: *House Bill 1069 sets building height limits in the Town of Oak Island.*

CURRENT LAW: Prior local acts set a building height limit within the Towns of Yaupon Beach and Long Beach. Those towns, pursuant to S.L. 1999-66, consolidated into the Town of Oak Island.

BILL ANALYSIS: House Bill 1069:

- clarifies that the height limit in the Town of Oak Island is 35 feet, except inside specified flood zones the maximum height limit is 41 feet if needed to accommodate not more than two living levels on piles.
- provides for a referendum procedure to increase the height limit.
- provides that the bill does not apply to areas in the Town north of the Atlantic Intracoastal Waterway.

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

H1069e1-SMRW

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for
H.B. 1069 A BILL TO BE ENTITLED AN ACT CONSOLIDATING AND CLARIFYING
BUILDING HEIGHT LIMITS FOR THE TOWN OF OAK ISLAND.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 1055

Short Title: Jones School Board Vacancies.

(Local)

Sponsors: Representative Preston.

Referred to: Local Government II.

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IN FILLING A VACANCY IN THE BOARD OF
EDUCATION OF JONES COUNTY, THE JONES COUNTY BOARD OF
EDUCATION MUST APPOINT THE NOMINEE OF THE PARTY EXECUTIVE
COMMITTEE OF THE VACATING OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 349 of the 1973 Session Laws is amended by adding a
new section to read:

"Section 3.1. Vacancies on the Jones County Board of Education shall be filled by
appointment of the remaining members, in accordance with G.S. 115C-37.1."

SECTION 2. G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alamance, Alleghany,
Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret,
Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Graham, Guilford, Haywood,
Henderson, Jackson, Jones, Madison, McDowell, Mecklenburg, Moore, New Hanover,
Polk, Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Vance, Wake,
Washington, and Yancey."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

D

HOUSE BILL 1055

PROPOSED COMMITTEE SUBSTITUTE H1055-PCS50291-LB-23

Short Title: Jones School Board Vacancies.

(Local)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE PROCEDURE FOR FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY IS THE SAME AS THE CURRENT PROCEDURE FOR FILLING A VACANCY ON THE BOARD OF COMMISSIONERS OF JONES COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 349 of the 1973 Session Laws is amended by adding a new section to read:

"Section 3.1. (a) If a vacancy occurs on the board of education, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs, the superintendent shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after the day the vacancy is reported, fill the vacancy.

(b) If the vacancy occurs later than 60 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election held more than 60 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term or, if the term has expired, to a full term.

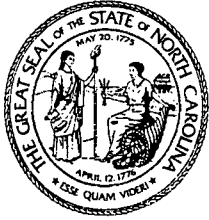
1 (c) If a vacancy occurs on the board, and subsection (b) of this section requires
2 that a person shall be elected to the seat vacated for the remainder of the unexpired term
3 and the vacancy occurs:

4 (1) Beginning on the tenth day before the filing period ends under
5 G.S. 163-106(c), a nomination shall be made by the county executive
6 committee of each political party, and the names of the nominees shall
7 be printed on the general election ballots.

8 (2) Prior to the tenth day before the filing period ends under
9 G.S. 163-106(c), nominations shall be made by primary election as
10 provided by Chapter 163 of the General Statutes.

11 (d) To be eligible for appointment to fill a vacancy, a person must be a member
12 of the same political party as the member being replaced, if that member was elected as
13 the nominee of a political party. The board of education or the clerk of superior court, as
14 the case may be, shall consult the county executive committee of the appropriate
15 political party before filling a vacancy, but neither the board nor the clerk of the
16 superior court is bound by the committee's recommendation."

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



HOUSE BILL 1055: Jones School Board Vacancies

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Preston
Version: First Edition

Date: May 4, 2005
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1055 requires that the Jones County Board of Education must fill any vacancy with the nominee of the party executive committee of the vacating member.*

CURRENT LAW: Under the current local act (S.L. 1973-349) governing the Jones County School Board, it is unclear who fills vacancies on the Board.

BILL ANALYSIS: House Bill 1055 adds Jones County to a statute governing filling of vacancies on partisan school boards to provide that the Jones County School Board must fill any vacancy with the recommendation of the party executive committee of the vacating member.

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

H1055e1-SMRW

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1055 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN FILLING A VACANCY IN THE BOARD OF EDUCATION OF JONES COUNTY, THE JONES COUNTY BOARD OF EDUCATION MUST APPOINT THE NOMINEE OF THE PARTY EXECUTIVE COMMITTEE OF THE VACATING OFFICER.

☐ 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 1281

Short Title: County Control of Noxious Weeds.

(Public)

Sponsors: Representatives L. Allen, Ed Jones, Wray (Primary Sponsors); and Carney.

Referred to: Local Government II.

April 19, 2005

A BILL TO BE ENTITLED

AN ACT TO GRANT COUNTIES THE AUTHORITY TO MAKE SPECIAL ASSESSMENTS FOR NOXIOUS WEED CONTROL PROJECTS IN RIVERS AND LAKES AND TO GRANT CERTAIN COUNTIES THE AUTHORITY TO DEFINE NOXIOUS WEED CONTROL SERVICE DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-185(3) reads as rewritten:

- "(3) Acquiring, constructing, reconstructing, extending, renovating, enlarging, maintaining, operating, or otherwise building or improving
- a. Beach erosion control or flood and hurricane protection works; and
 - b. Watershed improvement projects, drainage projects and water resources development projects (as those projects are defined in G.S. 153A-301); and
 - c. Noxious weed control projects in rivers, lakes, and tributaries of a river or lake."

SECTION 2. G.S. 153A-301 is amended by adding a new subsection to read:

"(e) The Board of Commissioners of a county that adjoins or contains a lake, river, or tributary of a river or lake that has an identified noxious weed problem may define any number of noxious weed control service districts composed of property that are contiguous to the water or direct access to the water through a shared, certified access site to the water."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1281
PROPOSED COMMITTEE SUBSTITUTE H1281-CSRC-36 [v.4]

5/4/2005 9:45:01 AM

Short Title: County Control/Noxious Aquatic Weeds.

(Public)

Sponsors:

Referred to:

April 19, 2005

A BILL TO BE ENTITLED

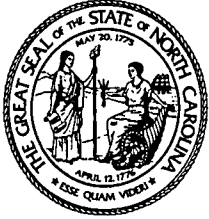
AN ACT TO GRANT, CERTAIN COUNTIES THE AUTHORITY TO DEFINE
NOXIOUS AQUATIC WEED CONTROL SERVICE DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-301 is amended by adding a new subsection to
read:

"(e) The Board of Commissioners of a county that adjoins or contains a lake, river, or tributary of a river or lake that has an identified noxious aquatic weed problem may define any number of noxious aquatic weed control service districts composed of property that are contiguous to the water or direct access to the water through a shared, certified access site to the water. As used in this subsection, the term "noxious aquatic weed" is any plant organism identified by the Secretary of Environment and Natural Resources under G.S. 113A-222 or regulated as a pest plant by the Commissioner of Agriculture under Article 36 of Chapter 106 of the General Statutes."

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



HOUSE BILL 1281: County Control/Noxious Aquatic Weeds

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 4, 2005
Introduced by:	Reps. L.° Allen, Ed° Jones, Wray	Summary by:	Kory Goldsmith
Version:	PCS to First Edition		Committee Counsel
	H1281-CSRC-36		

SUMMARY: *House Bill 1281 is a public bill that would allow a Board of Commissioners of a county that adjoins or contains a lake, river, or tributary of a rivers or lake that has an identified noxious aquatic weed problem to define noxious aquatic weed control service districts. The Proposed Committee Substitute changes the term "noxious weed" to "noxious aquatic weed", which is a defined term.*

The bill should be re-referred to House Finance Committee.

The act would become effective when it becomes law.

CURRENT LAW: Article 16 of Chapter 153A grants to boards of county commissioners the authority to define service districts in order to finance, provide or maintain the districts for certain listed services. The types of services that are authorized include beach erosion, fire protection, recreation, sewage collection and disposal, solid waste collection, water supply and distribution, ambulance and rescue service, law enforcement and cemeteries. The Article authorizes the county to charge for the services provided. It also sets-out a procedure for adopting the service district.

H1281e1-SMRC-CSRC-36



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE R. TRACY WALKER
83RD DISTRICT

OFFICE ADDRESS: ROOM 1111 LEGISLATIVE BUILDING
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COMMITTEES:

AGRICULTURE
APPROPRIATIONS
NATURAL & ECONOMIC RESOURCES
EDUCATION
PRE-SCHOOL, ELEMENTARY &
SECONDARY
LOCAL GOVERNMENT I, CHAIRMAN
LOCAL GOVERNMENT II



**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

H.B. 1281 A BILL TO BE ENTITLED AN ACT TO GRANT COUNTIES THE
AUTHORITY TO MAKE SPECIAL ASSESSMENTS FOR NOXIOUS WEED CONTROL
PROJECTS IN RIVERS AND LAKES AND TO GRANT CERTAIN COUNTIES THE
AUTHORITY TO DEFINE NOXIOUS WEED CONTROL SERVICE DISTRICTS.

☐ 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 *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

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ (Pursuant to Rule 32(a),) (Rule 38(a)(b)) The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 348

Short Title: North Wilkesboro/Land for Prisons.

(Local)

Sponsors: Senator Garwood.

Referred to: State and Local Government.

March 3, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY
ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH
CAROLINA FOR USE AS A PRISON.

The General Assembly of North Carolina enacts:

SECTION 1. The Town of North Wilkesboro has power under general law
to acquire real and personal property and convey it to the State under G.S. 160A-274 or
other applicable law for use as a correctional facility.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE BILL 348
PROPOSED HOUSE COMMITTEE SUBSTITUTE S348-CSRC-35 [v.1]

5/3/2005 5:30:07 PM

Short Title: North Wilkesboro/Land for Prisons.

(Local)

Sponsors:

Referred to:

March 3, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY
ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH
CAROLINA FOR USE AS A PRISON.

The General Assembly of North Carolina enacts:

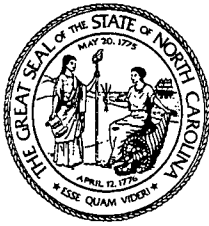
SECTION 1. Section 1 of Chapter 600 of the 1995 Session Laws, as
amended by S.L. 2000-31, S.L. 2002-85, and S.L. 2004-28, is amended by adding a new
subsection to read:

"**Section 1.(a)** The Counties of Alexander, Anson, Bertie, Columbus, Greene,
Scotland, Stanly, and Transylvania have power under general law to acquire real and
personal property and convey it to the State under G.S. 160A-274 or other applicable
law for use as correctional facilities.

Section 1.(b) The Town of Windsor has the power under the general law to acquire
real and personal property and convey it to the State under G.S. 160A-274 or other
applicable law for use as a correctional facility. It may acquire that property by eminent
domain, and such power under this subsection is supplementary to any other power it
may have to take property by eminent domain.

Section 1.(c) The Town of North Wilkesboro has the power under general law to
acquire real and personal property and convey it to the State under G.S. 160A-274 or
other applicable law for use as a correctional facility."

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



SENATE BILL 348: North Wilkesboro/Land for Prisons

BILL ANALYSIS

Committee: House Local Government II
Date: May 4, 2005
Version: Proposed Committee Substitute
S348-CSRC-35

Introduced by: Senator Garwood
Summary by: Kory J. Goldsmith
Committee Counsel

SUMMARY: *This Proposed Committee Substitute for S348 would authorize the Town of North Wilkesboro to acquire property and convey it to the State for use as correctional facilities. There would be no limitation on the terms of the acquisition or conveyance; it may be with or without consideration.*

The Proposed Committee Substitute places the authorization with similar authorizations to other counties and municipalities.

The act is effective when it becomes law.

BACKGROUND: In Carter v. Stanly County, 125 N.C. App. 628 (1997), the Court of Appeals reviewed a case in which the plaintiffs had sued Stanly County and its Board of Commissioners to prevent the acquisition of private property, and its conveyance to the State for use as a correctional facility. The court reviewed the statutes in effect at the time of the action, and found that the Commissioners had exceeded their authority under the applicable statutes, G.S. 153A-158 and G.S. 160A-274(b) as limited by Dillon's Rule. However, the court noted that after the filing of the lawsuit, the General Assembly had enacted a local law specifically authorizing Stanley County to acquire real and personal property and convey it to the State. Based upon the act, the court held that the Commissioners acted within their authority. The bill amends the same local law relied upon by the court in Carter v. Stanly County.

S348e1-SMRC-CSRC-35

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Walker and Jones** (Chairs) for the Committee on **Local Government II.**

☐ Committee Substitute for

S.B. 348 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF NORTH WILKESBORO MAY ACQUIRE AND CONVEY PROPERTY TO THE STATE OF NORTH CAROLINA FOR USE AS A PRISON.

☐ 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

FOR JOURNAL USE ONLY

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

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ (Pursuant to Rule 32(a),) (Rule 38(a)(b)) The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

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

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered _____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in _____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

VISITOR REGISTRATION SHEET

Local Government II
Name of Committee

May 4th 2005
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Jim Blackburn	NC Association of County Commissioners
---------------	---

J Rives Manning, Jr Halifax Co Commissioner

Sen. John Garwood	N. e. Senate
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Julie Woodson	NCPC
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Barbara Powell (Rep. Walker)

From: Mia Bailey (Rep. Jones)
Sent: Thursday, May 05, 2005 6:14 PM
To: Rep. Danny McComas; Judy Lowe (Rep. McComas); Rep. Pricey Harrison; Anne Wilson (Rep. Harrison); Sen. Don East; Helen Long (Sen. East)
Subject: Local Government II Meeting Notice and Bill Sponsor Notification

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

You are hereby notified that the Committee on LOCAL GOVERNMENT II will meet as follows:

DAY & DATE: Wednesday, May 11, 2005

TIME: 10:00 AM

LOCATION: Room 425 LOB

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

HB 1047 **WRIGHTSVILLE BEACH BOARD OF ADJUSTMENT**
Representative McComas

*Full Committee
at request
of sponsor* **HB 1478** **MODERNIZE CITY/COUNTY PLANNING**
Representatives L. Allen; Carney, Harrison and Justice

HB 1477 **CLARIFY CITY/COUNTY PLANNING**
Representatives L. Allen; Carney and Justice

SB 294 **PILOT MOUNTAIN CHARTER**
Senator East

Respectfully,
Representative Jones
Representative Walker (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices on **Thursday, May 5, 2005.**

☒ Principal Clerk

5/11/2005

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Jones, Presiding Chair

Representative Walker, Co- Chair

May 11, 2005

Room 425

10:00 a.m.

OPENING REMARKS

Representative Jones

Representative Walker

Local Government II Committee Members

AGENDA ITEMS:

HB 1047 WRIGHTSVILLE BEACH BOARD OF ADJUSTMENT

Representative Mc Comas

SB 294 PILOT MOUNTAIN CHARTER

Senator East

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Wednesday, May 11, 2005

10:00 a.m.

Room 421, Legislative Office Building

The Local Government II Committee met on Wednesday, May 11, 2005, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representatives present were Jones, Walker, Carney, Rayfield, L. Allen, Brown, Church, Jeffus, Justice, Langdon, Steen, Wilkins, and Rapp. Legislative Staff in attendance included Giles Perry, Kory Goldsmith and Joe Moore. The original Visitor Registration Sheet is attached to these minutes as *Attachment 1*.

Chairman Earl Jones presided over the meeting. He welcomed the pages, committee members and introduced the committee staff and each committee member. Representative Earl Jones recognized Rep. Church's motion to allow the Proposed Committee Substitute for SB 294 to be discussed. Senator East was then welcomed to explain his bill, *SB 294 Pilot Mountain Charter* to the committee. Rep. Church moved that the PCS for SB 294 be given a favorable report and an unfavorable report be given to the original version. The committee gave their verbal approval and the motion carried.

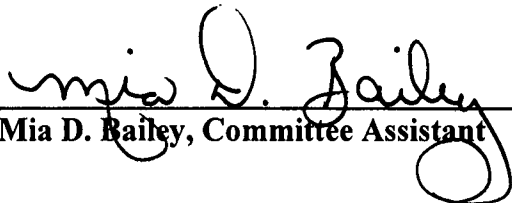
Rep. Jones then welcomed Rep. McComas to explain HB 1047 Wrightsville Beach Board of Adjustment. Rep. McComas explained HB 1047 to the committee. Rep. Carney moved for a favorable report. The committee gave their verbal approval and the motion carried.

The committee adjourned.

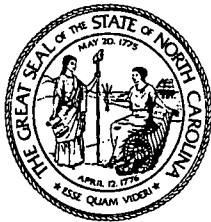


Representative Earl Jones, Presiding Co-Chair

Representative R. Tracey Walker, Co-Chair



Mia D. Bailey, Committee Assistant



HOUSE BILL 1047: Wrightsville Beach Board of Adjustment

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. McComas
Version: First Edition

Date: May 11, 2005
Summary by: Kory Goldsmith
 Committee Counsel

SUMMARY: *House Bill 1047 amends the Charter of the Town of Wrightsville Beach to allow the Town Board to appoint a board of adjustment that will have the powers and duties provided under G.S. 160A-338 (see below).*

The act would be effective when it becomes law.

CURRENT LAW: The Charter for the Town of Wrightsville Beach provides that the Town Board shall serve as the Board of Adjustment and shall have the powers and duties granted by law to boards of adjustment.

§ 160A-388. Board of adjustment.

(a) The city council may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members of such board, or in the filling of vacancies caused by the expiration of the terms of existing members, the council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The council may, in its discretion, appoint and provide compensation for alternate members to serve on the board in the absence of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member. A city may designate a planning agency to perform any or all of the duties of a board of adjustment in addition to its other duties.

(b) The board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this Part. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the city. Appeals shall be taken within times prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The board of adjustment may

House Bill 1047

Page 2

reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end the board shall have all the powers of the officer from whom the appeal is taken.

(c) The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance. The ordinance may also authorize the board to interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all matters referred to it or upon which it is required to pass under any zoning ordinance.

(d) When practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of the ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(e) The concurring vote of four-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Part, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of the ordinance. Every decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

(f) The chairman of the board of adjustment or any member temporarily acting as chairman, is authorized in his official capacity to administer oaths to witnesses in any matter coming before the board.

(g) The board of adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the board of adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

H1047e1-SMRC

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 1047

Short Title:	Wrightsville Beach Board of Adjustment.	(Local)
Sponsors:	Representative McComas.	
Referred to:	Local Government II.	

March 31, 2005

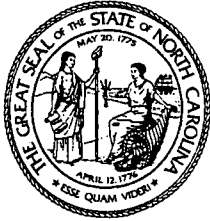
A BILL TO BE ENTITLED
AN ACT AMENDING THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH TO
ALLOW THE TOWN TO APPOINT A BOARD OF ADJUSTMENT AS PROVIDED BY
GENERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2.8 of the Charter of the Town of Wrightsville Beach, being Chapter 611 of the 1989 Session Laws, reads as rewritten:

"Sec. 2.8. **Board of adjustment.** ~~Notwithstanding the provisions of G.S. 160A-388, the Town Board shall serve as the Board of Adjustment and shall have and may exercise the same powers and duties as are granted by law to appointed boards of adjustment.~~ The Town Board shall appoint a board of adjustment that shall have and exercise the powers and duties provided in G.S. 160A-388."

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



SENATE BILL 294: Pilot Mountain Charter

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Sen. East
Version: PCS to First Edition
S294-CSRC-42

Date: May 11, 2005
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: *The Proposed Committee Substitute to Senate Bill 294 would amend the Pilot Mountain Charter to have the Town Manager appoint the Treasurer as well as the Town Clerk.*

The act would be effective when it becomes law.

CURRENT LAW: The Board of Commissioners currently appoints both the Town Clerk and the Treasurer for Pilot Mountain.

S0294e1-SMRC-CSRC-42

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE BILL 294
PROPOSED HOUSE COMMITTEE SUBSTITUTE S294-CSRC-42 [v.1]

5/10/2005 6:05:45 PM

Short Title: Pilot Mountain Charter.

(Local)

Sponsors:

Referred to:

March 2, 2005

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO
3 ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK AND THE
4 TREASURER.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 6.1 of the Charter of the Town of Pilot Mountain,
7 being Chapter 28 of the 1971 Session Laws, reads as rewritten:

8 "Sec. 6.1. Town Clerk and Treasurer. ~~The Board of Commissioners-Town Manager~~
9 shall appoint a Town Clerk and Treasurer to keep a journal of the proceedings of the
10 Board of Commissioners and to maintain in a safe place all records and documents
11 pertaining to the affairs of the Town, and to perform such other duties as may be
12 required by law or as the Board of Commissioners may direct."

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

1

SENATE BILL 294

Short Title: Pilot Mountain Charter. (Local)

Sponsors: Senator East.

Referred to: State and Local Government.

March 2, 2005

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO
ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6.1 of the Charter of the Town of Pilot Mountain, being Chapter 28 of the 1971 Session Laws, reads as rewritten:

"Sec. 6.1. Town Clerk and Treasurer. The Town Manager shall appoint a Town Clerk, and the Board of Commissioners shall appoint a ~~Town Clerk and~~ Treasurer to keep a journal of the proceedings of the Board of Commissioners and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board of Commissioners may direct."

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

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Mr. Boxley

NC Aggregates Assoc

John Phelps

NCLM

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

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

DAY & DATE: **Wednesday May 18, 2005**

TIME: **10:00 a.m.**

LOCATION: **Room 425 LOB**

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

HB 972 ROCKINGHAM COUNTY LIBRARY.
Representatives Cole and Holloway

HB 1029 DURHAM STREAM CLEARING PROGRAM.
Representatives Wilkins, Luebke, Michaux and Miller

HB 1304 MUNICIPAL MULTIMEMBER DISTRICTS.
Representative L. Allen

HB 1305 MAPS/CHARTERS TO SEC. OF STATE
Representative L. Allen

Respectfully,
Representative Walker
Representative Jones (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices at
11:00 am on Thursday, May 12, 2005

____Principal Clerk
____Reading Clerk - House Chamber

Barbara Powell (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Walker, Presiding Chair

Representative Jones, Co-Chair

May 18, 2005

Room 425

10:00 a.m.

OPENING REMARKS

Representative Walker

AGENDA ITEMS;

HB 972 ROCKINGHAM COUNTY LIBRARY

Representatives Cole and Holloway

HB 1304 MUNICIPAL MULTIMEMBER DISTRICTS

Representative L. Allen

HB 1305 MAPS/CHARTERS TO SEC. OF STATE

Representative L. Allen

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 18, 2005

The House Committee on Local Government II met on Wednesday, May 18, 2005 in Room 425 of the Legislative Office Building at 10:00 A.M. The following members were present: Co-Chair Representative Tracy Walker, Vice-Chairs Becky Carney and John Rayfield, Representatives Allen, Brown, Church, Frye, Jeffus, Langdon, Steen, Wilkins, and Womble. Giles Perry and Joe Moore, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

Representative Walker called the meeting to order and recognized pages, sergeant-at-arms, staff and visitors.

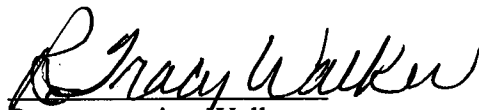
Representative Cole was recognized to explain **HB 972 AN ACT ALLOWING ROCKINGHAM COUNTY TO REDUCE FUNDING TO ITS PUBLIC LIBRARY SYSTEM WITHOUT RECEIVING A REDUCTION IN OR TERMINATION OF FUNDING FROM THE STATE AID TO PUBLIC LIBRARIES FUND.** This bill would change the formula for allocation of State aid to public libraries, as it applies to Rockingham County. It provides that, notwithstanding the general State law, Rockingham County may reduce funding for its library system without receiving a reduction in its State library grant, if its local funding is equal to the per capita average budgeted by other counties in the State. Several people from Cultural Resources-State Library spoke regarding this bill and the possible consequences. Stacy Myer, State Advisor with the State Library System stated that a Sub-Committee had been appointed to look at the Maintenance of Effort, as the formula was out of date. The sub-committee will be meeting in June. Some of Local Government II committee members agreed this bill could cause a mushrooming effect with other county libraries in the same situation. Representative Womble moved that the bill be displaced. Motion carried.

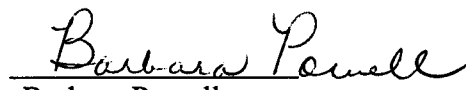
Representative Lucy Allen explained **HB 1305 AN ACT REQUIRING CITIES TO FILE CERTIFIED CHARTERS AND BOUNDARY MAPS AND COUNTIES TO FILE CERTIFIED BOUNDARY MAPS WITH THE SECRETARY OF STATE.** A Proposed Committee Substitute was offered at this time and Representative Carney moved for its adoption. Motion carried. Gerry Cohen, Director of Bill Drafting Division, explained the Proposed Committee Substitute which directs municipalities to file boundary maps and charters, and counties to file boundary maps with the Secretary of State. The Committee Substitute removes a requirement that counties file township maps with the Secretary of State. A representative of the Association of County Commissioners spoke and stated that all those affected had been contacted and they were in agreement with the bill. Rep. Allen offered an amendment making technical changes. Representative Womble moved for a favorable report to the new Proposed Committee Substitute with the amendment rolled in and unfavorable to the original bill. Motion carried.

The Chair recognized Representative Allen again to explain HB 1304 **AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE MULTIMEMBER DISTRICTS AS DO COUNTIES**. Representative Allen offered a technical amendment . Representative Carney moved to accept the amendment- amendment passed. After much discussion and with time running out, the committee felt it best not to vote on the bill at this time. Bill will be heard in committee within a few weeks.

There being no further business, the meeting was adjourned.

Respectfully submitted:


Representative Walker
Presiding Co-Chairman


Barbara Powell
Committee Assistant

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 972

Short Title: Rockingham County Library.

(Local)

Sponsors: Representatives Cole and Holloway (Primary Sponsors).

Referred to: Local Government I.

March 29, 2005

A BILL TO BE ENTITLED

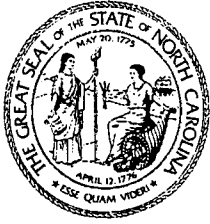
AN ACT ALLOWING ROCKINGHAM COUNTY TO REDUCE FUNDING TO ITS
PUBLIC LIBRARY SYSTEM WITHOUT RECEIVING A REDUCTION IN OR
TERMINATION OF FUNDING FROM THE STATE AID TO PUBLIC
LIBRARIES FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law or any rule adopted by the Division of State Library, Department of Cultural Resources, a local governing body may reduce funding to its library system without receiving a reduction in or termination of funding from the State Aid to Public Libraries Fund as long as the local funding is equal to the per capita average budgeted by other counties in the State.

SECTION 2. This act applies to Rockingham County only.

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



HOUSE BILL 972: Rockingham County Library

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Reps. Cole, Holloway
Version: First Edition

Date: May 18, 2005
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 972 changes the formula for allocation of State aid to public libraries, as it applies to Rockingham County.*

CURRENT LAW: Under current general law, G.S. 125-7, and the rules and policies adopted pursuant to it, State aid to public libraries is distributed according to a formula, based partially on a block grant, and partially on a per capita grant. State library grants are reduced proportionately if a county makes an across-the-board budget cut. State library grants may be terminated if the amount budgeted by a county for its libraries is reduced from the previous year, and the reduction is not part of a general budget cut.

BILL ANALYSIS: House Bill 972 provides that, notwithstanding the general State law, Rockingham County may reduce funding for its library system without receiving a reduction in its State library grant, if its local funding is equal to the per capita average budgeted by other counties in the State.

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

BACKGROUND: State statutes and rules on State aid to public libraries:

§ 125-7. State policy as to public library service; annual appropriation therefor; administration of funds.

- (a) It is hereby declared the policy of the State to promote the establishment and development of public library service throughout all sections of the State.
- (b) For promoting, aiding, and equalizing public library service in North Carolina a sum shall annually be appropriated out of the moneys within the State treasury to be known as the Aid to Public Libraries Fund.
- (c) The fund herein provided shall be administered by the Department of Cultural Resources, which shall frame bylaws, rules and regulations for the allocation and administration of such funds. The funds shall be used to improve, stimulate, increase and equalize public library service to the people of the whole State, shall be used for no other purpose, except as herein provided, and shall be allocated among the legally established municipal, county or regional libraries in the State taking into consideration local needs, area and population to be served, local interest and such other factors as may affect the State program of public library service.
- (d) For the necessary expenses of administration, allocation, and supervision, a sum not to exceed seven percent (7%) of the annual appropriation may annually be used by the Department of Cultural Resources.
- (e) The fund appropriated under this section shall be separate and apart from the appropriations of the Department of Cultural Resources, which appropriation shall not be affected by this section or the appropriation hereunder.
- (f) Repealed by Session Laws 1973, c. 476, s. 84. (1955, c. 505, s. 3; 1973, c. 476, s. 84; 1979, c. 578.)

SECTION .0300 - ALLOCATION OF STATE AID TO PUBLIC LIBRARIES

07 NCAC 02E .0301 QUALIFICATIONS FOR GRANTS

Libraries requesting funding from the aid to public libraries fund must meet the following requirements:

- (1) Be legally established as required by North Carolina statutes.
- (2) Provide library services easily available without discrimination to all residents of the political subdivision supporting the library.
- (3) Employ a director having a valid North Carolina public librarian certificate and experience as a public librarian or administrator.
- (4) Secure operational funds from local government sources at least equal to the amount budgeted the previous year. A grant to a local library system from the Aid to Public Libraries Fund shall not be terminated but shall be reduced proportionately by the Department of Cultural Resources if the local funding for a public library was reduced by the local governing body as part of an overall general budgetary reduction reflecting local economic conditions and local government fiscal constraints. State funds shall not replace local funds appropriated for public library operations.
- (5) Expend funds as authorized in the adopted budget. Any library having an unencumbered operational balance of more than 17 percent of the previous year's operating receipts shall have the difference deducted from its state allocation.
- (6) Obtain aggregate operational funds from local sources at least equaling state aid.
- (7) Pay salaries for professional positions funded from state aid that are no less than the scale required by the Division of State Library.
- (8) Obtain an annual audit of library accounts according to generally accepted accounting principles and submit a copy of this audit to the Division of State Library.
- (9) Submit a copy of bylaws and personnel policies to the Division of State Library.
- (10) Compile an assessment of the library needs of the community, prepare and annually revise a long-range plan of service, and submit copies of needs assessment and long-range plans of service to the Division of State Library.
- (11) Submit a copy of the agreement establishing the regional or county library, if composed of more than one local governmental unit.
- (12) Meet the following stipulations when establishing a new library or withdrawing from a larger system:
 - (a) meet all qualifications for the state aid to public libraries program on July 1 of the year prior to the fiscal year that the library plans to receive state aid,
 - (b) continue to meet all qualifications for the state aid to public libraries program from July 1 to June 30 of that year, which shall be known as the demonstration year,
 - (c) file a full application for state aid by the June 30 deadline at the close of the demonstration year in order to receive state aid in the next fiscal year.

07 NCAC 02E .0302 STATE AID GRANTS

All grants are contingent upon appropriations budgeted by the General Assembly. Eligible county, regional and municipal libraries will receive the grants subject to the approval of the Secretary of the Department of Cultural Resources.

07 NCAC 02E .0303 REGIONAL GRANT

Repealed Eff. October 29, 1979.

07 NCAC 02E .0304 LIMITATIONS ON AID

Special grants may be used only for the purpose for which granted. Basic and per capita equalization grants may be used for materials, salaries, equipment, and operating costs.

H0972e1-SMRW

Fact Sheet: The Aid to Public Libraries Fund

North Carolina's Aid to Public Libraries program has been in effect since 1941--when the General Assembly articulated its policies regarding the role of the state in public library development--and appropriated the first \$100,000 for the program.

Chapter 153 of the General Statutes of North Carolina (the chapter dealing with counties) contains the "Declaration of State policy" that says: *The General Assembly recognizes that the availability of adequate, modern library services is in the general interest of the people of North Carolina and a proper concern of the State and of local governments. Therefore, it is the policy of the State of North Carolina to promote the establishment and development of public library services throughout the state.* Chapter 125, which is the chapter dealing with the State Library, re-iterates that policy and established the state aid program: *For promoting, aiding, and equalizing public library service in North Carolina a sum shall annually be appropriated out of moneys within the State treasury to be known as the Aid to Public Libraries fund.*

From the time of that first appropriation of \$100,000, the program has continued and evolved. Today 75 county, regional and municipal library systems serving all 100 counties receive state aid--51 single-county libraries, 15 regional libraries serving 49 counties, and 9 municipal libraries that meet the minimum standards to qualify.

The current formula went into effect in 1983-84--and includes two components:

- ✓ A block grant: one-half of the appropriation is divided among the qualifying libraries. Each county receives one grant, and a regional library receives a block grant for each county plus an additional one for the region. Municipal libraries do not receive a block grant.
- ✓ Per Capita Equalization Grant: one-half of the appropriation is allocated under a weighted per capita grant inversely proportional to the average per capita income of people residing in the library's legal service area.

In FY 2003-2004, State aid was 20% or more of the operating budget for public libraries in 46 counties (20 out of 75 library systems); and a total of 66 counties (34 out of 75 library systems) depended on the program for 15% or more of their public library operating funds. Statewide, state aid equaled 9% of the total operating income for public library service; however, that amount varied from a low of 2% in Charlotte-Mecklenburg to a high of 46% in AMY Regional Library (Avery/Mitchell/Yancy). Because municipal libraries do not receive block grants, state aid represents a much lower percentage of their operating expenditures.

The State Aid appropriation for FY2004-2005 is \$14.7 million--having risen to a high of \$16.9 million in FY1998-1999.

Public Libraries

Year	<u>Local Funding \$ Per Capita</u>			<u>State Funding \$ Per Capita</u>	
	<u>Rockingham Co.</u>	<u>State Average</u>	<u>Rockingham Co. + (-) State Average</u>	<u>Rockingham Co.</u>	<u>State Average</u>
2000	\$20.20	\$15.22	+4.98	\$1.81	\$1.95
2001	20.26	15.01	+5.25	1.82	1.91
2002	20.27	15.69	+4.58	1.79	1.73
2003	18.28	15.55	+2.73	1.67	1.73
2004	17.87	15.99	+1.88	1.70	1.72

Local Funding

<u>Year</u>	<u>Rank</u>
2000	6th out of 51
2001	6th out of 51
2002	5 th out of 51
2003	7 th out of 51
2004	10 th out of 51

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1304

Short Title: Municipal Multimember Districts.

(Public)

Sponsors: Representative L. Allen.

Referred to: Local Government II.

April 20, 2005

A BILL TO BE ENTITLED

AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE
MULTIMEMBER DISTRICTS AS DO COUNTIES.

Whereas, the home rule provisions of G.S. 160A-101 allow cities to change their form of government without local legislation, but require either at-large elections, single-member districts, or a combination of both; and

Whereas, the home rule provisions of G.S. 153A-58(3) allow counties the same options, but also allow multimember districts; and

Whereas, giving cities the same powers may allow them to resolve more issues locally; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-101(6) reads as rewritten:

"§ 160A-101. Optional forms.

Any city may change its name or alter its form of government by adopting any one or combination of the options prescribed by this section:

...

(6) Mode of election of the council:

a. All candidates shall be nominated and elected by all the qualified voters of the city.

b. The city shall be divided into ~~single-member~~ electoral districts; council members shall be apportioned to the districts ~~so that each member represents the same number of persons as nearly as possible, so that the quotients obtained by dividing the population of each district by the number of council members apportioned to the district are as nearly equal as practicable,~~ except for members apportioned to the city at large, if any; the qualified voters of each district shall nominate and elect candidates who reside in the district for seats apportioned to that district; and all the qualified voters of the city shall

1 nominate and elect candidates apportioned to the city at large, if
2 any.

3 c. The city shall be divided into ~~single-member~~ electoral districts;
4 council members shall be apportioned to the districts ~~so that~~
5 ~~each member represents the same number of persons as nearly~~
6 ~~as possible, so that the quotients obtained by dividing the~~
7 ~~population of each district by the number of council members~~
8 ~~apportioned to the district are as nearly equal as practicable,~~
9 except for members apportioned to the city at large; and
10 candidates shall reside in and represent the districts according to
11 the apportionment plan adopted, but all candidates shall be
12 nominated and elected by all the qualified voters of the city.

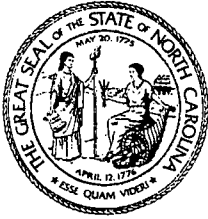
13 d. The city shall be divided into electoral districts equal in number
14 to one half the number of council seats; the council seats shall
15 be divided equally into "ward seats" and "at-large seats," ~~one~~
16 ~~each~~ some of which shall be apportioned to each district, ~~so~~
17 ~~that each council member represents the same number of~~
18 ~~persons as nearly as possible; so that the quotients obtained by~~
19 ~~dividing the population of each district by the number of~~
20 ~~council members apportioned to the district are as nearly equal~~
21 ~~as practicable, the~~ qualified voters of each district shall
22 nominate and elect candidates to the "ward seats"; candidates
23 for the "at-large seats" shall reside in and represent the districts
24 according to the apportionment plan adopted, but all candidates
25 for "at-large" seats shall be nominated and elected by all the
26 qualified voters of the city.

27 e. The city shall be divided into ~~single-member~~ electoral districts;
28 council members shall be apportioned to the districts ~~so that~~
29 ~~each member represents the same number of persons as nearly~~
30 ~~as possible, so that the quotients obtained by dividing the~~
31 ~~population of each district by the number of council members~~
32 ~~apportioned to the district are as nearly equal as practicable,~~
33 except for members apportioned to the city at large, if any; in a
34 nonpartisan primary, the qualified voters of each district shall
35 nominate the multiple of two candidates per seat in the district,
36 who reside in the district, and the qualified voters of the entire
37 city shall nominate two candidates for each seat apportioned to
38 the city at large, if any; and all candidates shall be elected by all
39 the qualified voters of the city.

40 If either of options b, c, d, or e is adopted, the council shall divide
41 the city into the requisite number of single-member electoral districts
42 according to the apportionment plan adopted, and shall cause a map of
43 the districts so laid out to be drawn up and filed as provided by
44 G.S. 160A-22 and 160A-23. No more than one half of the council may

1 be apportioned to the city at large. An initiative petition may specify
2 the number of single-member electoral districts to be laid out, but the
3 drawing of district boundaries and apportionment of members to the
4 districts shall be done in all cases by the council."
5

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



HOUSE BILL 1304: Municipal Multimember Districts

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 18, 2005
Introduced by:	Rep. L. Allen	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 1304 amends the optional forms of municipal government statute to authorize municipalities to change their mode of election of council to a plan with multi-member districts.*

CURRENT LAW: Under current G.S. 160A-101, a municipality is authorized to adopt several modes of election for its council, using: at-large districts, single-member districts, or a combination of single member and at-large districts.

BILL ANALYSIS: House Bill 1304 would amend the current election mode options available to municipalities to authorize municipalities to change their mode of election of council to a plan including multi-member districts.

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

BACKGROUND: House Bill 1304 is subject to preclearance under section 5 of the federal Voting Rights Act of 1965.

H1304e1-SMRW

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1304

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

Allen

1 moves to amend the bill on page 2 line 41, line _____

2 () WHICH CHANGES THE TITLE and page 3 line 2

3 by _____

4 strike through the phrase

5 _____

6 "single-member".

7 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1305
PROPOSED COMMITTEE SUBSTITUTE H1305-CSRC-47 [v.3]

5/18/2005 8:37:00 AM

Short Title: Maps/Charters to Sec. of State.

(Public)

Sponsors:

Referred to:

April 20, 2005

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING CITIES TO FILE CERTIFIED CHARTERS AND
3 BOUNDARY MAPS AND COUNTIES TO FILE CERTIFIED BOUNDARY
4 MAPS WITH THE SECRETARY OF STATE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-22 reads as rewritten:

7 "§ 160A-22. Map of corporate ~~limits~~limits; filing of maps and charters.

8 (a) The current city boundaries shall at all times be drawn on a map, or set out in
9 a written description, or shown by a combination of these techniques. This delineation
10 shall be retained permanently in the office of the city clerk. Alterations in these
11 established boundaries shall be indicated by appropriate entries upon or additions to the
12 map or description made by or under the direction of the officer charged with that duty
13 by the city charter or by the council. Copies of the map or description reproduced by
14 any method of reproduction that gives legible and permanent copies, when certified by
15 the city clerk, shall be admissible in evidence in all courts and shall have the same force
16 and effect as would the original map or description. The council may provide for
17 revisions in any map or other description of the city boundaries. A revised map or
18 description shall supersede for all purposes the earlier map or description that it is
19 designated to replace.

20 (b) On or before December 1, 2006, the city clerk shall file with the Secretary of
21 State a certified true copy of the map required under subsection (a) of this section
22 showing the boundaries of the city as they existed on January 1, 2006.

23 (c) On or before July 1 of the year preceding each decennial federal census, the
24 city clerk shall file with the Secretary of State a certified true copy of a map showing
25 the boundaries of the city as they existed on January 1 of the year preceding the
26 decennial federal census. All maps required by this subsection shall conform to rules
27 adopted by the Secretary of State. Prior to adopting the rules, the Secretary of State shall
28 consult with the North Carolina League of Municipalities, the North Carolina

1 Association of County Commissioners, the North Carolina Property Mappers
2 Association, the North Carolina Chapter of the Urban and Regional Information
3 Systems Association and the Statewide Mapping Advisory Council. The rules shall
4 provide for the Secretary to accept GIS maps or others created by electronic means.

5 (d) The city clerk shall file with the Secretary of State a certified true copy of the
6 city's charter as it existed on January 1, 2006, including acts of the General Assembly,
7 orders of the Municipal Board of Control, any changes made under Part 4 of Article 5 of
8 this Chapter, changes made under G.S. 160A-496, or changes made under any local act.
9 For cities with a population of 1,000 or more according to the 2000 decennial federal
10 census, or cities incorporated on or after January 1, 2000, the filing shall be on or before
11 December 1, 2006. For cities with a population of less than 1,000 according to the 2000
12 decennial federal census, the filing shall be on or before December 1, 2007.

13 Notwithstanding any other provision of law, a city charter filed with the
14 Secretary of State under this subsection shall not be relied upon or offered as evidence
15 in any administrative or judicial proceeding as proof of the charter."

16 **SECTION 2.** G.S. 153A-17 reads as rewritten:

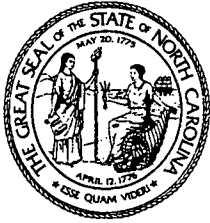
17 **"§ 153A-17. Existing boundaries.**

18 (a) The boundaries of each county shall remain as presently established, until
19 changed in accordance with law.

20 (b) On or before July 1, 2006, the county manager or, where there is no county
21 manager, the chairman of the board of commissioners, shall file with the Secretary of
22 State a certified map showing the boundaries of the county as they existed on January 1,
23 2006. *the copy is*

24 (c) On or before July 1 of the year preceding each decennial federal census, the
25 manager or chairman shall file with the Secretary of State a certified map showing the
26 boundaries of the county as they existed on January 1 of the year preceding the
27 decennial federal census. All maps required by this subsection shall conform to rules
28 adopted by the Secretary of State. Prior to adopting the rules, the Secretary of State shall
29 consult with the North Carolina League of Municipalities, the North Carolina
30 Association of County Commissioners, the North Carolina Property Mappers
31 Association, the North Carolina Chapter of the Urban and Regional Information
32 Systems Association and the Statewide Mapping Advisory Council. The rules shall
33 provide for the Secretary to accept GIS maps or others created by electronic means."

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



HOUSE BILL 1305: Maps/Charters to Sec. of State

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. L. Allen
Version: PCS to First Edition
H1305-CSRC-47

Date: May 18, 2005
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: *House Bill 1305 directs municipalities to file boundary maps and charters, and counties to file boundary maps with the Secretary of State.*

The Proposed Committee Substitute removes a requirement that counties file township maps with the Secretary of State.

The act would be effective when it becomes law.

CURRENT LAW: Cities are required to have a map or a written description of the current municipal boundaries. These maps or descriptions are permanently retained in the office of the city clerk.¹ Cities are also required to file charter amendments adopted through ordinance with the Secretary of State and with the Legislative Library.²

BILL ANALYSIS:

Section 1 would amend G.S. 160A-22 to require city clerks to file with the Secretary of State a certified true copy of the city's boundary map showing the boundaries as they existed on January 1, 2006. These maps would have to be filed by December 1, 2006. It also requires the cities to file revised maps every ten years. The maps would reflect the city boundaries as they existed on January 1 of the year prior to the decennial federal census. Finally, clerks would be required to submit a certified true copy of the city charter as it existed on January 1, 2006, including changes made by local act of the General Assembly and changes made by ordinance. Cities with a population of 1,000 or more, or incorporated after January 1, 2000, would have to submit the charter by December 1, 2006. Cities with a population of less than 1,000 would have to submit the charter by December 1, 2007. The bill also contains a provision prohibiting the charters filed with the Secretary from being relied upon in a legal proceeding as proof of the charter.

Section 2 amends G.S. 153A-17 to require counties to submit a map to the Secretary of State showing the county boundaries as they appeared on January 1, 2006. The maps would be due by July 1, 2006. It also requires counties to file revised maps every ten years. The maps would reflect the county boundaries, as they existed on January 1 of the year prior to the decennial federal census.

H1305e1-SMRC-CSRC-47

¹ G.S. 160A-22.

² G.S. 160A-111.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1305

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE ✓ PCS

Rep.) _____

) _____

Sen.) _____

1 moves to amend the bill on page 2, line s 22 and 25

2 () WHICH CHANGES THE TITLE

3 by deleting "certified map" both places,

4 and substituting "certified true copy
5 of the map"

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1305 A BILL TO BE ENTITLED AN ACT REQUIRING CITIES TO FILE
CERTIFIED CHARTERS AND BOUNDARY MAPS AND COUNTIES TO FILE CERTIFIED
BOUNDARY AND TOWNSHIP MAPS WITH THE SECRETARY OF STATE.

☒ 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.

VISITOR REGISTRATION SHEET

Local Government II
Name of Committee

May 18, 2005
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
GERRY COHEN	Bill Dethling
M G Brinker	N + R
Zerley Gales	WCGA
Kim Hibbard	NCLM
Paul Meyer	NC Assoc. County Commissioners
Andy Roman	NCLM
Robert Wilson	S.O.S.
Cheryl Montgomery	SOS
Larry P. Holder	SOS
Erin Kinney	NC Conservation Network
Doug Miskew	Capstrak

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

Name of Committee

May 18, 2005

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ryland Pond	Intern - Rep. Carney
Jeanne Crisp	State Library
Staci Meyer	DCR / State Library
Anna Marie Elkin	DCR / St. Library
Grant Parr	DCR
Monna Rosefield	DCR
Heywood McKinney	DCR
Jim Blackburn	NC Association of County Commissioners
BERRY Jenkins	CAROLINAS AGC
Christie Barber	CAAPH

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Jones, Presiding Chair

Representative Walker, Co- Chair

May 26, 2005

Room 425

9:00 a.m.

OPENING REMARKS

Representative Jones

Representative Walker

Local Government II Committee Members

AGENDA ITEMS

HB 1304 MUNICIPAL MULTIMEMBER DISTRICTS

Representative L. Allen

HB 1020 STATESVILLE HISTORIC STRUCTURES

Representative Ray, Representative Howard

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Thursday, May 26, 2005

9:00 a.m.

Room 425, Legislative Office Building

The Local Government II Committee met on Thursday, May 26, 2005, at 9:00 a.m. in Room 425 of the Legislative Office Building. Representatives present were Jones, Walker, Carney, Rayfield, L. Allen, Brown, Jeffus, Justice, Langdon, Steen, Wilkins, and Rapp. Legislative Staff in attendance included Kory Goldsmith and Joe Moore. The original Visitor Registration Sheet is attached to these minutes as *Attachment 1*.

Chairman Earl Jones presided over the meeting. He welcomed the pages, committee members and introduced the committee staff and each committee member. At the request of the bill sponsor, Rep. Ray, the committee removed the second item on the agenda, HB 1020, Statesville Historic Structures, from consideration.

Representative Jones then welcomed Rep. Lucy Allen to explain *HB 1304 Municipal Multimember Districts*, which was carried over from the last meeting. Staff informed the Chair that there was a Senate proposed committee substitute. Walker moved that the Senate PCS for HB 1304 be before the committee. Rep. Lucy Allen explained that technical changes were made on page two, line 42 and on page 3, line 3.

Rep. Jones, Chair, explained that Rep. Womble's concerns from last week were around the Voting Rights Act but that the Justice Department would handle those issues.

Rep. Justice moved for a favorable report of the Senate proposed committee substitute and unfavorable to the original bill. The committee gave their verbal approval and the motion carried.

The committee adjourned.

Representative Earl Jones, Presiding Chair

Kelli Reed, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

1

HOUSE BILL 1020

Short Title: Statesville Historic Structures.

(Local)

Sponsors: Representatives Ray, Howard (Primary Sponsors); and Setzer.

Referred to: Local Government II.

March 31, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE
DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC
DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of G.S. 160A-400.14, a municipality may adopt an ordinance providing that no structure within a historic district in the municipality may be demolished without a permit issued by the city council. The city council shall consider the following in deciding whether to issue a permit: (i) the location of the structure within the historic district; (ii) the state of repair of the structure; (iii) the architectural and historical significance of the structure; (iv) the owner's plans with regards to replacing the structure; (v) the overall impact of the demolition of the structure on the historic district; and (vi) the economic impact of the denial of the permit upon the owner of the structure.

SECTION 1.(b) The city council may, as a condition of issuing a permit for demolition, require the owner to replace the structure to be demolished with another structure that meets plans submitted by the owner and approved by the city council. The city council may establish a reasonable period of time for the owner to replace the demolished structure.

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1304
PROPOSED SENATE COMMITTEE SUBSTITUTE H1304-CSRW-32 [v.1]

5/25/2005 5:47:31 PM

Short Title: Municipal Multimember Districts.

(Public)

Sponsors:

Referred to:

April 20, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE
3 MULTIMEMBER DISTRICTS AS DO COUNTIES.

4 Whereas, the home rule provisions of G.S. 160A-101 allow cities to change
5 their form of government without local legislation, but require either at-large elections,
6 single-member districts, or a combination of both; and

7 Whereas, the home rule provisions of G.S. 153A-58(3) allow counties the
8 same options, but also allow multimember districts; and

9 Whereas, giving cities the same powers may allow them to resolve more
10 issues locally; Now, therefore,

11 The General Assembly of North Carolina enacts:

12 SECTION 1. G.S. 160A-101(6) reads as rewritten:

13 "§ 160A-101. Optional forms.

14 Any city may change its name or alter its form of government by adopting any one
15 or combination of the options prescribed by this section:

16 ...
17 (6) Mode of election of the council:

18 a. All candidates shall be nominated and elected by all the
19 qualified voters of the city.

20 b. The city shall be divided into ~~single-member~~ electoral districts;
21 council members shall be apportioned to the districts ~~so that~~
22 ~~each member represents the same number of persons as nearly~~
23 ~~as possible, so that the quotients obtained by dividing the~~
24 population of each district by the number of council members
25 apportioned to the district are as nearly equal as practicable,
26 except for members apportioned to the city at large, if any; the
27 qualified voters of each district shall nominate and elect
28 candidates who reside in the district for seats apportioned to

1 G.S. 160A-22 and 160A-23. No more than one half of the council may
2 be apportioned to the city at large. An initiative petition may specify
3 the number of ~~single-member~~ electoral districts to be laid out, but the
4 drawing of district boundaries and apportionment of members to the
5 districts shall be done in all cases by the council."

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

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

Name of Committee

May 26, 2005

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Brad Krehely

Research Division

John Phelps

NCLM

Andy Lomax

NC 277

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1304 A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES TO HAVE
THE SAME POWER TO CREATE MULTIMEMBER DISTRICTS AS DO COUNTIES.

☒ 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1304
PROPOSED COMMITTEE SUBSTITUTE H1304-PCS50446-RW-32

Short Title: Municipal Multimember Districts.

(Public)

Sponsors:

Referred to:

April 20, 2005

A BILL TO BE ENTITLED
AN ACT TO ALLOW CITIES TO HAVE THE SAME POWER TO CREATE
MULTIMEMBER DISTRICTS AS DO COUNTIES.

Whereas, the home rule provisions of G.S. 160A-101 allow cities to change their form of government without local legislation, but require either at-large elections, single-member districts, or a combination of both; and

Whereas, the home rule provisions of G.S. 153A-58(3) allow counties the same options, but also allow multimember districts; and

Whereas, giving cities the same powers may allow them to resolve more issues locally; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-101(6) reads as rewritten:

"§ 160A-101. Optional forms.

Any city may change its name or alter its form of government by adopting any one or combination of the options prescribed by this section:

...
(6) Mode of election of the council:

- a. All candidates shall be nominated and elected by all the qualified voters of the city.
- b. The city shall be divided into ~~single-member~~ electoral districts; council members shall be apportioned to the districts ~~so that each member represents the same number of persons as nearly as possible, so that the quotients obtained by dividing the population of each district by the number of council members apportioned to the district are as nearly equal as practicable,~~ except for members apportioned to the city at large, if any; the qualified voters of each district shall nominate and elect candidates who reside in the district for seats apportioned to

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

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

DAY & DATE: **Wednesday, June 1, 2005**

TIME: **10:00 a.m.**

LOCATION: **-Room 425 LOB**

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

HB 1020 STATESVILLE HISTORIC STRUCTURES
 Representative Ray and Howard

HB 1029 DURHAM STREAM CLEARING PROGRAM
 Representatives Wilkins, Luebke, Michaux and Miller

Respectfully,
Representative Walker
Representative Jones (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices at
2:00 p.m. on Thursday, May 26, 2005.

____Principal Clerk
____Reading Clerk - House Chamber

Barbara Powell (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Walker, Presiding Chair

Representative Jones, Co-Chair

June 1, 2005

Room 425

10:00 a.m.

OPENING REMARKS

Representative Walker

AGENDA ITEMS:

HB 1020 STATESVILLE HISTORIC STRUCTURES

Representatives Ray and Howard

HB 1029 DURHAM STREAM CLEARING PROGRAM

Representatives Wilkins, Luebke, Michaux and Miller

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 1, 2005

The House Committee on Local Government II met on Wednesday, June 1, 2005 in Room 425 of the Legislative Office Building at 10:00 A.M. The following members were present: Co-Chair Representative Tracy Walker, Vice-Chairs Becky Carney and John Rayfield, Representatives Allen, Church, Frye, Jeffus, Langdon, Steen, Wilkins, Womble and Rapp. Giles Perry and Kory Goldsmith, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

Representative Walker called the meeting to order and recognized pages, sergeant-at-arms, staff and visitors.

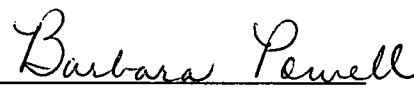
Representative Ray was recognized to explain **HB 1020 AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS**. This bill would allow the City of Statesville to adopt an ordinance providing that no structure within a historic district in Statesville could be demolished without a permit issued by the city council. Representative Allen moved for a favorable report. Motion carried.

Representative Wilkins was recognized to explain **HB 1029 AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ESTABLISH EFFECTIVE PROCEDURES TO ALLOW THE CLEARING OF OBSTRUCTIONS FROM THE FLOODWAY OF STREAMS AND TO ENSURE THAT THE CLEARING OF STREAMS DOES NOT CONSTITUTE LEGAL ADOPTION OF STREAMS**. A Proposed Committee Substitute was offered at this time and Representative Carney moved for its adoption. Motion carried. The Proposed Committee Substitute completely rewrites the original bill. The original bill was a local act. However, the State Constitution prohibits local acts relating to non-navigable streams. Therefore, in order for the bill to be constitutional, it had to be made into a public bill. Representatives from the League of Municipalities, DENHR, and the City of Durham were present and presented much discussion on the bill. Representative Rapp moved for a favorable report to the Proposed Committee Substitute and an unfavorable to the original bill. Motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted:


Representative Walker
Presiding Co-Chairman


Barbara Powell
Committee Assistant

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 1020

Short Title: Statesville Historic Structures.

(Local)

Sponsors: Representatives Ray, Howard (Primary Sponsors); and Setzer.

Referred to: Local Government II.

March 31, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF STATESVILLE TO REGULATE THE
DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC
DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of G.S. 160A-400.14, a municipality may adopt an ordinance providing that no structure within a historic district in the municipality may be demolished without a permit issued by the city council. The city council shall consider the following in deciding whether to issue a permit: (i) the location of the structure within the historic district; (ii) the state of repair of the structure; (iii) the architectural and historical significance of the structure; (iv) the owner's plans with regards to replacing the structure; (v) the overall impact of the demolition of the structure on the historic district; and (vi) the economic impact of the denial of the permit upon the owner of the structure.

SECTION 1.(b) The city council may, as a condition of issuing a permit for demolition, require the owner to replace the structure to be demolished with another structure that meets plans submitted by the owner and approved by the city council. The city council may establish a reasonable period of time for the owner to replace the demolished structure.

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

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



HOUSE BILL 1020: Statesville Historic Structures

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Reps. Ray, Howard
Version: First Edition

Date: June 1, 2005
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: *House Bill 1020 would allow the City of Statesville to adopt an ordinance providing that no structure within a historic district in Statesville could be demolished without a permit issued by the city council.*

The act only applies to the City of Statesville.

The act would become effective when it becomes law.

CURRENT LAW: Part 3A of Article 19 of Chapter 160A allows cities and counties to designate historic districts and treat them as either separate use districts or as districts which overlay other zoning districts.¹ No area may be designated as a historic district until (1) a report describing the significance of the area and its structures is prepared, and (2) the Department of Cultural Resources has analyzed and made recommendations regarding the report. Prior to designating a historic district, the municipality must establish a historic preservation commission.² The historic preservation commission must adopt rules of procedure and principles for new construction, alteration, moving and demolition of property within the district.³

Once an area is designated a historic district, no exterior portion of any building or other structure may be altered, restored, moved or demolished until the owner obtains a certificate of appropriateness.⁴ The historic preservation commission must act on an application for a certificate within 180 days of receipt of the application. The aggrieved party may appeal the commission's decision to the Board of Adjustment. The superior court of the county where the municipality is located may hear an appeal from the Board of Adjustment's decision.

A municipality may not deny an application for a certificate authorizing the relocation, demolition or destruction of a building within a historic district.⁵ However, the municipality may delay the effective date of the certificate for up to 365 days. During this period, the commission must attempt to find a means of preserving the building through negotiations with the owner and other interested parties.

BILL ANALYSIS: House Bill 1020 would allow the City of Statesville to adopt an ordinance providing that no structure within a historic district in Statesville could be demolished without a permit issued by the city council. The bill outlines the following factors the city council must consider when deciding whether to issue a permit:

- The location of the structure within the historic district.
- The state of repair of the structure.

¹ G.S. 160A-400.4.

² G.S. 160A-400.7. Instead of creating a separate historic preservation commission, the municipality may designate that another commission; a planning agency or a community appearance commission will serve as the historic preservation commission.

³ G.S. 160A-400.9(c).

⁴ G.S. 160A-400.9(a).

⁵ G.S. 160A-400.14(a). The statute is set out in its entirety on the next page.

House Bill 1020

Page 2

- The architectural and historical significance of the structure.
- The owner's plans with regards to replacing the structure.
- The economic impact of the denial of a permit upon the owner.

As a condition of issuing the permit, the council could require the owner to replace the structure with another structure that complies with plans submitted by the owner and approved by the city council. The council could also require the owner to replace the structure within a reasonable period of time.

EFFECTIVE DATE: The act would be effective when it becomes law and would only apply to the City of Statesville.

BACKGROUND: In Penn Central Transp. Co. v. New York⁶, the U.S. Supreme Court held that governments may take actions to prohibit the destruction of historic properties, if the owner of the historic property retains the ability to obtain a reasonable rate of return on the owner's investment. This decision has been controversial with property owners and businesses that are concerned about the impact of historic property regulation on the value and ability to use property. It has been popular with individuals and groups who support the preservation of historic properties.

§ 160A-400.14. Delay in demolition of landmarks and buildings within historic district.

(a) An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within the district may not be denied except as provided in subsection (c). However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the preservation commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the preservation commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition, or removal.

If the commission or planning agency has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the local governing board, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the commission or planning agency for a period of up to 180 days or until the local governing board takes final action on the designation, whichever occurs first.

(b) The governing board of any municipality may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

(c) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

1020e1-SMRC

⁶ 438 U.S. 105 (1978).

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1020 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF
STATESVILLE TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE
CITY'S HISTORIC DISTRICTS.

☒ 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 1029

Short Title: Durham Stream Clearing Program.

(Local)

Sponsors: Representatives Wilkins, Luebke, Michaux, and Miller (Primary Sponsors).

Referred to: Local Government II.

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ESTABLISH EFFECTIVE PROCEDURES TO ALLOW THE CLEARING OF OBSTRUCTIONS FROM THE FLOODWAY OF STREAMS AND TO ENSURE THAT THE CLEARING OF STREAMS DOES NOT CONSTITUTE LEGAL ADOPTION OF STREAMS.

The General Assembly of North Carolina enacts:

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

"Section 36. Stream Clearing Program.

(a) The existence of obstructions in stream channels, on stream banks, and in the floodway of streams that may impede the passage of water during heavy rains, is hereby declared to be a public nuisance. Such obstructions include, but are not limited to, underbrush, tree limbs, dead trees, root balls, trash and debris, and mounds of earth and vegetation that have an obstructive effect.

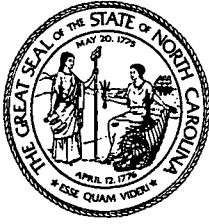
(b) The City is authorized, though not required, to establish a program to clear such obstructions. Establishment of a program shall not create or increase any responsibility of the City to clear streams or affect in any manner the rights or entitlements of property owners to clear streams on their property. The clearing of obstructions in stream channels, on stream banks, and in the floodway of streams, whether at the request of property owners or without such request, and at whatever frequency it may occur, shall not constitute "adoption" of a stream by the City, or create or increase any responsibility or liability of the City for such stream. In addition, actions to clear obstructions shall not be allowed in any judicial or administrative proceeding as evidence of the City's assumption of control, ownership or maintenance of, or responsibility or liability for, a stream or constructed drainage feature associated with such stream.

(c) The City may by ordinance establish a procedure to allow administrative determinations that authorize stream clearing, with prior notice to and an opportunity to

1 object by adjoining property owners. The ordinance shall contain provisions requiring
2 written mailed notice or documented delivery of notice to the property owner or to the
3 residence of the property containing the stream; an opportunity for the owner to make
4 objections to an administrative decision maker identified in the notice; and a written
5 administrative determination regarding the need for stream clearing that shall be filed
6 with the City. In the event of an objection to stream clearing, the written determination
7 shall be delivered to any objecting property owner by certified mail at least two days
8 prior to any clearing that may be authorized. A signed and dated certificate as to
9 delivery of notice of the administrative procedure and/or delivery of notice of the final
10 administrative decision and the address(es) to which the notice was delivered and mode
11 of delivery shall be deemed conclusive of delivery of notice, in the absence of fraud.

12 (d) The authority granted by this section is in addition to and not in derogation of
13 any other authority granted to the City by this Charter or any other law."

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



HOUSE BILL 1029: Municipal Stream Clearing/Clarify Liability.

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 1, 2005
Introduced by:	Reps. Wilkins, Luebke, Michaux, Miller	Summary by:	Kory Goldsmith
Version:	PCS to First Edition		Committee Counsel
	H1029-PCS80421-RC-54		

SUMMARY: *The Proposed Committee Substitute is a Public Bill that would clarify that a municipality that undertakes a program to remove debris and obstructions from streams shall not be considered to have created or increased its responsibility for clearing or maintaining those streams. The municipality also would not be deemed to have created in itself an ownership interest in, or obligation to control the stream. However, the municipality would still be liable for negligent actions under otherwise applicable law, and would have to obtain any required permits prior to undertaking a stream-clearing program.*

The Proposed Committee Substitute completely rewrites the original bill. The original bill was a local act. However, the State Constitution prohibits local acts relating to non-navigable streams. Therefore, in order for the bill to be constitutional, it had to be made into a public bill.

The bill would become effective when it becomes law and would apply to stream clearing activities commenced on or after that date.

CURRENT LAW: There is conflicting case law regarding whether a municipality that undertakes stream-clearing actions can be held to have "adopted" the stream and therefore have additional liability to third parties for flooding or other damage due to rain events.

In Mitchell v. City of High Point, 31 N.C. App. 634 (1976), the court held that a municipality becomes liable for injuries from want of due care when dealing with upkeep of drains and culverts constructed by a third party only when (1) the city "adopts" them as part of the city's drainage system, or (2) the municipality assumes control and management of them. In Mitchell, the Court held that the City did not adopt a private streambed as part of its drainage system. Thus, evidence concerning the condition of the stream was inadmissible and improper. This case also noted that there is no municipal authority for upkeep of drains and culverts *unless the municipality has accepted or controlled them in some legal manner*. In Milner Hotels, Inc. v. City of Raleigh, 268 N.C. 535, 151 S.E.2d 35, 37 (1966), the Court stated that where a municipality has assumed jurisdiction of a stream flowing into a city, it may become liable for injury caused by its negligence in the control of the water.

BILL ANALYSIS: The Proposed Committee Substitute to HB1029 amends Article 8 of Chapter 160A to create a new section. The section states that obstructions in the floodway of streams may impede the passage of water during a rain event and that the removal of obstructions by a municipality furthers the public health, safety and welfare. It also provides that actions by a municipality to remove obstructions does not create or increase the municipality's responsibility for the clearing or maintenance of the stream, or for flooding of the stream. However, a municipality would still be liable for damage caused due to negligent acts. A municipality would have to comply with all relevant permitting requirements prior to undertaking any stream clearing activities.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1029
PROPOSED COMMITTEE SUBSTITUTE H1029-PCS80421-RC-54

Short Title: Municipal Stream Clearing/Clarify Liability.

(Public)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED
AN ACT FACILITATING THE ESTABLISHMENT OF MUNICIPAL PROGRAMS
TO CLEAR STREAMS BY CLARIFYING A MUNICIPALITY'S LIABILITY
FOR SUCH ACTIONS.

Whereas, the clearing of obstructions in streams, such as dead trees, fallen tree limbs, root balls, underbrush, and trash and debris furthers the health, safety, and welfare of the State's citizens by allowing such streams to function more efficiently to remove stormwater, thus reducing flooding; and

Whereas, municipalities are deterred from engaging in stream-clearing activities by the possibility that they will become legally responsible for regular stream clearing, or the possibility that they will become legally responsible for the impact on private properties of natural events such as flooding, which have never been the legal responsibility of local governments; and

Whereas, many private landowners do not have the resources to clear obstructions from the streams that are located on their property, and it is in the public interest to facilitate the establishment of stream-clearing programs by municipal governments; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 160A is amended by adding a new section to read:

"§ 160A-195. Stream-clearing programs.

(a) The existence of dead trees, tree limbs, root balls, underbrush, trash and debris, mounds of earth and vegetation, and other obstructions in stream channels and in the floodway of streams may impede the passage of water during rain events. The removal of obstructions from the floodway of streams by a municipality furthers the public health, safety, and welfare.

(b) The actions of a municipality to clear obstructions from a stream shall not create or increase municipal responsibility for the clearing or maintenance of the stream,

1 or for flooding of the stream. In addition, actions by a municipality to clear obstructions
2 from a stream shall not create in the municipality any ownership in the stream,
3 obligation to control the stream, or affect any otherwise existing private property right,
4 responsibility, or entitlement regarding the stream. These provisions shall not relieve a
5 municipality for negligence that might be found under otherwise applicable law.

6 (c) Implementation by a municipality of a stream-clearing program shall not
7 affect otherwise existing rights of the State to control or regulate streams or activities
8 within streams. The municipality shall comply with all permitting requirements
9 otherwise provided for by law."

10 SECTION 2. This act is effective when it becomes law and applies to
11 stream-clearing activities commenced on or after that date.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1029

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
DURHAM TO ESTABLISH EFFECTIVE PROCEDURES TO ALLOW THE CLEARING OF
OBSTRUCTIONS FROM THE FLOODWAY OF STREAMS AND TO ENSURE THAT THE
CLEARING OF STREAMS DOES NOT CONSTITUTE LEGAL ADOPTION OF STREAMS.

☒ 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.

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Doug Vaughan	City of Durham
Aissa Dolan	NC Conservation Network
R. Paul Williams	NCHBA
Andy Romanet	NCLM
Johanna Reese	DE NR
Robin Smith	DENR
John Umstead	Gen Assembly Intern
Beau Mills	NC metropolitan Coal. for
Elizabeth Stober	City of Durham
Rick Zechini	NC Assoc. of Realtors
Ted Voorhees	City of Durham

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

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

DAY & DATE: Wednesday, June 22, 2005

TIME: **10 am**

LOCATION: **Room 425 - LOB**

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

SB 388	Watha Town Council Senator Soles
SB 138	Archdale Extraterritorial Jurisdiction Senator Tillman
SB 271	Wilmington Red Light Camera Proceeds Senator Boseman

Respectfully,
Representative Jones
Representative Walker (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices at
4:00 p.m. on Thursday, June 15, 2005.

 X Principal Clerk
 X Reading Clerk - House Chamber

Kelli Reed (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Jones, Presiding Chair
Representative Walker, Co- Chair

June 22, 2005
Room 425
10:00 a.m.

OPENING REMARKS

Representative Jones
Representative Walker
Local Government II Committee Members

AGENDA ITEMS

SB 388

Watha Town Council
Senator Soles

SB 138

Archdale Extraterritorial Jurisdiction
Senator Tillman

SB 271

Wilmington Red Light Camera Proceeds
Senator Boseman

SB 335

Cornelius Charter Amendment
Senator Graham

MINUTES
LOCAL GOVERNMENT II COMMITTEE
June 22, 2005

The Local Government II Committee met on Wednesday, June 22, 2005, at 10:00 a.m. in Room 425 of the Legislative Office Building. Members present were Representative(s) Jones, Walker, Carney, Rayfield, L. Allen, Brown, Church, Frye, Jeffus, Justice, Langdon, Steen, Wilkins, Womble, and Rapp. Legislative Staff in attendance included Kory Goldsmith, Giles Perry and Joe Moore. The Visitor Registration Sheet is attached as a record to the Minutes (*Attachment 1*).

Chairman Earl Jones presided over the meeting. He welcomed the pages, committee members and introduced the committee staff. At the request of the bill sponsor, Senator Boseman, the Chairman announced that *SB 271, Wilmington Red Light Camera Proceeds*, would be removed from the agenda to be considered at a later date.

Chairman Jones recognized Representative Wright to explain *SB 388 Watha Town Council* on behalf of the bill sponsor, Senator Soles. Staff informed the Chair that there was a House Proposed Committee Substitute for SB 388. Representative Womble moved that the House PCS for SB 388 be adopted and placed before the committee for discussion. The motion carried. Rep. Wright explained that changes were made to add language for the Town of Bolton. Rep. Womble moved for a favorable report of the House Committee Substitute, unfavorable to the original bill- SB 388. The committee gave their verbal approval and the motion carried. Rep. Jones re-referred the House Committee Substitute to the Committee on Finance.

Senator Tillman was welcomed to explain his bill, *SB 138 Archdale Extraterritorial Jurisdiction*. Following comments and discussion, Representative Frye moved that SB 138 be given a favorable report. The committee gave their verbal approval and the motion carried.

Senator Graham was welcomed by Chairman Jones to explain *SB 335 Cornelius Charter Amendment*. Cornelius Town Attorney, Bill Brown, and Town Manager, Anthony Roberts, were introduced to express their comments and concerns for SB 355. Following discussion and comments by the Committee, Representative Rayfield was recognized to make a motion to give SB 335 a favorable report. The motion carried.

The committee adjourned at 10:50 a.m.

Representative Earl Jones, Presiding Chairman

Kelli Reed, Committee Clerk

6-22-05

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

X Committee Substitute for
SB 138 A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF
ARCHDALE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA
EXTENDING TWO MILES FROM ITS LIMITS.

☒ 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 _____.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL --
GOVERNMENT II.

X Committee Substitute for

SB 335 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE
TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE
MEMBERS FOR CAUSE.

☒ 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 _____.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

SB 388 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE
TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND
TOWN COUNCIL FROM TWO TO FOUR YEARS.

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

(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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

6/22
minutes
favorable

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D

SENATE BILL 388
PROPOSED HOUSE COMMITTEE SUBSTITUTE S388-PCS85273-LBx-75

Short Title: Watha Town Council/Bolton Annexation.

(Local)

Sponsors:

Referred to:

March 7, 2005

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of the Charter of the Town of Watha, being Chapter 158 of the 1909 Private Laws, as amended by Chapter 884 of the 1989 Session Laws, reads as rewritten:

"Sec. 3. The elected officers of the town shall be a mayor and three ~~commissioners~~ commissioners, and they shall be elected by all the qualified voters of the entire town. In 2005, and quadrennially thereafter, the mayor and the town commissioners shall be elected for four-year terms or until their successors are elected and qualified. The commission's organizational meeting shall be fixed as provided in G.S. 160A-68."

SECTION 2. The corporate limits of the Town of Bolton are extended to include the following described territory:

TRACT ONE-EAST

BEGINNING at an OLD TOWN MONUMENT with N.C. Grid Coordinates: N=221,191.759 and E=2,176,127.352; and runs thence South 78 degrees, 29 minutes 59 seconds East 4,459.69 feet to a NEW TOWN MONUMENT; thence South 03 Degrees, 03 minutes, 55 seconds West 2,203.48 feet to another NEW TOWN MONUMENT; thence North 80 degrees 55 minutes 10 seconds West 439.00 feet to another NEW TOWN MONUMENT; thence South 08 degrees, 23 minutes, 54 seconds West 557.63 feet to another NEW TOWN MONUMENT; thence North 80 degrees, 19 minutes 08 seconds West 1,720.45 feet to another NEW TOWN MONUMENT; thence North 57

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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3

SENATE BILL 335
State and Local Government Committee Substitute Adopted 4/27/05
Third Edition Engrossed 6/1/05

Short Title: Cornelius Charter Amendment.

(Local)

Sponsors:

Referred to:

March 3, 2005

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO
3 ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR
4 CAUSE.

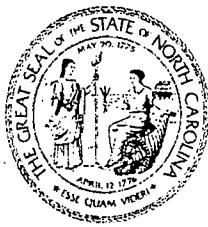
5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 3.3 of the Charter of the Town of Cornelius, being
7 Chapter 288 of the 1971 Session Laws, as amended by Town Ordinance No.
8 2002-00266, adopted pursuant to G.S. 160A-101, reads as rewritten:

9 "Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor shall serve for a term of
10 four years and members of the Board of Commissioners shall serve for terms of four
11 years, beginning the day and hour of the organizational meeting following their election,
12 as established by ordinance in accordance with this Charter; ~~provided, they shall serve~~
13 ~~until their successors are elected and qualify.~~ Charter. The Mayor and Commissioners
14 shall serve until: (i) their successors are elected and qualified; (ii) they resign; (iii) they
15 become ineligible to hold office; or (iv) they are removed from office in accordance
16 with subsection (b1) of this section.

17 (b) No person shall be eligible to be a candidate or be elected as Mayor or as a
18 member of the Board of Commissioners or to serve in such capacity, unless he is a
19 resident and a qualified voter of the Town.

20 (b1) The Mayor and Commissioners shall be expected and required to attend all
21 regular meetings of the Board of Commissioners except for occasional, unavoidable
22 conflicts. However, the Mayor and Commissioners shall attend at least sixty percent
23 (60%) of all regular Board meetings calculated on a rolling 12-month basis.
24 Participation in a meeting by phone that has been approved pursuant to Board policy
25 shall be counted as being absent under this section, although the participation may be
26 considered as being in attendance for other purposes. Upon receipt of a complaint
27 alleging a violation under this section, the Board shall call a hearing on the matter. The
28 person to be proceeded against shall have at least 10 days' notice in writing of the



SENATE BILL 138: Archdale Extraterritorial Jurisdiction

Favorable

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Sen. Tillman
Version: Second Edition

Date: June 22, 2005
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 138 authorizes the City of Archdale to exercise extraterritorial planning and zoning jurisdiction over an area extending two miles from its limits.*

CURRENT LAW: In North Carolina, a city may exercise jurisdiction in various planning-related matters over areas located outside its boundaries. In general, a city of any size may establish planning jurisdiction for one mile outside its boundaries. However, North Carolina law does not permit cities to exercise extraterritorial jurisdiction unilaterally unless there is evidence that the county has not taken initiative in land use planning. Specifically, a city may assume authority outside its limits on its own only if the county is not already enforcing three major types of development regulations in the target area: (1) zoning; (2) subdivision regulations; and (3) the State Building Code.

With the board of county commissioners' approval, a city with a population of more than 10,000 but less than 25,000 may extend its jurisdiction up to two miles beyond its limits. A city with a population of more than 25,000 may exercise these powers over an area extending not more than three miles beyond its limits.

The land use planning-related powers that may be exercised outside municipal boundaries include (1) zoning, (2) subdivision regulation, (3) enforcement of the State Building Code, (4) minimum housing code regulation, (5) historic district regulation, (6) historic properties designation and regulation, (7) community development projects, (8) jurisdiction of the community appearance commission, (9) acquisition of open space, (10) floodway regulation, and (11) soil erosion and sedimentation control regulation. No city may exercise in its ETJ area any power that it does not exercise within its city limits.

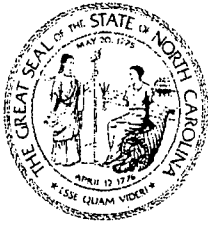
BILL ANALYSIS: Senate Bill 138 allows the city of Archdale to exercise extraterritorial jurisdiction over an area extending two miles from its limits. The bill also clarifies that the other provisions in G.S. 160A-360, such as providing notice and a public hearing to landowners and obtaining approval of the county commissioners where the county is already enforcing zoning and subdivision regulations and the State Building Code, would still apply prior to extending the city's ETJ.

The City of Archdale lies in both Randolph and Guilford Counties. The city plans to extend its ETJ only in Randolph County where it is experiencing significant growth.

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

Trina Griffin substantially contributed to this summary.

S0138e2-SMRW



SENATE BILL 271: Wilmington Red Light Camera Proceeds

Filed on 6/22

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Sen. Boseman
Version: Second Edition

Date: June 22, 2005
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *Senate Bill 271 requires the clear proceeds from the operation of traffic control photographic systems (red light cameras) in the City of Wilmington to be paid to the county school fund, and defines "clear proceeds."*

CURRENT LAW:

Since 1999, the City of Wilmington has been authorized to adopt ordinances for the civil enforcement of vehicle control signs and signals by means of a traffic control photographic system (red light cameras). A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

Article IX, § 7 of the North Carolina Constitution requires that the "clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools."

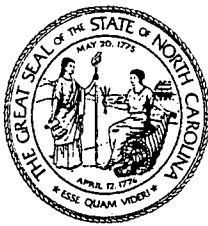
BILL ANALYSIS:

Senate Bill 271 amends G.S. 160A-300.1(c) to require the clear proceeds from red light camera citations issued in the City of Wilmington to be paid to the county school fund. In addition, the bill defines "clear proceeds" as the funds remaining after paying for the lease, lease-purchase, or purchase of the traffic control photographic system; paying a contractor for operation of the system, and paying any administrative costs incurred by the municipality related to the use of the system.

EFFECTIVE DATE:

This act is effective when it becomes law and applies only to the City of Wilmington.

S0271e2-SMRW



SENATE BILL 388:
Watha Town Council/Bolton Annexation

Favorable
PCS, clear
original

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Sen. Soles
Version: PCS to First Edition
S388-PCS85273-LBx-75

Date: June 22, 2005
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY:

Section 1 of Senate Bill 388 amends the charter of the Town of Watha to provide that the Mayor and Commissioners shall serve 4 year terms, and that the commission's organizational meeting shall be fixed as provided in G.S. 160A-68 (see below).

The Proposed Committee Substitute adds Section 2 to the bill. It annexes certain territory to the Town of Bolton.

The act will become effective June 30, 2005.

The bill must be re-referred to House Finance.

BACKGROUND: Watha was incorporated in 1909, but no terms were set for the mayor or the members of the governing board. The Mayor and Commissioners currently serve 2 year terms.

§ 160A-68. Organizational meeting of council.

(a) The council may fix the date and time of its organizational meeting. The organizational meeting may be held at any time after the results of the municipal election have been officially determined and published pursuant to Subchapter IX of Chapter 163 of the General Statutes but not later than the date and time of the first regular meeting of the council in December after the results of the municipal election have been certified pursuant to that Subchapter. If the council fails to fix the date and time of its organizational meeting, then the meeting shall be held on the date and at the time of the first regular meeting in December after the results of the municipal election have been certified pursuant to Subchapter IX of Chapter 163 of the General Statutes.

(b) At the organizational meeting, the newly elected mayor and councilmen shall qualify by taking the oath of office prescribed in Article VI, Section 7 of the Constitution. The organization of the council shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or nonelection of one or more members, but at least a quorum of the members must be present.

(c) All local acts or provisions of city charters which prescribe a particular meeting day or date for the organizational meeting of a council are hereby repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

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SENATE BILL 388

PROPOSED HOUSE COMMITTEE SUBSTITUTE S388-PCS85273-LBx-75

Short Title: Watha Town Council/Bolton Annexation.

(Local)

Sponsors:

Referred to:

March 7, 2005

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF WATHA TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COUNCIL FROM TWO TO FOUR YEARS, AND TO ANNEX DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF BOLTON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of the Charter of the Town of Watha, being Chapter 158 of the 1909 Private Laws, as amended by Chapter 884 of the 1989 Session Laws, reads as rewritten:

"Sec. 3. The elected officers of the town shall be a mayor and three ~~commissioners~~ commissioners, and they shall be elected by all the qualified voters of the entire town. In 2005, and quadrennially thereafter, the mayor and the town commissioners shall be elected for four-year terms or until their successors are elected and qualified. The commission's organizational meeting shall be fixed as provided in G.S. 160A-68."

SECTION 2. The corporate limits of the Town of Bolton are extended to include the following described territory:

TRACT ONE-EAST

BEGINNING at an OLD TOWN MONUMENT with N.C. Grid Coordinates: N=221,191.759 and E=2,176,127.352; and runs thence South 78 degrees, 29 minutes 59 seconds East 4,459.69 feet to a NEW TOWN MONUMENT; thence South 03 Degrees, 03 minutes, 55 seconds West 2,203.48 feet to another NEW TOWN MONUMENT; thence North 80 degrees 55 minutes 10 seconds West 439.00 feet to another NEW TOWN MONUMENT; thence South 08 degrees, 23 minutes, 54 seconds West 557.63 feet to another NEW TOWN MONUMENT; thence North 80 degrees, 19 minutes 08 seconds West 1,720.45 feet to another NEW TOWN MONUMENT; thence North 57

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

You are hereby notified that the Committee on **LOCAL GOVERNMENT II** will meet as follows:

DAY & DATE: **Wednesday, June 29, 2005**

TIME: **10:00 a.m.**

LOCATION: **Room 425 LOB**

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

SB 271 WILMINGTON RED LIGHT CAMERA PROCEEDS.
 Senator Boseman

SB 340 WELDON PRIVATE SALE/ROANOKE RAPIDS CONSTRUCT.
 Senator Holloman

SB 463 REPEAL MECKLENBURG PROPERTY SUNSET.
 Senator Dannelly

Respectfully,
Representative Walker
Representative Jones (Co-Chair)

I hereby certify this notice was filed by the committee assistant at the following offices at
11:00 am on Thursday, June 23, 2005

___Principal Clerk
___Reading Clerk - House Chamber

Barbara Powell (Committee Assistant)

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Walker, Presiding Chair
Representative Jones, Co-Chair

June 29, 2005
Room 425
10:00 a.m.

OPENING REMARKS Representative Walker

AGENDA ITEMS:

SB 271 WILMINGTON RED LIGHT CAMERA PROCEEDS.

Senator Boseman - *Sponsor withdrew*

SB 340 WELDON PRIVATE SALE/ROANOKE RAPIDS CONSTRUCT.

Senator Holloman

SB 463 REPEAL MECKLENBURG PROPERTY SUNSET.

Senator Dannelly

*SB 335 added An Act Amending the Charter
of the Town of Cornelius To Allow the Board
of Commissioners to Remove Members For a
Cause -
Rep. Graham*

MINUTES
HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 29, 2005

The House Committee on Local Government II met on Wednesday, July 29, 2005 in Room 425 of the Legislative Office Building at 10:00 A.M. The following members were present: Co-Chairs Representatives Walker and Jones, Vice Chairs Representatives Carney and Rayfield, Representatives Allen, Brown, Church, Frye, Jeffus, Justice, Langdon, Steen, Wilkins, Womble and Rapp. Staff Counselors in attendance were Giles Perry, Kory Goldsmith, and Joe Moore. A Visitor Registration list is attached and made part of these minutes.

Representative Walker called the meeting to order and recognized pages, sergeant-at-arms, staff and visitors.

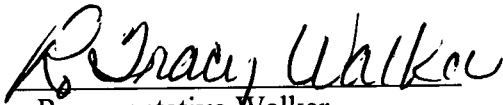
Senator Dannelly was recognized to explain **SB 463 AN ACT REPEALING THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE**. A Proposed Committee Substitute was offered at this time and Representative Womble moved for its adoption. Motion carried. The Committee Substitute simply added additional properties to the bill. Representative Womble moved for a favorable report to the Proposed House Committee Substitute and unfavorable to the Senate Committee Substitute bill. Motion carried.

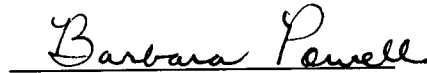
Senator Holloman was recognized to explain **SB 340 AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE AND TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION**. A Proposed Committee Substitute was offered at this time and Representative Church moved for its adoption. Motion carried. After some discussion, Representative Carney moved for a favorable report to the Proposed House Committee Substitute and unfavorable to the Senate Committee Substitute bill. Motion carried.

Added to today's agenda was SB 335 **AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR A CAUSE**. This bill was re-referred from the Floor of the House. A Proposed Committee Substitute was offered at this time and Representative Rayfield moved for its adoption. Senator Graham was recognized to explain the bill and after some discussion, Representative Carney moved for a favorable report to the House Proposed Committee Substitute and unfavorable to the Senate Committee Substitute Bill. Motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted:


Representative Walker
Presiding Co-Chairman


Barbara Powell
Committee Assistant

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☒ ~~Senate~~ Committee Substitute for

SB 335 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE
TOWN OF CORNELIUS TO ALLOW THE BOARD OF COMMISSIONERS TO REMOVE
MEMBERS FOR CAUSE.

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate
committee substitute 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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4

SENATE BILL 335
State and Local Government Committee Substitute Adopted 4/27/05
Third Edition Engrossed 6/1/05
House Committee Substitute Favorable 6/29/05

Short Title: Cornelius Charter Amendment.

(Local)

Sponsors:

Referred to:

March 3, 2005

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO
3 ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR
4 CAUSE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 3.3 of the Charter of the Town of Cornelius, being
7 Chapter 288 of the 1971 Session Laws, as amended by Town Ordinance No.
8 2002-00266, adopted pursuant to G.S. 160A-101, reads as rewritten:

9 "Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor shall serve for a term of
10 four years and members of the Board of Commissioners shall serve for terms of four
11 years, beginning the day and hour of the organizational meeting following their election,
12 as established by ordinance in accordance with this Charter; ~~provided, they shall serve~~
13 ~~until their successors are elected and qualify.~~ Charter. The Mayor and Commissioners
14 shall serve until: (i) their successors are elected and qualified; (ii) they resign; (iii) they
15 become ineligible to hold office; or (iv) they are removed from office in accordance
16 with subsection (b1) of this section.

17 (b) No person shall be eligible to be a candidate or be elected as Mayor or as a
18 member of the Board of Commissioners or to serve in such capacity, unless he is a
19 resident and a qualified voter of the Town.

20 (b1) The Mayor and Commissioners shall be expected and required to attend all
21 regular meetings of the Board of Commissioners except for occasional, unavoidable
22 conflicts. However, the Mayor and Commissioners shall attend at least sixty percent
23 (60%) of all regular Board meetings calculated on a rolling 12-month basis.
24 Participation in a meeting by phone that has been approved pursuant to Board policy
25 shall be counted as being absent under this section, although the participation may be
26 considered as being in attendance for other purposes. Upon receipt of a complaint
27 alleging a violation under this section, the Board shall call a hearing on the matter. The

1 person to be proceeded against shall have at least 10 days' notice in writing of the
2 motion to remove him, accompanied by a copy of the charges alleged as the grounds for
3 the proposed removal. He shall have the right to be heard in person or by counsel in his
4 defense. At the hearing, the Board may also hear from members of the public. Upon
5 finding by a preponderance of the evidence that a violation has occurred, the Board
6 may, by a majority vote, remove the Mayor or Commissioner from office or impose a
7 lesser sanction, including censure or reprimand. The accused Mayor or Commissioner
8 may vote in a proceeding only in the case of a tie.

9 (b2) The Mayor or a Commissioner shall not be considered absent from a regular
10 meeting of the Board of Commissioners if the Mayor's or Commissioner's failure to
11 attend is due to any of the following reasons:

12 (1) Personal illness or the illness or death of an immediate family member
13 (spouse, children, grandchildren, parents, grandparents, or siblings).

14 (2) Military service.

15 (3) Activities necessary to the performance of the official duties of the
16 Mayor or Commissioner.

17 The burden shall be on the Mayor or Commissioner to present documentation in a
18 hearing held pursuant to subsection (b1) of this section that supports an authorized
19 reason for nonattendance.

20 (c) In the event a vacancy occurs in the office of Mayor or Commissioner, the
21 Board of Commissioners shall by majority vote appoint some qualified person to fill the
22 same for the remainder of the unexpired term in accordance with G.S. 160A-63.

23 (d) In the case of a conflict between this section and any other provision of this
24 Charter, a Town ordinance, or other statute or common law, this section shall prevail to
25 the extent of the conflict."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE BILL 335
State and Local Government Committee Substitute Adopted 4/27/05
Third Edition Engrossed 6/1/05
PROPOSED HOUSE COMMITTEE SUBSTITUTE S335-PCS85276-RW-45

Short Title: Cornelius Charter Amendment.

(Local)

Sponsors:

Referred to:

March 3, 2005

A BILL TO BE ENTITLED
AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS TO
ALLOW THE BOARD OF COMMISSIONERS TO REMOVE MEMBERS FOR
CAUSE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.3 of the Charter of the Town of Cornelius, being Chapter 288 of the 1971 Session Laws, as amended by Town Ordinance No. 2002-00266, adopted pursuant to G.S. 160A-101, reads as rewritten:

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor shall serve for a term of four years and members of the Board of Commissioners shall serve for terms of four years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; ~~provided, they shall serve until their successors are elected and qualify.~~ Charter. The Mayor and Commissioners shall serve until: (i) their successors are elected and qualified; (ii) they resign; (iii) they become ineligible to hold office; or (iv) they are removed from office in accordance with subsection (b1) of this section.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Commissioners or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

(b1) The Mayor and Commissioners shall be expected and required to attend all regular meetings of the Board of Commissioners except for occasional, unavoidable conflicts. However, the Mayor and Commissioners shall attend at least sixty percent (60%) of all regular Board meetings calculated on a rolling 12-month basis. Participation in a meeting by phone that has been approved pursuant to Board policy shall be counted as being absent under this section, although the participation may be considered as being in attendance for other purposes. Upon receipt of a complaint

1 alleging a violation under this section, the Board shall call a hearing on the matter. The
2 person to be proceeded against shall have at least 10 days' notice in writing of the
3 motion to remove him, accompanied by a copy of the charges alleged as the grounds for
4 the proposed removal. He shall have the right to be heard in person or by counsel in his
5 defense. At the hearing, the Board may also hear from members of the public. Upon
6 finding by a preponderance of the evidence that a violation has occurred, the Board
7 may, by a majority vote, remove the Mayor or Commissioner from office or impose a
8 lesser sanction, including censure or reprimand. The accused Mayor or Commissioner
9 may vote in a proceeding only in the case of a tie.

10 (b2) The Mayor or a Commissioner shall not be considered absent from a regular
11 meeting of the Board of Commissioners if the Mayor's or Commissioner's failure to
12 attend is due to any of the following reasons:

13 (1) Personal illness or the illness or death of an immediate family member
14 (spouse, children, grandchildren, parents, grandparents, or siblings).

15 (2) Military service.

16 (3) Activities necessary to the performance of the official duties of the
17 Mayor or Commissioner.

18 The burden shall be on the Mayor or Commissioner to present documentation in a
19 hearing held pursuant to subsection (b1) of this section that supports an authorized
20 reason for nonattendance.

21 (c) In the event a vacancy occurs in the office of Mayor or Commissioner, the
22 Board of Commissioners shall by majority vote appoint some qualified person to fill the
23 same for the remainder of the unexpired term in accordance with G.S. 160A-63.

24 (d) In the case of a conflict between this section and any other provision of this
25 Charter, a Town ordinance, or other statute or common law, this section shall prevail to
26 the extent of the conflict."

27 **SECTION 2.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☒ Committee Substitute for

SB 340 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF
WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE
AND TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-
BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION.

☒ With a favorable report as to House committee substitute bill, which changes the title,
unfavorable as to Senate committee substitute bill 1.

(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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S

2

SENATE BILL 340

State and Local Government Committee Substitute Adopted 6/1/05

Short Title: Weldon Private Sale/Roanoke Rapids Construct.

(Local)

Sponsors:

Referred to:

March 3, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN
PROPERTY AT PRIVATE OR NEGOTIATED SALE AND TO AUTHORIZE
THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD
METHOD OF CONSTRUCTION FOR A FIRE STATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding Article 12 of Chapter 160A of the General
Statutes, the Town of Weldon may convey by private negotiation and sale, with or
without monetary consideration, and upon such terms as the town deems appropriate,
any or all of its right, title, and interest in some or all of the following described
property:

TRACT 1

That certain tract or parcel of land, together with all the improvements thereon and
appurtenances thereunto belonging, lying and being situate in Weldon Township,
Halifax County, North Carolina, containing 13.892 Acres, and shown on that certain
plat entitled "Plat Showing Property Being Conveyed to Duquesne Energy, Inc. From
Rightmyer Machine Rentals, Inc.", prepared by Timmons, dated January 13, 1998, and
recorded in Plat Cabinet 6, Slide 22-T, Halifax Public Registry, and being more
particularly bounded and described in accordance with said plat as follows:

Commencing at a found monument located on the Eastern right of way of N. C. State
Road No. 1734 and the Northern right of way line of N. C. State Road No. 1710, said
monument being the true point and place of beginning; thence South 89° 47' 07" West, a
distance of 20.07 feet to a found rod; thence along the Eastern right of way line of said
State Road No. 1710, North 08° 21' 36" East, a distance of 658.24 feet to a found pipe;
thence leaving said right of way line South 81° 31' 33" East, a distance of 400.10 feet to
a found pipe; thence North 08° 27' 19" East, a distance of 257.86 feet to a found pipe;
thence South 89° 46' 55" East, a distance of 357.26 feet to a found pipe; thence South
11° 21' 04" West, a distance of 967.55 feet to a found pipe; thence North 89° 42' 06"
West, a distance of 690.50 feet to a found pipe; thence North 08° 15' 37" East, a

1 distance of 100.17 feet to a found monument, said monument being the true point and
2 place of beginning and containing 13.892 acres of land.

3 TRACT 2

4 That certain tract or parcel of land situate in the Town of Weldon, Weldon
5 Township, Halifax County, North Carolina, together with all improvements located
6 thereon, and more particularly described as follows: Beginning at a point in the
7 Southeastern right of way line of the Seaboard Coastline Railroad at which point said
8 right of way line intersects the Northeastern right of way line of West 2nd Street at the
9 back of the curb; thence with the right of way line of West 2nd Street along the back of
10 the curb South 55° 19' East 78.55 feet to a point; thence still with the right of way line
11 of West 2nd Street along the back of the curb South 56° 49' East 77.40 feet to a point;
12 thence in a Southeasterly direction a curve to the left onto Washington Avenue, said
13 curve having a radius of 8.36 feet, 13.09 feet to a point in the back of the curb on
14 Washington Avenue in the Northwestern right of way line of Washington Avenue;
15 thence with the right of way line of Washington Avenue along the back of the curb
16 North 33° 30' East 102.05 feet to a point near the middle of a party brick wall separating
17 the building on the property herein conveyed and the building now occupied as the
18 FCX; thence North 56° 25' West 97.71 feet to a point in the Southeastern right of way
19 line of the Seaboard Coastline Railroad; thence with said railroad right of way line
20 South 64° 49' West 119.02 feet to a railroad iron; thence still with said railroad right of
21 way line South 64° 49' West 9 feet to a point of beginning, containing 14,500.53 square
22 feet as described in a certain map prepared by J. C. Shearin; and being the identical real
23 property conveyed unto Harold W. Wray et ux et al by deed of Heilig-Meyers
24 Company, a Virginia corporation, dated August 6, 2002, and recorded at Book 1928,
25 Page 651, Halifax Public Registry.

26 TRACT 3

27 The property within the confines of the block bounded by Washington Avenue, First
28 Street, Sycamore Street, and Second Street.

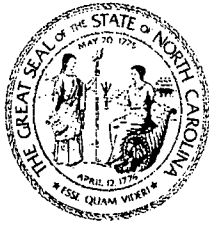
29 SECTION 1.(b) This section applies to the Town of Weldon only.

30 SECTION 2.(a) Section 3 of S.L. 2001-425 reads as rewritten:

31 "SECTION 3. Notwithstanding G.S. 143-128, 143-129, and 143-132, the City of
32 Roanoke Rapids may use the design-build method of construction for the Neighborhood
33 Resource Center on the site of the old A&P building on the corner of Third and Jackson
34 ~~Streets.~~ Streets and for a new fire station on Old Farm Road."

35 SECTION 2.(b) This section applies to the City of Roanoke Rapids only.

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



SENATE BILL 340: Weldon Private Sale/Roanoke Rapids Construct

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 29, 2005
Introduced by:	Sen. Holloman	Summary by:	Giles S. Perry
Version:	S340-CSST-62[v.5]		Committee Counsel

SUMMARY: *Senate Bill 360 allows the Town of Weldon to convey property by private or negotiated sale, allows the City of Roanoke Rapids to use the design-build method for construction of a fire station, and exempts the City of Roanoke Rapids from specified public bidding laws for theater projects in its theater and entertainment district.*

CURRENT LAW: Article 12 of Chapter 160A sets forth the methods by which a municipality may dispose of real and personal property owned by the municipality. Private negotiation and sale may be used only in limited circumstances. The property must be of significant interest for its architectural, historical or cultural interest, be sold to a nonprofit corporation and a conservation or preservation agreement must be placed in the deed to the property. G.S. 160A-266.

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

BILL ANALYSIS: Section 1 of the bill allows the Town of Weldon to convey its interest in the described property by private negotiation and sale, with or without consideration, and on such terms as the Town deems appropriate.

Section 2 of the bill would exempt the City of Roanoke Rapids from the public contract and bidding requirements in Article 8 of Chapter 143 for the purposes of building a new fire station on Old Farm Road. The city would still be required to comply with the provisions of Article 8 of Chapter 143 concerning minority business participation goals for State and local building contracts.

Section 3 of the bill exempts the City of Roanoke Rapids from the public bidding laws for theater projects in its music theater and entertainment district. The city would still be required to comply with the provisions of Article 8 of Chapter 143 concerning minority business participation goals for State and local building contracts.

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

Barbara Riley substantially contributed to this summary.

S0340e2-SMRW

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S

D

SENATE BILL 340

State and Local Government Committee Substitute Adopted 6/1/05
PROPOSED HOUSE COMMITTEE SUBSTITUTE S340-CSST-62 [v.5]

6/28/2005 9:56:19 AM

Short Title: Weldon Private Sale/Roanoke Rapids Construct.

(Local)

Sponsors:

Referred to:

March 3, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF WELDON TO CONVEY CERTAIN PROPERTY AT PRIVATE OR NEGOTIATED SALE; TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FIRE STATION; AND TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF ROANOKE RAPIDS IN THE CONSTRUCTION OF THEATER PROJECTS IN ITS MUSIC THEATER AND ENTERTAINMENT DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Town of Weldon may convey by private negotiation and sale, with or without monetary consideration, and upon such terms as the town deems appropriate, any or all of its right, title, and interest in some or all of the following described property:

TRACT 1

That certain tract or parcel of land, together with all the improvements thereon and appurtenances thereunto belonging, lying and being situate in Weldon Township, Halifax County, North Carolina, containing 13.892 Acres, and shown on that certain plat entitled "Plat Showing Property Being Conveyed to Duquesne Energy, Inc. From Rightmyer Machine Rentals, Inc.", prepared by Timmons, dated January 13, 1998, and recorded in Plat Cabinet 6, Slide 22-T, Halifax Public Registry, and being more particularly bounded and described in accordance with said plat as follows:

Commencing at a found monument located on the Eastern right of way of N. C. State Road No. 1734 and the Northern right of way line of N. C. State Road No. 1710, said monument being the true point and place of beginning; thence South 89° 47' 07" West, a distance of 20.07 feet to a found rod; thence along the Eastern right of way line of said State Road No. 1710, North 08° 21' 36" East, a distance of 658.24 feet to a found pipe;

1 thence leaving said right of way line South 81° 31' 33" East, a distance of 400.10 feet to
2 a found pipe; thence North 08° 27' 19" East, a distance of 257.86 feet to a found pipe;
3 thence South 89° 46' 55" East, a distance of 357.26 feet to a found pipe; thence South
4 11° 21' 04" West, a distance of 967.55 feet to a found pipe; thence North 89° 42' 06"
5 West, a distance of 690.50 feet to a found pipe; thence North 08° 15' 37" East, a
6 distance of 100.17 feet to a found monument, said monument being the true point and
7 place of beginning and containing 13.892 acres of land.

8 TRACT 2

9 That certain tract or parcel of land situate in the Town of Weldon, Weldon
10 Township, Halifax County, North Carolina, together with all improvements located
11 thereon, and more particularly described as follows: Beginning at a point in the
12 Southeastern right of way line of the Seaboard Coastline Railroad at which point said
13 right of way line intersects the Northeastern right of way line of West 2nd Street at the
14 back of the curb; thence with the right of way line of West 2nd Street along the back of
15 the curb South 55° 19' East 78.55 feet to a point; thence still with the right of way line
16 of West 2nd Street along the back of the curb South 56° 49' East 77.40 feet to a point;
17 thence in a Southeasterly direction a curve to the left onto Washington Avenue, said
18 curve having a radius of 8.36 feet, 13.09 feet to a point in the back of the curb on
19 Washington Avenue in the Northwestern right of way line of Washington Avenue;
20 thence with the right of way line of Washington Avenue along the back of the curb
21 North 33° 30' East 102.05 feet to a point near the middle of a party brick wall separating
22 the building on the property herein conveyed and the building now occupied as the
23 FCX; thence North 56° 25' West 97.71 feet to a point in the Southeastern right of way
24 line of the Seaboard Coastline Railroad; thence with said railroad right of way line
25 South 64° 49' West 119.02 feet to a railroad iron; thence still with said railroad right of
26 way line South 64° 49' West 9 feet to a point of beginning, containing 14,500.53 square
27 feet as described in a certain map prepared by J. C. Shearin; and being the identical real
28 property conveyed unto Harold W. Wray et ux et al by deed of Heilig-Meyers
29 Company, a Virginia corporation, dated August 6, 2002, and recorded at Book 1928,
30 Page 651, Halifax Public Registry.

31 TRACT 3

32 The property within the confines of the block bounded by Washington Avenue, First
33 Street, Sycamore Street, and Second Street.

34 **SECTION 1.(b)** This section applies to the Town of Weldon only.

35 **SECTION 2.(a)** Section 3 of S.L. 2001-425 reads as rewritten:

36 **"SECTION 3.** Notwithstanding G.S. 143-128, 143-129, and 143-132, the City of
37 Roanoke Rapids may use the design-build method of construction for the Neighborhood
38 Resource Center on the site of the old A&P building on the corner of Third and Jackson
39 Streets. Streets and for a new fire station on Old Farm Road."

40 **SECTION 2.(b)** This section applies to the City of Roanoke Rapids only.

41 **SECTION 3.(a)** Except for G.S. 143-128.2 and G.S. 143-128.3, the
42 provisions of Article 8 of Chapter 143 of the General Statutes do not apply to the
43 construction of theater projects in the Music Theater and Entertainment District, as that
44 district is defined by the city council.

1 **SECTION 3.(b)** This section applies only to the City of Roanoke Rapids.

2 **SECTION 3.(c)** This section is effective when it becomes law and expires
3 January 1, 2009.

4 **SECTION 4.** This act 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 Walker and Jones (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☒ Committee Substitute for

SB 463 A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET
PROVISION RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL
CERTAIN REAL PROPERTY BY PRIVATE NEGOTIATED SALE.

☒ With a favorable report as to House committee substitute bill, which changes the title,
unfavorable as to Senate committee substitute 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/Senate) 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.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

2

**SENATE BILL 463
State and Local Government Committee Substitute Adopted 3/24/05**

Short Title: Repeal Mecklenburg Property Sunset.

(Local)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT REPEALING THE SUNSET PROVISION RELATING TO
MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL
PROPERTY BY PRIVATE NEGOTIATED SALE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2003-49 reads as rewritten:

"SECTION 2. This act becomes effective July 1, 2002, ~~and expires June 30,~~
~~2005.2002."~~

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE BILL 463

State and Local Government Committee Substitute Adopted 3/24/05
PROPOSED HOUSE COMMITTEE SUBSTITUTE S463-PCS85278-LB-78

Short Title: Repeal Meck. Prop. Sunset/Add Prop.

(Local)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT REPEALING THE SUNSET PROVISION RELATING TO
MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN REAL
PROPERTY BY PRIVATE NEGOTIATED SALE AND TO MAKE THE
AUTHORITY APPLY TO ADDITIONAL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2003-49 reads as rewritten:

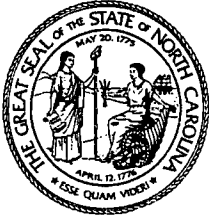
"SECTION 2. This act becomes effective July 1, 2002, and expires June 30, 2005-2002."

SECTION 2. Section 2 of S.L. 2000-65, as reenacted by Section 1 of S.L. 2003-49, reads as rewritten:

"Section 2. This act shall apply to Mecklenburg County only and only with respect to the following parcels of land, all of which are owned by Mecklenburg County as of the date of adoption of this act and all of which have County: (i) parcels with frontage on North College Street-Street that are Mecklenburg County Tax Parcels (as of January 1, 2000) 080-031-01, 080-032-04, 080-032-05, 080-041-01, and 080-041-02; 080-041-02; (ii) Mecklenburg County Tax Parcels (as of January 1, 2005) 073-161-01, 073-161-03, 073-161-06, 073-162-02, and 073-162-01; (iii) that portion of Mecklenburg County Tax Parcel 073-161-04 (as of January 1, 2005) which is immediately adjacent to and parallel to West Second Street, approximately 100 feet wide and running from South Mint Street to South Graham Street; (iv) that portion of Mecklenburg County Tax Parcel 073-112-05 (as of January 1, 2005) which is occupied by and including the old Virginia Paper Company Building, and such areas immediately adjacent to the old Virginia Paper Company Building as might be necessary for ingress, egress, and regress to and from said Building and such other areas immediately adjacent to said Building as might be necessary for uses such as outdoor patios or terraces, or other outdoor uses which are compatible with and accessory to the interior uses of the adaptive re-use of

1 the old Virginia Paper Company Building; and (v) subsurface portions of Mecklenburg
2 County Tax Parcels 073-111-04 and 073-112-05 (as of January 1, 2005) for parking
3 uses."

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



SENATE BILL 463: Repeal Meck. Prop. Sunset/Add Property

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Sen. Dannelly
Version: PCS to Second Edition

Date: June 29, 2005
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: *Senate Bill 463 removes the sunset provision on Mecklenburg County's authority to convey specified property by private sale.*

The Proposed Committee Substitute makes the act apply to additional properties owned by the County.

The act would be effective when it becomes law.

CURRENT LAW: S.L. 2000-65, as amended by S.L. 2001-102, and reenacted by S.L. 2003-49, provides that Mecklenburg County has authority to sell or dispose of specific property when the board of commissioners determines that it will "advance or further any county or municipality-adopted economic development, transportation, urban revitalization, community development, or land-use plan or policy." The county may attach to the transfer and to the interest conveyed such covenants, conditions, or restrictions the county deems necessary. As a result, the consideration, if any, for such conveyance may reflect the restricted use of the property. An interest in property pursuant to this subsection may only be conveyed pursuant to resolution of the board of commissioners. Notice of the proposed transaction shall be given at least 10 days prior to adoption of the resolution by publication in a newspaper of general circulation.

Properties are described as being owned by Mecklenburg County and having frontage on North College Street: Mecklenburg County Tax Parcels (as of January 1, 2000) 080-031-01, 080-032-04, 080-032-05, 080-041-01, and 080-041-02.

Expiration Date History:

- S.L. 2000-65, Section 3, contained an effective date provision that provided that the act became effective when it became law, but expired on the date that was the earlier of June 30, 2002, or the date on which all property described in Section 2 of the act was sold, exchanged, or transferred.
- S.L. 2001-102, Section 3, extended the expiration date of S.L. 2000-65 to June 30, 2003.
- S.L. 2003-49 reenacted Sections 1 and 2 of S.L. 2000-65. However, S.L. 2003-49 did not reenact the effective date section of S.L. 2000-65. The effective date of 2003-49 provided that the reenactment of Sections 1 and 2 of S.L. 2000-65 became effective July 1, 2002, and expire June 30, 2005.

BILL ANALYSIS:

Section 1 removes the sunset provision on Mecklenburg County's authority to sell specific property by private sale.

Section 2 makes the provisions applicable to additional properties owned by the county.

Theresa Matula, staff to Senate State & Local Government, substantially contributed to this summary.

S0463e2-SMRC-CSRC

Local Reg Gov II

6/29/05
Date

NAME _____

[illegible]

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY[illegible]

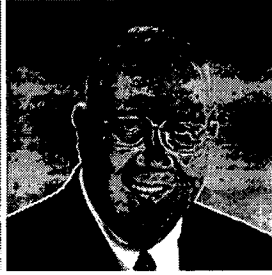
NORTH CAROLINA GENERAL ASSEMBLY

2006

LOCAL GOVERNMENT II
2005 – 2006 SESSION



Rep. Jones
Chair



Rep. Walker
Chair



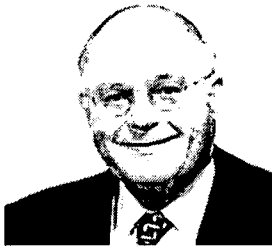
Rep. Carney
Vice chair



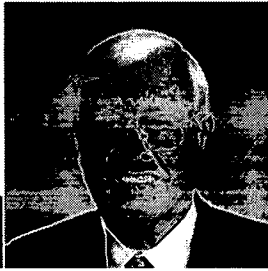
Rep. Rayfield
Vice chair



Rep. L. Allen



Rep. Brown



Rep. Church



Rep. Frye



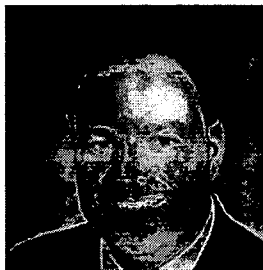
Rep. Jeffus



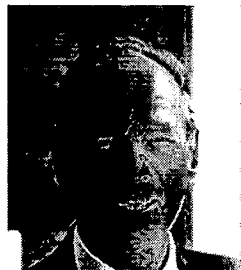
Rep. Justice



Rep. Langdon



Rep. Steen



Rep. Wilkins



Rep. Womble



Rep. Rapp

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

2005-2006

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
JONES, Earl Co-Chair	Mia Bailey	733-5825	536	80
WALKER, Tracy Co-Chair	Barbara Powell	733-5935	1111	94
CARNEY, Becky Vice-Chair	Joyce Langdon	733-5827	1221	54
RAYFIELD, John Vice-Chair	Brenda Olls	733-5868	510	73
ALLEN, Lucy	Melissa Riddle	733-5860	1307	41
BROWN, Larry	Delores Ledford	733-5607	609	105
CHURCH, Walter	Joyce Fuller	733-5805	1311	33
Frye, Phillip	Mary Hayes	733-5661	1019	62
JEFFUS, Margaret	Mary Lee Robinson	733-5191	2204	6
JUSTICE, Carolyn	Vivian Sherrell	715-9664	301C	16
LANGDON, James	Jackson Stancil	733-5849	610	101
RAPP, Ray	Dot Barbour	733-5732	2213	77
STEEN, Fred	Chris Floyd	733-5881	514	64
WILKINS, "Winkie"	Nancy Brantley	715-0850	1301	71
WOMBLE, Larry	Dorothy McLean	733-5777	534	56
EX-OFFICIO MEMBERS				
Culpepper, William	Dot Crocker	715-3028	404	36
Cunningham, Pete	Valeria Rustin	733-5778	541	7
Eddins, Rick	Susan Phillips	733-5828	1002	26
Hackney, Joe	Emily Reynolds	733-5752	2207	69
Kory Goldsmith, Research		733-2578	545	
Giles Perry, Research		733-2578	545	
Joe Moore, Research		733-2578	545	

2005-2006 Biennium

Leg. Day: H-171/S-173

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0075	Crawford	JUNKED/ABANDONED VEHICLES.	*HR Ch. SL 2005-10	02-07-05	03-02-05
H0075	Crawford	JUNKED/ABANDONED VEHICLES.	*HR Ch. SL 2005-10	03-22-05	04-13-05
131	Grady	DEED RECORDING/TAX CERT FOR VARIOUS COUNTIES.	*HR Ch. SL 2005-109	02-09-05	03-16-05
H0218	Bell	CLINTON ABC NET PROCEEDS DISTRIBUTION.	*HR Ch. SL 2005-5	02-14-05	03-16-05
H0241	Brown	KERNERSVILLE COURT FACILITIES.	H Ref To Com On Local Government II	02-16-05	
H0317	Clary	WACO TOWN CENTER.	H Re-ref Com On Rules, Calendar, and Operations of the House	02-21-05	03-16-05
H0345	Womble	WINSTON-SALEM POLICE.	*HR Ch. SL 2005-110	02-22-05	03-02-05
H0350	Stiller	MARTIN COUNTY OCCUPANCY TAX CHANGES.	*HR Ch. SL 2006-127	02-23-05	03-16-05
H0370	Steen	SATELLITE ANNEXATIONS/ VARIOUS MUNICIPLALITIES.	*HR Ch. SL 2005-173	02-24-05	03-23-05
H0484=	Jeffus	GREENSBORO CLOSING- OUT SALE.	H Ref To Com On Local Government II	03-07-05	
H0581=	Rayfield	BELMONT STREET LIGHTING ASSESSMENTS.	HR Ch. SL 2005-111	03-10-05	04-06-05
H0826	Gibson	ANSONVILLE WEEDED LOT ORDINANCE.	H Re-ref Com On Judiciary I	03-21-05	04-06-05
H0827	Stiller	TOWN OF CASWELL BEACH- REGULATE GOLF CARTS.	HR Ch. SL 2005-58	03-22-05	04-06-05
H0834	Walker	NORTH WILKESBORO/LAND FOR PRISONS.	*H Re-ref Com On Finance	03-22-05	03-30-05
845	Harrell	LOCAL ATV USE/ WHITEVILLE UNSAFE BUILDING.	*HR Ch. SL 2006-116	03-22-05	06-29-06
H0856	Wainwright	CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY.	*HR Ch. SL 2005-14	03-23-05	04-07-05
H0860	Frye	BAKERSVILLE TOWN ELECTIONS.	*HR Ch. SL 2005-43	03-23-05	04-13-05
H0940	Stiller	LELAND/PINEVILLE/ AYDEN OVERGROWN VEG. ORD.	*HR Ch. SL 2005-81	03-28-05	05-05-05
H0941	Stiller	OCEAN ISLE BEACH ABANDONED AIRPLANES.	HR Ch. SL 2005-59	03-28-05	04-27-05
H0946	Allred	OSSIPEE/MILLS RIVER BUDGETS.	*HR Ch. SL 2005-34	03-29-05	04-20-05
H0962	Gulley	MATTHEWS PUBLIC NUISANCE ORDINANCE.	HR Ch. SL 2005-44	03-29-05	04-20-05
H0963	Gulley	MATTHEWS JUNKED/ ABANDONED VEHICLES.	HR Ch. SL 2005-24	03-29-05	04-13-05
H0972	Cole	ROCKINGHAM COUNTY LIBRARY.	H Re-ref Com On Local Government II	04-27-05	
H0973	Grady	JACKSONVILLE JUNKED/	HR Ch. SL 2005-25	03-29-05	04-13-05

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2005-2006 Biennium

Leg. Day: H-171/S-173

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0997	Howard	ABANDONED VEHICLES. INCREASE DAVIE COUNTY FORCE ACCOUNT LIMIT.	HR Ch. SL 2005-32	03-30-05	04-20-05
H1020	Ray	STATESVILLE HISTORIC STRUCTURES.	HR Ch. SL 2005-143	03-31-05	06-01-05
H1029	Wilkins	LOCAL GOVT STREAM CLEARING/CLARIFY LIABILITY.	*HR Ch. SL 2005-441	03-31-05	06-01-05
H1047	McComas	WRIGHTSVILLE BEACH BOARD OF ADJUSTMENT.	HR Ch. SL 2005-265	03-31-05	05-11-05
H1055	Preston	JONES SCHOOL BOARD VACANCIES.	*HR Ch. SL 2005-107	03-31-05	05-05-05
H1064	Sherrill	SULLIVAN ACT III- ASHEVILLE PUBLIC ENTERPRISES.	*HR Ch. SL 2005-139	03-31-05	04-27-05
H1065	Sherrill	SULLIVAN ACT II.	*HR Ch. SL 2005-140	03-31-05	04-27-05
H1069	Stiller	OAK ISLAND HEIGHT LIMITS.	*HR Ch. SL 2006-60	03-31-05	05-05-05
H1078	Lewis	ANGIER/LAGRANGE WEEDED LOT ORDINANCE.	*HR Ch. SL 2005-308	03-31-05	04-27-05
H1281	L. Allen	COUNTY CONTROL/ NOXIOUS AQUATIC WEEDS.	*HR Ch. SL 2005-440	04-19-05	05-05-05
H1304	L. Allen	MUNICIPAL MULTIMEMBER DISTRICTS.	*HF Failed 2nd Reading	04-20-05	05-31-05
H1305	L. Allen	MAPS/CHARTERS TO SEC. OF STATE.	*H Ref To Com On State and Local Government	04-20-05	05-19-05
H1477	L. Allen	CLARIFY CITY/COUNTY PLANNING.	H Ref To Com On Local Government II	04-21-05	
H1478	L. Allen	MODERNIZE CITY/COUNTY PLANNING.	H Ref To Com On Local Government II	04-21-05	
H1822=	Frye	MAYLAND COMMUNITY COLLEGE CONVEYANCE.	*HR Ch. SL 2006-5	05-10-06	05-22-06
H1823=	L. Allen	ROANOKE RAPIDS ANNEXATION.	H Re-ref Com On Finance	05-10-06	05-17-06
H1824	L. Allen	SCHOOL BUSES USED FOR BIKEWALK VIRGINIA.	HR Ch. SL 2006-8	05-10-06	05-17-06
H1863	Bordsen	MEBANE SIDEWALKS.	*HR Ch. SL 2006-10	05-11-06	05-25-06
H1881	LaRoque	PINK HILL DEANNEXATION.	*HR Ch. SL 2005-44	05-11-06	05-25-06
H1882	LaRoque	GREENE COUNTY HUNTING.	*HR Ch. SL 2006-12	05-11-06	05-25-06
H1913	Almond	RED CROSS DEANNEXATION.	*HR Ch. SL 2006-46	05-15-06	05-31-06
H1989	Langdon	PRINCETON/SMITHFIELD SATELLITE ANNEXATIONS.	*HR Ch. SL 2006-62	05-16-06	05-31-06
H2000	Gulley	MINT HILL PUBLIC NUISANCE ORDINANCE.	HR Ch. SL 2006-14	05-16-06	05-31-06
H2001	Gulley	MATTHEWS/MINT HILL JUNKED VEHICLES.	HR Ch. SL 2006-15	05-16-06	05-31-06
H2026	Rayfield	LAW ENFORCEMENT USE OF ATV'S.	H Ref To Com On State and Local Government	05-17-06	05-31-06
H2040	Dickson	FAYETTEVILLE PUBLIC WORKS COMM. CONTRACTS.	*HR Ch. SL 2006-48	05-17-06	06-15-06

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2005-2006 Biennium

Leg. Day: H-171/S-173

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H2041	Dickson	CIVILIAN TRAFFIC INVESTIGATORS.	*HR Ch. SL 2006-100	05-17-06	06-15-06
H2103=	Grady	JACKSONVILLE INITIATIVE/REFERENDUM.	H Re-ref Com On Local Government II	06-29-06	
H2110	Underhill	REPEAL CRAVEN HOSPITAL LOCAL ACTS.	HR Ch. SL 2006-24	05-18-06	06-07-06
H2126	Daughtry	CLAYTON SATELLITE ANNEXATIONS.	H Re-ref Com On Rules, Calendar, and Operations of the House	05-18-06	06-07-06
H2137	West	LAW ENFORCEMENT USE OF ATV'S.	H Ref To Com On Local Government II	05-18-06	
H2148	Nye	BLADEN ELECTROFISHING.	*HR Ch. SL 2006-91	05-18-06	06-21-06
H2251	Cole	REIDSVILLE DEANNEXATION.	H Ref to the Com on Local Government II and, if favorable, to the Com on Finance	05-22-06	
H2289=	Sherrill	ASHEVILLE FRANCHISE TAX AMENDMENT.	HR Ch. SL 2006-63	05-22-06	06-07-06
H2324	Insko	CHAPEL HILL CHARTER AMENDMENT.	HR Ch. SL 2006-49	05-23-06	06-15-06
H2339	Kiser	LINCOLN COUNTY TAX CERTIFICATION.	*HR Ch. SL 2006-150	05-23-06	06-21-06
H2343	Holloway	STOKES COUNTY CONSTRUCTION.	HR Ch. SL 2006-50	05-23-06	06-15-06
H2344	Alexander	CHARLOTTE CIVIL SERVICE BOARD MEMBERSHIP.	H Ref To Com On Local Government II	05-23-06	
H2358	Rapp	USE OF ACTIVITY BUSES FOR LOCAL EVENTS.	*HR Ch. SL 2006-3	05-23-06	05-25-06
H2402	Wilkins	DURHAM FAIR HOUSING COMPLAINTS.	*HR Ch. SL 2006-131	05-24-06	07-12-06
H2421	Brubaker	LAW ENFORCEMENT/PIEDMONT TRIAD WATER AUTH.	*HR Ch. SL 2006-93	05-24-06	06-21-06
H2468	Nye	REGULATION OF GOLF CARTS IN CLARKTON.	HR Ch. SL 2006-152	05-24-06	07-12-06
H2519	Barnhart	HARRISBURG DEANNEXATION.	H Ref to the Com on Local Government II and, if favorable, to the Com on Finance	05-25-06	
H2524	Williams	CHOCOWINITY ETJ.	HR Ch. SL 2006-51	05-25-06	06-21-06
H2549	Steen	LANDIS ANNEXATION/PLANNING.	HR Ch. SL 2006-58	05-25-06	06-07-06
H2591	Nye	BLADEN CO. SCHOOLS MAY CONVEY PROPERTY.	HR Ch. SL 2006-132	05-25-06	07-12-06
H2638	Harrell	DOBSON SATELLITE ANNEXATIONS.	H Ref To Com On Finance	05-25-06	06-21-06
H2662	Gibson	MORVEN MAYORAL AND COUNCIL TERMS.	H Ref To Com On Local Government II	05-25-06	
H2682	McComas	NEW HANOVER COUNTY	H Re-ref Com On	06-28-06	06-29-06

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2005-2006 Biennium

Leg. Day: H-171/S-173

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		INFRASTRUCTURE REFERENDUM.	Finance		
H2687	Stiller	SALE OF DRUGS NEAR PARKS/INCREASE PENALTY.	H Re-ref Com On Judiciary I	05-25-06	07-12-06
688	McComas	KURE BEACH/ HENDERSONVILLE BLDG. HEIGHT LIMIT.	*HR Ch. SL 2006-126	06-27-06	07-12-06
H2716	Hill	COLUMBUS COUNTY PRECINCTS.	H Ref To Com On Local Government II	05-25-06	
H2724	Insko	CHAPEL HILL TRANSIT SYSTEM.	*HR Ch. SL 2006-103	05-25-06	06-29-06
S0135	Harry Brown	JONES SCHOOL BOARD VACANCIES.	*H Ref To Com On Local Government II	04-26-05	
S0138	Jerry W. Tillman	ARCHDALE EXTRATERRITORIAL JURISDICTION.	*HR Ch. SL 2005-115	05-18-05	06-22-05
S0271	Julia Boseman	WILMINGTON RED LIGHT CAMERA PROCEEDS.	*H Ref To Com On Local Government II	05-31-05	
S0289	Philip E. Berger	CHATHAM SCHOOL ELECTIONS.	*HR Ch. SL 2005-309	06-02-05	08-22-05
S0294	Don East	CAJAH MTN. BOARD NAME CHANGE.	*HR Ch. SL 2006-99	03-22-05	05-11-05
S0332=	Katie G. Dorsett	GREENSBORO CLOSING- OUT SALE.	HR Ch. SL 2005-12	03-22-05	04-13-05
S0335	Malcolm Graham	CORNELIUS CHARTER AMENDMENT.	*HR Ch. SL 2005-188	06-02-05	06-22-05
S0335	Malcolm Graham	CORNELIUS CHARTER AMENDMENT.	*HR Ch. SL 2005-188	06-27-05	06-29-05
S0340	Robert Lee Hollo	WELDON PRIVATE SALE/ ROANOKE RAPIDS CONSTRUCT.	*HR Ch. SL 2005-174	06-02-05	06-29-05
S0348=	John A. Garwood	NORTH WILKESBORO/LAND FOR PRISONS.	*HR Ch. SL 2005-258	03-22-05	05-05-05
S0388	R. C. Soles, Jr.	WATHA TOWN COUNCIL/ BOLTON ANNEXATION.	*HR Ch. SL 2005-141	03-22-05	06-22-05
S0462=	Charlie S. Danne	CHARLOTTE SPEED CAMERA SUNSET EXTENDED.	*HR Ch. SL 2005-27	04-04-05	04-27-05
S0463	Charlie S. Danne	REPEAL MECK. PROP. SUNSET/ADD PROP.	*HR Ch. SL 2005-158	03-31-05	06-29-05
S1217	Julia Boseman	KURE BEACH/BLDG. HEIGHT LIMIT.	*H Re-ref Com On Local Government II	07-11-06	
S1218	Julia Boseman	WILMINGTON MAYOR PRO TEM TERM.	H Re-ref Com On Local Government II	07-06-06	
S1265	Robert Lee Hollo	PERQUIMANS BEAR HUNTING.	*HR Ch. SL 2006-21	06-07-06	06-21-06
S1310	David W. Hoyle	CLEVELAND/CHERRYVILLE ATV USE.	*H Ref To Com On State and Local Government	06-08-06	06-29-06
S1348	A. B Swindell	DORTCHES/RUTHERFORD	*H Re-ref Com On	06-07-06	06-29-06

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2005-2006 Biennium

Leg. Day: H-171/S-173

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		COUNTY CHANGES.	Finance		
S1428	R. C. Soles, Jr.	VARIOUS SATELLITE ANNEXATIONS/ REFERENDUM.	*HR Ch. SL 2006-122	06-21-06	06-29-06
S1442	Walter H. Dalton	RUTHERFORD SUBDIV REPEAL/RED LT CAMERA STUDY.	*H Pres. To Gov. 7/ 19/2006	06-20-06	06-28-06
S1444	Philip E. Berger	ROCKINGHAM COUNTY AIRPORT AUTHORITY.	*HR Ch. SL 2006-119	07-10-06	07-12-06
S1665	Don East	STOKES COUNTY CONSTRUCTION.	H Ref To Com On Local Government II	06-13-06	
S1841	Malcolm Graham	CHARLOTTE CIVIL SERVICE BOARD.	*HR Ch. SL 2006-124	06-13-06	07-12-06
S1887	Julia Boseman	NEW HANOVER HOSPITAL/ CONTRACTS EXEMPTION.	*H Ref To Com On Local Government II	06-20-06	

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Local Government II

[illegible]

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Walker, Presiding Chair

Representative Jones, Co-Chair

May 17, 2006

Room 425

10:00 a.m.

OPENING REMARKS

Representative Walker

Representative Jones

Local Government II Committee Members

AGENDA ITEMS:

HB 1822 MAYLAND COMMUNITY COLLEGE CONVEYANCE

Representative Frye

HB 1823 ROANOKE RAPIDS ANNEXATION

Representatives L. Allen, Ed Jones and Wray

HB 1824 SCHOOL BUSES USED FOR BIKEWALK VIRGINIA

Representatives L. Allen and Ed Jones

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 17, 2006

The House Committee on Local Government II met on Wednesday, May 17, 2006 in Room 425 of the Legislative Building at 10:00 a.m. The following members were present: Cochairs Representatives Tracy Walker and Earl Jones, Representatives Carney, Rayfield, L. Allen, Brown, Church, Frye, Langdon, Steen, and Rapp. Kory Goldsmith, Giles Perry and Joe Moore, Staff Counsel was in attendance. A visitor registration list is attached and made part of these minutes.

The Chairman called the meeting to order and recognized attendees.

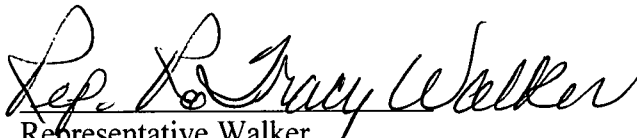
Representative Frye was recognized to explain **HB 1822 - AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES**. A proposed committee substitute was offered and approved upon the motion of Representative Rayfield. This bill would allow Mayland Community College to sell at private sale the Lexington Furniture Properties for such consideration as it deems appropriate. It already has the authority to lease the building with or without consideration. Both the sale and the lease of the property would be subject to the approval of the State Board of Community Colleges. Representative Brown moved for a favorable report to the proposed committee substitute, unfavorable to the original bill. Motion carried.

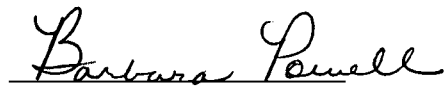
The Chair recognized Representative L. Allen who explained **HB 1823 – AN ACT TO REMOVE THE CAP ON VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF ROANOKE RAPIDS**. This bill adds Roanoke Rapids to a list of 63 cities and towns that are exempted from the current 10% area cap on satellite annexations. Representative Langdon moved for a favorable report and recommended that the bill be re-referred to the Committee on Finance. Motion passed.

Representative L. Allen was recognized to explain **HB 1824 – AN ACT TO ALLOW THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT TO PERMIT THE USE OF PUBIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE BIKEWALK VIRGINIA EVENT TO BE HELD IN HALIFAX COUNTY.** This event is to be held June 25-28, 2006. Representative Carney moved for a favorable report. Motion passed.

There being no further business, the Chair adjourned the meeting at 11:15 a.m.

Respectfully submitted,


Representative Walker
Chairman


Barbara Powell
Committee Assistant

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1822 A BILL TO BE ENTITLED AN ACT TO ALLOW MAYLAND
COMMUNITY COLLEGE TO SELL AT PRIVATE SALE THE FORMER LEXINGTON
FURNITURE PROPERTIES.

☒ 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1822*
PROPOSED COMMITTEE SUBSTITUTE H1822-CSRC-94 [v.1]

5/16/2006 11:50:17 AM

Short Title: Mayland Community College Conveyance.

(Local)

Sponsors:

Referred to:

May 10, 2006

A BILL TO BE ENTITLED

AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT
PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-320, as amended by 2004-203, Section
81 reads as rewritten:

" **SECTION 1.** Mayland Community College may, with prior approval of the State
Board of Community Colleges and notwithstanding G.S. 115D-15 or Article 12 of
Chapter 160A of the General Statutes:

- (1) ~~Notwithstanding the provisions of G.S. 160A-272, lease~~ Lease or sell
at private sale the former Lexington Furniture ~~Building Properties~~ for
terms it deems appropriate; and
- (2) Sell at private sale the former Hampshire Hosiery Building to Mitchell
County Development Foundation, Inc., for such consideration as it
deems sufficient."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1822*

Short Title: Mayland Community College Conveyance.

(Local)

Sponsors: Representative Frye.

Referred to: Local Government II.

May 10, 2006

A BILL TO BE ENTITLED

AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO SELL AT
PRIVATE SALE THE FORMER LEXINGTON FURNITURE PROPERTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-320 reads as rewritten:

"**SECTION 1.** Mayland Community College may, with prior approval of the State Board of Community Colleges and notwithstanding G.S. 115D-15 or Article 12 of Chapter 160A of the General Statutes:

- (1) Lease or sell at private sale the former Lexington Furniture ~~Building~~ Properties for such consideration as it deems sufficient; and
- (2) Sell at private sale the former Hampshire Hosiery Building to Mitchell County Development Foundation, Inc., for such consideration as it deems sufficient."

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



HOUSE BILL 1822: Mayland Community College Conveyance

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 16, 2006
Introduced by:	Rep. Frye	Summary by:	Kory Goldsmith
Version:	PCS to First Edition		Committee Counsel
	H1822-CSRC-94		

SUMMARY: *House Bill 1822 would allow Mayland Community College to sell at private sale the Lexington Furniture Properties for such consideration as it deems appropriate. It already has the authority to lease the building with or without consideration. Both the sale and the lease of the property would be subject to the approval of the State Board of Community Colleges.*

The Proposed Committee Substitute makes technical corrections to the original bill.

CURRENT LAW: G.S. 115D-15 and Article 12 of Chapter 160A govern the methods that a community college must use when disposing of real and personal property owned by the college. Private negotiation and sale may be used only in limited circumstances. Normally, the property must be of significant interest for its architectural, historical or cultural interest, be sold to a nonprofit corporation and a conservation or preservation agreement must be placed in the deed to the property. G.S. 160A-266. Leases may not be for more than 10 years and there must be public notice prior to entering into the lease agreement.

BILL ANALYSIS: Section 1 of the bill allows Mayland Community College to convey its interest in the Lexington Furniture Properties by private negotiation and sale, with or without consideration, and on such terms as the college deems appropriate. The college already has the authority to lease the property with or without consideration. The State Board of Community Colleges must give its prior approval to any transaction under this act.

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

H1822e1-SMRC-CSRC-94

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1823 A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON
VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF ROANOKE RAPIDS.

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

(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 _____.

_____ 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 _____.



HOUSE BILL 1823: Roanoke Rapids Annexation

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 15, 2006
Introduced by:	Reps. L. Allen, Ed Jones, Wray	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 1823 removes the 10% area cap for voluntary noncontiguous "satellite" annexations by the City of Roanoke Rapids.*

CURRENT LAW: Under current law, municipalities are authorized to voluntarily annex noncontiguous "satellite" areas, as long as the total of all satellite areas does not exceed 10% of the area within the primary corporate limits of the annexing municipality.

BILL ANALYSIS: House Bill 1823 adds the Roanoke Rapids to a list of 63 cities and towns that are exempted from the current 10% area cap on satellite annexations.

House Bill 1823 would become effective when it becomes law.

H1823e1-SMRW

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1823

Short Title: Roanoke Rapids Annexation.

(Local)

Sponsors: Representatives L. Allen, Ed Jones, and Wray (Primary Sponsors).

Referred to: Local Government II.

May 10, 2006

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE CAP ON VOLUNTARY SATELLITE ANNEXATIONS
BY THE CITY OF ROANOKE RAPIDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b)(5) reads as rewritten:

"(b) A noncontiguous area proposed for annexation must meet all of the following standards:

...

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Claremont, Concord, Conover, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Angier, Ayden, Bladenboro, Calabash, Catawba, Columbia, Creswell, Dallas, Fuquay-Varina, Garner, Godwin, Holly Ridge, Holly Springs, Kenly, Knightdale, Landis, Leland, Louisburg, Maggie Valley, Maiden, Mayodan, Midland, Mocksville, Morrisville, Pembroke, Pine Level, Ranlo, Rolesville, Rutherfordton, Shallotte, Spencer, Surf City, Swansboro, Taylorsville, Troy, Wallace, Warsaw, Waynesville, Wendell, Windsor, and Zebulon."

SECTION 2. This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

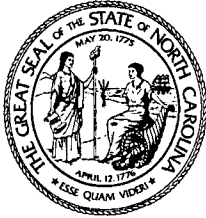
HB 1824 A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROANOKE
RAPIDS GRADED SCHOOL DISTRICT TO PERMIT THE USE OF PUBLIC SCHOOL
BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE BIKEWALK VIRGINIA
EVENT TO BE HELD IN HALIFAX COUNTY.

☒ 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 _____.



HOUSE BILL 1824: School Buses Used for BikeWalk Virginia

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 15, 2006
Introduced by:	Reps. L. Allen, Ed Jones	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 1824 authorizes the Roanoke Rapids Graded School District to permit use of its school buses for a BikeWalk Virginia, Inc. event June 25-28, 2006 in Halifax County.*

CURRENT LAW: Under current G.S. 66-58 (known as the Umstead Act), the State and its subdivisions are generally prohibited from engaging in competition with private enterprises, with listed exceptions.

BILL ANALYSIS: House Bill 1824 authorizes the Roanoke Rapids Graded School District, notwithstanding the provisions of G.S. 66-58, to permit use of its school buses for a BikeWalk Virginia, Inc. event June 25-28, 2006 in Halifax County.

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

BACKGROUND: Similar exceptions (for the U.S. Open in Moore County and the National Forensics League in Cumberland County) have been enacted at least three times since 1995.

H1824e1-SMRW

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 1824

Short Title: School Buses Used for BikeWalk Virginia.

(Local)

Sponsors: Representatives L. Allen and Ed Jones (Primary Sponsors).

Referred to: Local Government II.

May 10, 2006

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT TO
PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE
TRANSPORTATION NEEDS OF THE BIKEWALK VIRGINIA EVENT TO BE
HELD IN HALIFAX COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 66-58 or any other provision of law, the
Roanoke Rapids Graded School District may enter into a contract, under terms and
conditions set by the Roanoke Rapids Graded School District, that permits public school
buses to be used from June 25, 2006, through June 28, 2006, for activities related to the
BikeWalk Virginia event to be held in Halifax County.

State funds shall not be used for the use and operation of buses under this act.

Neither the State of North Carolina nor the Roanoke Rapids Graded School
District shall incur any liability for any damages resulting from the use and operation of
buses under this act. BikeWalk Virginia, Inc., shall carry liability insurance covering the
use and operation of buses under this act.

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

VISITOR REGISTRATION SHEET

Local
~~General~~ Gov. II
Name of Committee

5/17/06
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY

Jeff Wolf

Daily Bulletin

Martha Harris

Daily Bulletin

Cam Cove

BPMHL

JAY DAWKINS

JWP CIVITAS

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY

[illegible]

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Jones, Presiding Chair

Representative Walker, Co- Chair

May 24, 2006

Room 425

10:00 a.m.

OPENING REMARKS

Representative Jones

Representative Walker

Local Government II Committee Members

AGENDA ITEMS

HB 1881 PINK HILL DEANNEXATION
Representatives LaRoque, Wainwright

HB 1882 GREENE COUNTY HUNTING
Representative LaRoque

HB 1863 MEBANE SIDEWALKS
Representative Bordsen

HB 2358 USE OF SCHOOL BUSES FOR LOCAL EVENTS
Representative Rapp

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Wednesday, May 24, 2006

10:00 a.m.

Room 425, Legislative Office Building

The Local Government II Committee met on Wednesday, May 24, 2006, at 10:00 a.m. in Room 425 of the Legislative Office Building. Members present included Representatives Jones, Walker (Chairs), Carney, Rayfield, L. Allen, Brown, Church, Langdon, Justice, Steen, Wilkins, and Womble. Legislative Staff in attendance included Kory Goldsmith, Giles Perry and Joe Moore. The Visitor Registration Sheet is attached as a record to the Minutes (*Attachment 1*).

Chairman Earl Jones presided over the meeting. He welcomed the pages, committee members and introduced the committee staff. Chairman Jones then introduced Rep. LaRoque to present the first item of the agenda, *HB 1881 Pink Hill Deannexation*. Rep. LaRoque explained the bill briefly and asked for questions. Rep. Womble asked if there was any opposition to the bill and Rep. LaRoque answered that there was none, and that this is supported by Rep. Wainwright as well, a member of the district. Rep. Womble moved for a favorable approval. Rep. Carney seconded the motion. Rep. Womble moved to re-refer it to the Finance committee, as previously directed.

Chairman Jones recognized Representative LaRoque to explain *HB 1882 Greene County Hunting*. Rep. LaRoque informed the committee that this was a House Proposed Committee Substitute with technical changes to wording. He reported that it was a non-controversial hunting bill for which he had received no phone calls in opposition. He said that it's purpose was to clarify permission to hunt. Rep. Jones asked if there were any questions. Representative Church moved to adopt the House PCS for HB 1882. The committee gave their verbal approval and the motion carried.

Chairman Jones recognized Rep. Bordsen, who introduced *HB 1863 Mebane Sidewalks*. Rep. Bordsen explained that there was no opposition to this bill, which makes a small change in Mebane's Town Charter, arisen from a particular situation. Rep. Carney moved that *HB 1863* be given a favorable report. The committee gave their verbal approval and the motion carried.

Rep. Rapp was welcomed by Chairman Jones to explain *HB 2358 Use of School Buses for Local Events*. Rep. Jones motioned to adopt the proposed committee substitute and the committee moved all in favor. Rep. Rapp explained that activity buses, not yellow

buses, have been used for the past 25 years to facilitate the annual Mountain Echos Festival, June 3rd, and the NC International Folk Festival in July. Following discussion and comments by the Committee, Representative Rayfield was recognized to make a motion to give SB 335 a favorable report. The motion carried.

The committee adjourned.



Representative Earl Jones, Presiding Chairman



Kelli Reed, Committee Clerk

5/24/06

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1881 A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN
DESCRIBED PROPERTY FROM THE TOWN OF PINK HILL.

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

(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 1881

Short Title: Pink Hill Deannexation. (Local)

Sponsors: Representatives LaRoque and Wainwright (Primary Sponsors).

Referred to: Local Government II, if favorable, Finance.

May 11, 2006

1 A BILL TO BE ENTITLED
2 AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF
3 PINK HILL.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The following described property is removed from the
6 corporate limits of the Town of Pink Hill:

7 The property of Jeffery B. Turner and wife, Linda H. Turner, being further described as:
8 Lot No. 1 as shown upon the map entitled "Survey For Whitford Hill, Pink Hill
9 Township, Lenoir County, North Carolina," which said map appears of record in
10 Cabinet 2, Slide 84, Page 168, Lenoir County Registry. Deed dated October 15, 1984,
11 recorded in Book 813, page 645, Lenoir County Registry.

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



HOUSE BILL 1881: Pink Hill Deannexation

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 23, 2006
Introduced by:	Reps. LaRoque, Wainwright	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 1881 removes a described area from the Town of Pink Hill.*

CURRENT LAW: Under current law, only the General Assembly can "deannex" or remove property from the corporate limits of a municipality.

BILL ANALYSIS: House Bill 1881 removes the described Turner property from the Town of Pink Hill.

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

H1881e1-SMRW

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1882 A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING
FROM THE RIGHT-OF-WAY IN GREENE COUNTY AND TO REQUIRE WRITTEN
PERMISSION BEFORE HUNTING ON THE POSTED LANDS OF ANOTHER IN GREENE
COUNTY.

☒ 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1882
PROPOSED COMMITTEE SUBSTITUTE H1882-CSRC-95 [v.1]

5/23/2006 9:43:52 AM

Short Title: Greene County Hunting.

(Local)

Sponsors:

Referred to:

May 11, 2006

A BILL TO BE ENTITLED

AN ACT TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN GREENE
COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING
ON THE POSTED LANDS OF ANOTHER IN GREENE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful for a person to hunt, take, or kill any wild animal or game bird with a firearm or bow and arrow, in the person's possession, from, on, or across the right-of-way of a public road in Greene County.

SECTION 2. It is unlawful to hunt, take, or kill any wild animal or game bird on the posted lands of another in Greene County without having on one's person the written permission of the owner or lessee dated within the current hunting season.

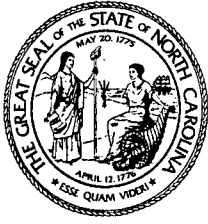
SECTION 3. As used in this act, the terms "to hunt" and "to take" are defined as provided in G.S. 113-130.

SECTION 4. Violation of this act is a Class 3 misdemeanor, punishable for a first offense by a fine of not less than one hundred dollars (\$100.00) and punishable for a second or subsequent offense by a fine of not less than two hundred dollars (\$200.00).

SECTION 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 6. This act applies only to Greene County.

SECTION 7. This act becomes effective October 1, 2006, and applies to offenses committed on or after that date.



HOUSE BILL 1882: Greene County Hunting

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 23, 2006
Introduced by:	Rep. LaRoque	Summary by:	Kory Goldsmith
Version:	PCS to First Edition H1882-CSRC-95		Committee Counsel

SUMMARY: *House Bill 1882 prohibits hunting with a firearm or bow and arrow from the rights of way of public roads in Greene County. It also prohibits hunting on the property of another in Greene County without written permission from the owner or lessee. The writing must be carried by the person while hunting and it must be signed and dated for the current hunting season.*

Violation of the law would be a Class 3 misdemeanor punishable for the first offense by a fine of not less than \$100, and punishable for second and subsequent offenses by a fine of not less than \$200.

The Proposed Committee Substitute makes technical changes to the 1st Edition

EFFECTIVE DATE: This act becomes effective October 1, 2006, and applies to offenses committed on or after that date.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1863 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
MEBANE TO MAINTAIN SIDEWALKS LOCATED IN THE CITY'S EXTRATERRITORIAL
JURISDICTION.

☒ 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 1863

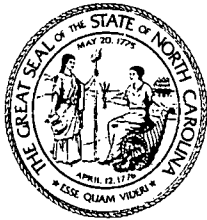
Short Title: Mebane Sidewalks. (Local)

Sponsors: Representative Bordsen.

Referred to: Local Government II.

May 11, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF MEBANE TO MAINTAIN SIDEWALKS
3 LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** The Charter of the City of Mebane, being Chapter 514 of the
6 1973 Session Laws, is amended by adding a new section to read:
7 "Sec. 5.7. Sidewalk Maintenance in ETJ. The city may maintain sidewalks located in
8 the city's extraterritorial planning jurisdiction under G.S. 160A-360."
9 **SECTION 2.** This act is effective when it becomes law.



HOUSE BILL 1863: Mebane Sidewalks

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Bordsen
Version: First Edition

Date: May 23, 2006
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1863 authorizes the City of Mebane to maintain sidewalks located in the City's extraterritorial planning jurisdiction.*

CURRENT LAW: Under current G.S. 160A-296, municipalities have authority to maintain sidewalks only within their corporate limits

BILL ANALYSIS: House Bill 1863 authorizes the City of Mebane to maintain sidewalks located in the City's extraterritorial planning jurisdiction.

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

H1863e1-SMRW

5/24/06

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2358 A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAYWOOD COUNTY BOARD OF EDUCATION, DOING BUSINESS AS HAYWOOD COUNTY PUBLIC SCHOOLS, TO PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE NORTH CAROLINA INTERNATIONAL FOLK FESTIVAL, INC., AND HAYWOOD COMMUNITY COLLEGE EVENTS TO BE HELD IN HAYWOOD COUNTY.

☒ 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 2358
PROPOSED COMMITTEE SUBSTITUTE H2358-CSRW-52 [v.1]

5/24/2006 9:52:21 AM

Short Title: Use of Activity Buses for Local Events.

(Local)

Sponsors:

Referred to:

May 23, 2006

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE HAYWOOD COUNTY BOARD OF EDUCATION,
DOING BUSINESS AS HAYWOOD COUNTY PUBLIC SCHOOLS, TO PERMIT
THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE
TRANSPORTATION NEEDS OF THE NORTH CAROLINA INTERNATIONAL
FOLK FESTIVAL, INC., AND HAYWOOD COMMUNITY COLLEGE EVENTS
TO BE HELD IN HAYWOOD COUNTY.

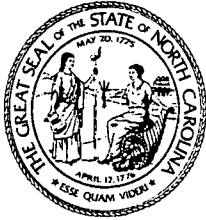
The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 66-58 or any other provision of law, the Haywood County Board of Education, doing business as Haywood County Public Schools, may enter into a contract, under terms and conditions set by the Haywood County Board of Education, doing business as Haywood County Public Schools, permit public school activity buses to be used from June through August of each year for activities and events related to the North Carolina International Folk Festival, Inc., doing business as Folkmoot, USA, and Haywood Community College, doing business as "Mountain Echo: A Homecoming", to be held in Haywood County.

State funds shall not be used for the use and operation of activity buses under this act.

Neither the State of North Carolina nor the Haywood County Board of Education, doing business as Haywood County Public Schools, shall incur any liability for any damages resulting from the use or operation of activity buses under this act. North Carolina shall require any entity entering into a contract with the Haywood County Board of Education, doing business as Haywood County Public Schools, to carry sufficient liability insurance covering the use and operation of activity buses under this act.

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



HOUSE BILL 2358: Use of School Buses for Local Events

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 23, 2006
Introduced by:	Rep. Rapp	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 2358 authorizes the Haywood County Board of Education to permit use of its school buses for the North Carolina International Folk Festival (Folk moot, USA) June through August of each year.*

CURRENT LAW: Under current G.S. 66-58 (known as the Umstead Act), the State and its subdivisions are generally prohibited from engaging in competition with private enterprises, with listed exceptions.

BILL ANALYSIS: House Bill 2358 authorizes the Haywood County Board of Education, notwithstanding the provisions of G.S. 66-58, to permit use of its school buses for the North Carolina International Folk Festival (Folk moot, USA) June through August of each year.

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

BACKGROUND: Similar exceptions (for the U.S. Open in Moore County and the National Forensics League in Cumberland County) have been enacted at least three times since 1995.

H2358e1-SMRW

VISITOR REGISTRATION SHEET

Local Government II

5-24-06

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

DICK HAMILTON

WILDLIFE

Adam Pridemore

NCAASA

Lisa Martin

NC Home Builders

Lee Hodge

KCLH

Gene Causby

NC Motor Coach Assoc.

Eithne Davis

Electricities

Jeff Mixon

Civitas Institute

Dun Smith

Rep.

Andy Romanet

NCLM

Leanne W. Min

NCSBA

Lauren Winner

Durham NC - Visitor

Cristina

CABS

BP

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Walker, Presiding Chair

Representative Jones, Co-Chair

May 31, 2006

Room 425

10:00 a.m.

OPENING REMARKS

Representative Walker

Representative Jones

Local Government II Committee Members

AGENDA ITEMS:

HB 1913 RED CROSS DEANNEXATION - PCS
Representative Almond

HB 1989 PRINCETON SATELLITE ANNEXATIONS PCS
Representatives Langdon and Daughtry

HB 2000 MINT HILL PUBLIC NUISANCE ORDINANCE
Representative Gulley

HB 2001 MATTHEWS/MINT HILL JUNKED VEHICLES
Representative Gulley

HB 2026 LAW ENFORCEMENT USE OF ATV's
Representative Rayfield

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

May 31, 2006

The House Committee on Local Government II met on Wednesday, May 31, 2006 in Room 425 of the Legislative Building at 10:00 a.m. The following members were present: Co-Chairs Representatives Walker and Jones, Representatives Carney, Rayfield, Allen, Brown, Church, Jeffus, Langdon, Steen, Wilkins and Rapp. Staff Counsel, Kory Goldsmith, Giles Perry and Joe Moore were also in attendance. A visitor registration list is attached and made part of these minutes.

Representative Walker called the meeting to order and recognized attendees.

Representative Almond was recognized to explain **HB 1913 – AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED CROSS**. A proposed committee substitute was offered and approved upon the motion of Representative Church. This bill removes two described tracts from the Town of Red Cross. The proposed committee substitute adds Section 2 of the bill, reinstating the prior county zoning designation of the deannexed property. Representative Allen moved for a favorable report to the proposed committee substitute, unfavorable to the original bill and recommended the bill be re-referred to Finance. Motion carried.

The Chair recognized Representative Langdon to explain **HB 1989 – AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWNS OF PRINCETON**. A proposed committee substitute was offered and approved upon the motion of Representative Wilkins. This bill (proposed committee substitute) removes the 10% area cap for voluntary noncontiguous “satellite” annexations by the Towns of Princeton and Smithfield-adding them to a list of 63 cities and towns that are exempt from the area cap. Representative Rapp moved for a favorable report to the proposed committee substitute, unfavorable to the original bill and recommended the bill be re-referred to Finance. Motion carried.

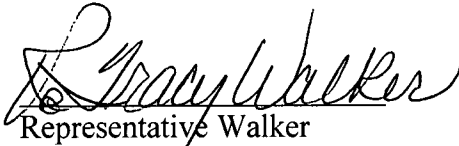
Representative Gulley was recognized to explain **HB 2000 – AN ACT AMENDING THE CHARTER OF THE TOWN OF MINT HILL TO AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.** This bill amends the charter of the Town of Mint Hill to allow it to notify a chronic violator of the public nuisance ordinance that it will remedy future violations without further notice. Costs for the remedy become a lien against the property and is collected as unpaid taxes. Representative Langdon moved for a favorable report. Motion passed.

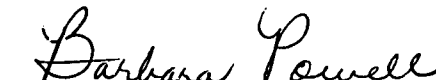
Representative Gulley was once again recognized to explain **HB 2001 – AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF MATTHEWS AND MINT HILL.** This bill amends the definition of "junked motor vehicle" that is more than five years old from a vehicle that appears to be worth less than \$100 to a vehicle that appears to be worth less than \$500. The amendment to G.S. 160A-303(b2) applies to the towns of Matthews and Mint Hill. The amendment to G.S. 160A-303.2(a) applies to the Town of Mint Hill. Representative Allen moved for a favorable report. Motion passed.

The Chair recognized Representative Rayfield to explain **HB 2026 – AN ACT TO ADD THE TOWN OF CRAMERTON TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.** Under current law, vehicles operated on highways must be registered. Representative Carney moved for a favorable report. Motion passes.

There being no further business, the Chair adjourned the meeting.

Respectfully submitted,


Representative Walker
Chairman


Barbara Powell
Committee Assistant

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1913 A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN
DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED
CROSS.

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

(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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

1

HOUSE BILL 1913

Short Title: Red Cross Deannexation.

(Local)

Sponsors: Representative Almond.

Referred to: Local Government II, if favorable, Finance.

May 15, 2006

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE
CORPORATE LIMITS OF THE TOWN OF RED CROSS.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the
corporate limits of the Town of Red Cross:

TRACT I (Tax record number 36975):

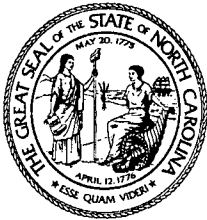
Beginning at the northwest corner of the property having tax record number 36975,
thence in a northeasterly direction (N 43' 03' 56" E) along the northwestern boundary of
the above said property for a distance of 1,797 feet to the northeastern corner of the
above said property, said corner also being located on the centerline of Hilltop Road,
thence in a southeasterly direction with the centerline of Hilltop Road to the
southeastern corner of the above said property, said corner also being located on the
centerline of Hilltop Road, thence in a southwesterly direction (S 55' 31' 50" W) along
the southeastern boundary of the above said property for a distance of 1,653 feet to the
southwestern corner of the above said property, thence in a northwestern direction (N
34' 42' 53" W) along the southwestern boundary of the above said property for a
distance of 200 feet to the northwestern corner of the above said property, said corner
also being the point of beginning.

TRACT II (Tax record number 5819):

Beginning at the northwest corner of the property having tax record number 5819,
thence in a northeasterly direction (N 55' 31' 50" E) along the northwestern boundary of
the above said property for a distance of 1,653 feet to a point, said point is the intersect
of the northwestern property line of the above said property and the centerline of Hilltop
Road, thence in a southeasterly direction for a distance of 337 feet and along the
centerline of Hilltop Road to a point, said point is the intersect of the southeastern
boundary of the above said property and the centerline of Hilltop Road, thence in a
southwesterly direction (S 54' 22' 00" W) along the southeastern boundary of the above

1 said property to the southeastern corner of the above said property, thence in a
2 northwestern direction (N 34' 42' 53" W) along the southwestern boundary of the above
3 said property for a distance of 357 feet to the northwestern corner of the above said
4 property, said corner also being the point of beginning.

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



HOUSE BILL 1913: Red Cross Deannexation

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Almond
Version: PCS to First Edition
H1913-CSRW-53[v.1]

Date: May 26, 2006
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 1913 (proposed committee substitute) removes a described area from the municipal limits of the Town of Red Cross.*

CURRENT LAW: Under current law, only the General Assembly can "deannex" or remove property from the corporate limits of a municipality.

BILL ANALYSIS: House Bill 1913 (proposed committee substitute) removes two described tracts from the Town of Red Cross. The proposed committee substitute adds Section 2 of the bill, reinstating the prior county zoning designation of the deannexed property.

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

H1913e1-SMRW-CSRW-53v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1913
PROPOSED COMMITTEE SUBSTITUTE H1913-CSRW-53 [v.1]

5/26/2006 11:56:10 AM

Short Title: Red Cross Deannexation.

(Local)

Sponsors:

Referred to:

May 15, 2006

A BILL TO BE ENTITLED
AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE
CORPORATE LIMITS OF THE TOWN OF RED CROSS.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the
corporate limits of the Town of Red Cross:

TRACT I (Tax record number 36975):

Beginning at the northwest corner of the property having tax record number 36975,
thence in a northeasterly direction (N 43° 03' 56" E) along the northwestern boundary of
the above said property for a distance of 1,797 feet to the northeastern corner of the
above said property, said corner also being located on the centerline of Hilltop Road,
thence in a southeasterly direction with the centerline of Hilltop Road to the
southeastern corner of the above said property, said corner also being located on the
centerline of Hilltop Road, thence in a southwesterly direction (S 55° 31' 50" W) along
the southeastern boundary of the above said property for a distance of 1,653 feet to the
southwestern corner of the above said property, thence in a northwestern direction (N
34° 42' 53" W) along the southwestern boundary of the above said property for a
distance of 200 feet to the northwestern corner of the above said property, said corner
also being the point of beginning.

TRACT II (Tax record number 5819):

Beginning at the northwest corner of the property having tax record number 5819,
thence in a northeasterly direction (N 55° 31' 50" E) along the northwestern boundary of
the above said property for a distance of 1,653 feet to a point, said point is the intersect
of the northwestern property line of the above said property and the centerline of Hilltop
Road, thence in a southeasterly direction for a distance of 337 feet and along the
centerline of Hilltop Road to a point, said point is the intersect of the southeastern
boundary of the above said property and the centerline of Hilltop Road, thence in a

1 southwesterly direction (S 54' 22' 00" W) along the southeastern boundary of the above
2 said property to the southeastern corner of the above said property, thence in a
3 northwestern direction (N 34' 42' 53" W) along the southwestern boundary of the above
4 said property for a distance of 357 feet to the northwestern corner of the above said
5 property, said corner also being the point of beginning.

6 **SECTION 2.** The property described in Section 1 of this act shall revert to
7 the zoning designation established by Stanly County prior to its annexation by the Town
8 of Red Cross, and shall continue under the planning and zoning jurisdiction of Stanly
9 County.

10 **SECTION 3.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 1989 A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON
SATELLITE ANNEXATIONS FOR THE TOWN OF PRINCETON.

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

(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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1989

Short Title: Princeton Satellite Annexations. (Local)

Sponsors: Representatives Langdon and Daughtry (Primary Sponsors).

Referred to: Local Government II, if favorable, Finance.

May 16, 2006

A BILL TO BE ENTITLED
AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE
TOWN OF PRINCETON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b)(5) reads as rewritten:

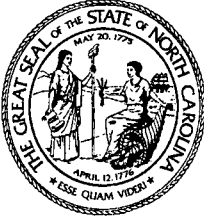
"(b) A noncontiguous area proposed for annexation must meet all of the following standards:

...

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Claremont, Concord, Conover, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Angier, Ayden, Bladenboro, Calabash, Catawba, Columbia, Creswell, Dallas, Fuquay-Varina, Garner, Godwin, Holly Ridge, Holly Springs, Kenly, Knightdale, Landis, Leland, Louisburg, Maggie Valley, Maiden, Mayodan, Midland, Mocksville, Morrisville, Pembroke, Pine Level, Princeton, Ranlo, Rolesville, Rutherfordton, Shallotte, Spencer, Surf City, Swansboro, Taylorsville, Troy, Wallace, Warsaw, Waynesville, Wendell, Windsor, and Zebulon."

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



HOUSE BILL 1989: Princeton/Smithfield Satellite Annexations

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 26, 2006
Introduced by:	Reps. Langdon, Daughtry	Summary by:	Giles S. Perry
Version:	PCS to First Edition		Committee Counsel
	H1989-CSRW		

SUMMARY: *House Bill 1823 (proposed committee substitute) removes the 10% area cap for voluntary noncontiguous "satellite" annexations by the Towns of Princeton and Smithfield.*

CURRENT LAW: Under current law, municipalities are authorized to voluntarily annex noncontiguous "satellite" areas, as long as the total of all satellite areas does not exceed 10% of the area within the primary corporate limits of the annexing municipality.

BILL ANALYSIS: House Bill 1823 (proposed committee substitute) adds the towns of Princeton and Smithfield to a list of 63 cities and towns that are exempted from the current 10% area cap on satellite annexations.

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

H1989e1-SMRW-CSRW

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1989
PROPOSED COMMITTEE SUBSTITUTE H1989-CSRW-54 [v.1]

5/26/2006 2:21:34 PM

Short Title: Princeton/Smithfield Satellite Annexations.

(Local)

Sponsors:

Referred to:

May 16, 2006

A BILL TO BE ENTITLED
AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE
TOWNS OF PRINCETON AND SMITHFIELD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b)(5) reads as rewritten:

"(b) A noncontiguous area proposed for annexation must meet all of the following standards:

...

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Claremont, Concord, Conover, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Angier, Ayden, Bladenboro, Calabash, Catawba, Columbia, Creswell, Dallas, Fuquay-Varina, Garner, Godwin, Holly Ridge, Holly Springs, Kenly, Knightdale, Landis, Leland, Louisburg, Maggie Valley, Maiden, Mayodan, Midland, Mocksville, Morrisville, Pembroke, Pine Level, Princeton, Ranlo, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Surf City, Swansboro, Taylorsville, Troy, Wallace, Warsaw, Waynesville, Wendell, Windsor, and Zebulon."

SECTION 2. This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2000 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER
OF THE TOWN OF MINT HILL TO AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE
TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

☒ 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 _____.

_____ 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 2000

Short Title: Mint Hill Public Nuisance Ordinance.

(Local)

Sponsors: Representative Gulley.

Referred to: Local Government II.

May 16, 2006

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF MINT HILL TO
AUTHORIZE THE TOWN TO GIVE ANNUAL NOTICE TO CHRONIC
VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

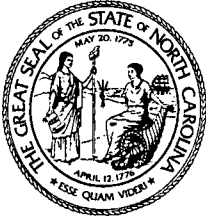
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 73 of the 1971 Session Laws, being the Charter of the
Town of Mint Hill, as amended by Chapter 179 of the 1973 Session Laws and Chapter
224 of the 1977 Session Laws, is amended by adding the following new Article:

"ARTICLE XI. POLICE POWERS.

"Sec. 11.1. Public Nuisance Ordinance. The Town of Mint Hill may notify a chronic
violator of the Town's public nuisance ordinance that, if the violator's property is found
to be in violation of the ordinance, the Town shall, without further notice in the calendar
year in which notice is given, take action to remedy the violation, and the expense of the
action shall become a lien upon the property and shall be collected as unpaid taxes. The
initial annual notice shall be served by registered or certified mail. A chronic violator is
a person who owns property whereupon, in the previous calendar year, the Town gave
notice of violation at least three times under any provision of the public nuisance
ordinance."

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



HOUSE BILL 2000: Mint Hill Public Nuisance Ordinance

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 29, 2006
Introduced by:	Rep. Gulley	Summary by:	Kory Goldsmith
Version:	First Edition		Committee Counsel

SUMMARY: *This local bill amends the charter of the Town of Mint Hill to allow it to notify a chronic violator of the public nuisance ordinance that it will remedy future violations without further notice. Costs for the remedy become a lien against the property and is collected as unpaid taxes. The act is effective when it becomes law.*

CURRENT LAW: G.S. 160A-193 grants to cities the authority to remove or otherwise remedy situations that are dangerous or prejudicial to the public health or public safety. The expense of removal is paid by the property owner or becomes a lien against the property that is collected as unpaid ad valorem taxes.

BILL ANALYSIS: House Bill 2000 amends the charter of the Town of Mint Hill to allow it to notify a chronic violator of the municipality's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which the notice is given, take action to remedy the violation.

- The expense of the action becomes a lien upon the violator's property and will be collected as unpaid taxes.
- The initial annual notice is served by registered or certified mail.
- A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality gave notice of violation at least three times under the public nuisance ordinance.

The act applies to the Town of Mint Hill only

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

H2000e1-SMRC

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2001 A BILL TO BE ENTITLED AN ACT AFFECTING THE
REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF
MATTHEWS AND MINT HILL.

☒ 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 2001

Short Title: Matthews/Mint Hill Junked Vehicles.

(Local)

Sponsors: Representative Gulley.

Referred to: Local Government II.

May 16, 2006

A BILL TO BE ENTITLED

AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED
MOTOR VEHICLES IN THE TOWNS OF MATTHEWS AND MINT HILL.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2005-10 reads as rewritten:

"**SECTION 3.** Section 1 of this act applies only to the City of Henderson and the
~~Town~~ Towns of Matthews, Mint Hill, and Louisburg. Section 2 of this act applies only
to the ~~Town~~ Towns of Mint Hill and Louisburg."

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



HOUSE BILL 2001: Matthews/Mint Hill Junked Vehicles

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 29, 2006
Introduced by:	Rep. Gulley	Summary by:	Kory Goldsmith
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 2001 amends the definition of "junked motor vehicle" that is more than five years old from a vehicle that appears to be worth less than \$100 to a vehicle that appears to be worth less than \$500. The amendment to G.S. 160A-303(b2) applies to the towns of Matthews and Mint Hill. The amendment to G.S. 160A-303.2(a) applies to the Town of Mint Hill.*

The act would become effective when it becomes law.

CURRENT LAW: G.S. 160A-303 applies Statewide and allows a city to prohibit by ordinance the abandonment of motor vehicles on public streets or on public or private property within the city, and provides that city may enforce the ordinance by removing and disposing of junked or abandoned motor vehicles according to prescribed procedures.

G.S. 160A-303(b2) defines a junked motor vehicle as an abandoned motor vehicle that also:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than five years old and worth less than one hundred dollars (\$100.00); or
- (4) Does not display a current license plate.

G.S. 160A-303(c) provides that any junked or abandoned motor vehicle found to be in violation of an ordinance adopted under the section may be removed, but no such vehicle may be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the council or a duly authorized city official or employee has declared it to be a health or safety hazard.

G.S. 160A-303.2 does not apply Statewide, but allows a municipality by ordinance to regulate, restrain or prohibit the abandonment of junked motor vehicles on public grounds and on private property within the municipality's ordinance-making jurisdiction upon a finding that such regulation, restraint or prohibition is necessary and desirable to promote or enhance community, neighborhood or area appearance. The municipality may enforce the ordinance by removing or disposing of junked motor vehicles subject to the ordinance according to prescribed procedures.

The term "junked motor vehicle" means a vehicle that does not display a current license plate and:

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

G.S. 160A-303.2(a1) provides that any junked motor vehicle found to be in violation of an ordinance adopted pursuant to this section may be removed, but no such vehicle may be removed from private property without the written request of the owner, lessee, or occupant of the premises, unless the council or a duly authorized city official or employee finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner.

H2001e1-SMRC

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2026 A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF
CRAMERTON TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS
AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN
VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR
OR LESS.

☒ 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 2026

Short Title: Law Enforcement Use of ATV's.

(Local)

Sponsors: Representative Rayfield.

Referred to: Local Government II.

May 17, 2006

A BILL TO BE ENTITLED

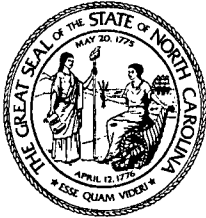
AN ACT TO ADD THE TOWN OF CRAMERTON TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2004-108, as rewritten by S.L. 2005-305, reads as rewritten:

"SECTION 3. Section 1 of this act applies to the City of Albemarle and the Towns of Beaufort, Southern Shores, and Mint Hill only. Section 2 of this act applies to the Towns of Cramerton, Duck, Kill Devil Hills, Kitty Hawk, Nags Head, and the City of Kings Mountain only."

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



HOUSE BILL 2026: Law Enforcement Use of ATV's

BILL ANALYSIS

Committee:	House Local Government II	Date:	May 26, 2006
Introduced by:	Rep. Rayfield	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 2026 authorizes law enforcement officers and municipal employees in the Town of Cramerton in Gaston County to operate unregistered all-terrain vehicles on highways with speed limits of thirty-five miles per hour or less.*

CURRENT LAW: Under current law, vehicles operated on highways must be registered to (G.S. 20-50).

BILL ANALYSIS: House Bill 2026 authorizes law enforcement officers and municipal employees in the Town of Cramerton in Gaston County to:

- operate unregistered all-terrain vehicles on highways with speed limits of thirty-five miles per hour or less, and
- operate all terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less.

An all-terrain vehicle is defined as "a two or more wheeled vehicle designed for recreational off road use" G.S. 14-159.3(b).

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

BACKGROUND: Similar laws have been enacted for at least 6 other municipalities.

H2026e1-SMRW

VISITOR REGISTRATION SHEET

Lacal + Peg Gortz
Name of Committee

5/31/06
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

R. Paul Wilms

NCHBA

Johanna Reese

DOT

Lisa Martin

NC Home Builders

Mark Benson

Capital Group

Jay Dawkins

JWP Civitas

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Jones, Presiding Chair

Representative Walker, Co- Chair

June 7, 2006

Room 425

10:00 a.m.

OPENING REMARKS

Representative Jones

Representative Walker

Local Government II Committee Members

AGENDA ITEMS

HB 2041

Civilian Traffic Investigators

Representatives Dickson & Glazier

HB 2110

Repeal Craven Hospital Local Acts

Representatives Underhill & Wainwright

HB 2289

Asheville Franchise Tax Amendment

Representatives Sherrill, Goforth, Fisher

HB 2638

Dobson Satellite Annexations

Representative Harrell

HB 2126

Clayton Satellite Annexations

Representative Daughtry

HB 2549

LANDIS ANNEXATION/ PLANNING

Representative Steen, II & Coates

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Wednesday, June 7, 2006

10:00 a.m.

Room 425, Legislative Office Building

The Local Government II Committee met on Wednesday, June 7, 2006, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representatives present included Jones and Walker (Chairs), Carney, Rayfield, L. Allen, Brown, Church, Frye, Jeffus, Steen, Wilkins, Womble and Rapp. Legislative Staff in attendance included Giles Perry, Kory Goldsmith and Joe Moore. The original Visitor Registration Sheet is attached to these minutes as *Attachment 1*.

Chairman Earl Jones presided over the meeting. He welcomed the pages, committee members and introduced the committee staff and each committee member. Representative Earl Jones acknowledged that both *HB 2041 Civilian Traffic Investigators* and *HB 2638 Dobson Satellite Annexations*, of the agenda had been pulled that morning at the request of the bill sponsors for more time. Representative Earl Jones then recognized Rep. Underhill to introduce *HB 2110 Repeal Craven Hospital Local Acts*, which Rep. Underhill briefly described as having the purpose of repealing a series of laws to bring the local hospital back into compliance with the rest of the state, as recommended by the county commissioners. Rep. Allen moved that HB 2110 be given a favorable report. The committee gave their verbal approval and the motion carried.

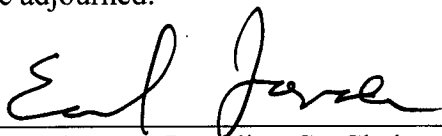
Rep. Jones then welcomed Rep. Sherrill to present *HB 2289 Asheville Franchise Tax Amendment*. Rep. Sherrill explained that this bill would amend Asheville's charter about the amount of franchise tax due. Rep. Wilkins asked if the delegation was on board and Rep. Sherrill said that there was no opposition. Rep. Carney moved that *HB 2289* be given a favorable report, and be re-referred to the Finance committee as informed by staff. The committee gave their verbal approval and the motion carried.

Rep. Jones introduced Rep. Daughtry to discuss *HB 2126 Clayton Satellite Annexations*. Rep. Daughtry explained that this bill adds the Town of Clayton to the exemption from satellite annexations, allowing volunteer annexation. Rep. Church moved that *HB 2126* be given a favorable report, and be re-referred to the Finance committee as informed by staff. The committee gave their verbal approval and the motion carried.

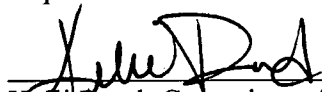
Finally, Rep. Jones recognized Rep. Steen to explain *HB 2549 Landis Annexation/Planning*. Rep. Steen explained that this bill would allow for voluntary annexation and that the Rowan County delegation was in support. Rep. Womble made

the motion for a favorable report and re- referral to the Finance committee. The committee gave their verbal approval and the motion carried.

The committee adjourned.

A handwritten signature in cursive script, appearing to read "Earl Jones", written above a horizontal line.

Representative Earl Jones, Presiding Co-Chair

A handwritten signature in cursive script, appearing to read "Kelli Reed", written above a horizontal line.

Kelli Reed, Committee Assistant

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2110 A BILL TO BE ENTITLED AN ACT TO REPEAL LOCAL ACTS
CONCERNING HOSPITALS IN CRAVEN COUNTY.

☒ 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 2110

Short Title: Repeal Craven Hospital Local Acts. (Local)

Sponsors: Representatives Underhill and Wainwright (Primary Sponsors).

Referred to: Local Government II.

May 18, 2006

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL LOCAL ACTS CONCERNING HOSPITALS IN CRAVEN
3 COUNTY.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** Chapter 922 of the Session Laws of 1987 is repealed.
6 **SECTION 2.** Chapter 190 of the Session Laws of 1989 is repealed.
7 **SECTION 3.** S.L. 1999-15 is repealed.
8 **SECTION 4.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2126 A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON
SATELLITE ANNEXATIONS FOR THE TOWN OF CLAYTON.

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

(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 2126

Short Title: Clayton Satellite Annexations.

(Local)

Sponsors: Representatives Daughtry; and Langdon.

Referred to: Local Government II.

May 18, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE
3 TOWN OF CLAYTON.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 160A-58.1(b)(5) reads as rewritten:

6 "(b) A noncontiguous area proposed for annexation must meet all of the following
7 standards:

8 ...

9 (5) The area within the proposed satellite corporate limits, when added to
10 the area within all other satellite corporate limits, may not exceed ten
11 percent (10%) of the area within the primary corporate limits of the
12 annexing city.

13 This subdivision does not apply to the Cities of Claremont,
14 Concord, Conover, Elizabeth City, Gastonia, Greenville, Hickory,
15 Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern,
16 Newton, Oxford, Randleman, Rockingham, Sanford, Salisbury,
17 Southport, Statesville, and Washington and the Towns of Angier,
18 Ayden, Bladenboro, Calabash, Catawba, Clayton, Columbia, Creswell,
19 Dallas, Fuquay-Varina, Garner, Godwin, Holly Ridge, Holly Springs,
20 Kenly, Knightdale, Landis, Leland, Louisburg, Maggie Valley,
21 Maiden, Mayodan, Midland, Mocksville, Morrisville, Pembroke, Pine
22 Level, Ranlo, Rolesville, Rutherfordton, Shallotte, Spencer, Surf City,
23 Swansboro, Taylorsville, Troy, Wallace, Warsaw, Waynesville,
24 Wendell, Windsor, and Zebulon."

25 **SECTION 2.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2289 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER
OF THE CITY OF ASHEVILLE RELATING TO AN AGREEMENT MAKING A FULL AND
FINAL SETTLEMENT OF DISPUTED MATTERS RELATING TO THE AMOUNT OF
FRANCHISE TAX DUE THE CITY BY TWO PUBLIC UTILITIES.

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

(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 2289*

Short Title: Asheville Franchise Tax Amendment. (Local)

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

Referred to: Local Government II, if favorable, Finance.

May 22, 2006

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEVILLE RELATING
3 TO AN AGREEMENT MAKING A FULL AND FINAL SETTLEMENT OF
4 DISPUTED MATTERS RELATING TO THE AMOUNT OF FRANCHISE TAX
5 DUE THE CITY BY TWO PUBLIC UTILITIES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The language added to Section 389 of Chapter 16 of the
8 Private Laws of 1923 by Chapter 652 of the 1993 Session Laws reads as rewritten:

9 "; provided, however, the imposition and payment of taxes, authorized by this
10 section, on and by Carolina Power & Light Company and Public Service Company of
11 North Carolina, Inc., their successors or assigns, shall be governed by that Agreement
12 dated the 24th day of May 1994, by and among the City of Asheville, Carolina Power &
13 Light Company, and Public Service Company of North Carolina, Inc., which
14 Agreement was approved and authorized to be executed by the Asheville City Council
15 by its Resolution Number 94-96, and which Agreement is spread upon the official
16 minutes of the City Council of the same ~~date~~. date; provided that said Agreement has
17 been amended by Amendment to Agreement dated the 22nd day of November 2005 by
18 and among the City of Asheville and Carolina Power & Light Company, with the
19 consent of Public Service Company of North Carolina, Inc., which Amendment was
20 approved and authorized to be executed by the Asheville City Council by its Resolution
21 Number 05-218, and which Amendment is spread upon the official minutes of the City
22 Council of the same date."

23 **SECTION 2.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2549

A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN
DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS
AND TO AUTHORIZE THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN
THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA.

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

(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 2524

Short Title: Chocowinity ETJ. (Local)

Sponsors: Representative Williams.

Referred to: Local Government II.

May 25, 2006

1 A BILL TO BE ENTITLED
2 AN ACT EXPANDING THE EXTRATERRITORIAL PLANNING JURISDICTION
3 OF THE TOWN OF CHOCOWINITY

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** In addition to any areas where the Town of Chocowinity
6 exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General
7 Statutes, the Town shall have extraterritorial jurisdiction under that Article in the area
8 described in subsection (b) of this section.

9 **SECTION 1.(b)** Description (+/-277.74 ac, Hwy 17, Chocowinity Tws,
10 #12-003254):

11 Being that certain lot or parcel of land situated in Chocowinity Township, Beaufort
12 County, North Carolina which is more particularly described as follows:

13 Being the von Eberstein Home Farm, known as "Elmwood", situated on both sides of
14 US Hwy. 17 and also on both sides of the Norfolk-Southern Railroad right-of-way,
15 originally containing 302.5 acres as depicted by the Referenced Worthington Map of
16 Survey.

17 LESS AND EXCEPTING the following parcels:

18 ---The 4.60 acre parcel conveyed to Roy Tuten by Deed recorded 01/10/1956 in
19 Book 459, Page 292, now Tax Parcel ID #12-002494.

20 ---The 1.00 acre parcel conveyed to David Rowe by Deed recorded 01/21/1956
21 in Book 460, Page 44, now Tax Parcel ID #12-000023.

22 ---The 0.75 acre parcel conveyed to J.O. Branch by Deed recorded 07/22/1960 in
23 Book 511, Page 183 and by Correction Deed recorded 08/17/1960 in Book 512,
24 Page 69, now Tax Parcel ID #12-002308.

25 ---The 0.50 acre parcel conveyed to Leslie Godley by Deed recorded 08/05/1960
26 in Book 511, Page 516, now Tax Parcel ID #12-002576.

27 ---The 0.84 acre parcel conveyed to Erma Lee Cook by Deed recorded
28 08/05/1960 in Book 511, Page 524, now Tax Parcel ID #12-021360.

1 ---The parcel conveyed to A.E. Chandler by Deed recorded 08/08/1960 in Book
2 511, Page 551 and by Correction Deed recorded 08/17/1960 in Book 512, Page
3 69, now Tax Parcel ID #12-002671.

4 ---The parcel conveyed to Albert Sutton by Deed recorded 09/22/1960 in Book
5 513, Page 252, now Tax Parcel ID #12-013129.

6 ---The 1.16 acre parcel conveyed to J.T. Chandler by Deed recorded 09/22/1960
7 in Book 513, Page 256, now Tax Parcel ID #12-005268.

8 ---The parcel conveyed to William Hodges by Deed recorded 10/06/1960 in
9 Book 513, Page 639, now Tax Parcel ID #12-015763.

10 ---The 1.15 acre parcel conveyed to Glen T. Clark by Deed recorded 10/20/1960
11 in Book 514, Page 296, now Tax Parcel ID #12-010743.

12 ---The parcel conveyed to Glen T. Clark by Deed recorded 05/22/1961 in Book
13 521, Page 530, now part of Tax Parcel ID #12-010743.

14 ---The 1.12 acre parcel conveyed to J. B. Wall by Deed recorded 11/01/1961 in
15 Book 527, Page 111, now Tax Parcel ID #12-015266.

16 ---The 0.03 acre parcel conveyed to Eastern North Carolina Natural Gas
17 Company by Deed recorded 06/29/2004 in Book 1402, Page 155, now Tax
18 Parcel ID #15-021048.

19 ---The approximately 0.75, more or less, acre parcel conveyed to D & B Land
20 Group by Deed recorded in Book 1422, Page 707, now Tax Parcel ID
21 #12-032960.

22 This tract now contains approximately 277.74 acres, more or less, designated as
23 Beaufort County Tax Parcel #12-003254, all in accordance to that Deed recorded in
24 Book 1240, Page 915 of the Beaufort County Registry, that Map recorded in Plat. Cab.
25 A, Slide 84 of the Beaufort County Registry and that Estate recorded in File 69 E 87 of
26 the Pitt County Clerk of Court.

27 Referenced Map of Survey:

28 Reference should be made to that Map of Survey by M. M. Worthington, entitled "Map
29 Showing Property of F. H. von Eberstein", dated 03/01/1918 and recorded 09/17/1976
30 in Plat Cab. A, Slide 84 of the Beaufort County Registry. This Map of Survey is
31 incorporated herein for a more complete and accurate description. Further reference
32 may be made to those Maps of Survey by W. B. Duke, entitled "Plan of Lots Surveyed
33 for W. H. von Eberstein", recorded in Map Book 14 at Pages 49, 59, 60 and 62.

34 **SECTION 2.** This act applies to the Town of Chocowinity only.

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

Local Reg Gov #

Name of Committee

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

FIRM OR AGENCY

Gay M. L.	NCAPO
OP Madlin	NEATC
Martha McNeill	Carolina's Healthcare Supp
KEED LINV	TOWN OF LANDIS
James C. Furr	Town of Landis
George L. Pless	Town of Landis
MIKE MAHALEY	TOWN of LANDIS
D. Craig Sloop	Town of Landis
Cody Rifkin	Van Winkle Firm
Lee Hogg	IKCLH
Lisa Martin	NC Home Builders
R. Paul Wilms	NCMBH
BRUCE THOMPSON	PARKER PDS

AGENDA
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
Representative Walker, Presiding Chair
Representative Jones, Co-Chair

June 14, 2006
Room 425
10:00 a.m.

OPENING REMARKS

Representative Walker
Representative Jones
Local Government II Committee Members

AGENDA ITEMS:

- HB 2040 FAYETTEVILLE PUBLIC WORKS COMM. CONTRACTS**
 Representatives Dickson and Glazier
- HB 2041 CIVILIAN TRAFFIC INVESTIGATORS**
 Representatives Dickson and Glazier
- HB 2137 LAW ENFORCEMENT USE OF ATV'S**
 Representative West
- HB 2148 BLADEN ELECTROFISHING**
 Representative Nye
- HB 2251 REIDSVILLE DEANNEXATION**
 Representative Cole
- HB 2324 CHAPEL HILL CHARTER AMENDMENT**
 Representatives Insko and Hackney
- HB 2343 STOKES COUNTY CONSTRUCTION**
 Representative Holloway
- HB 2638 DOBSON SATTELITE ANNEXATION**
 Representative Harrell

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

JUNE 14, 2006

The House Committee on Local Government II met on Wednesday, June 14, 2006 in Room 425 of the Legislative Building at 10:00a.m. The following members were present: Co-Chair Representative Walker, Representatives Rayfield, Allen, Brown, Frye, Justice, Langdon, Steen, Wilkins, and Womble. Representative Hackney, ex-officio member, was present. Staff Counsel Kory Goldsmith, Giles Perry and Joe Moore were also in attendance. A visitor registration list is attached and made part of these minutes.

Representative Walker called the meeting to order and recognized attendees.

Representative Dickson was recognized to explain **HB 2040 – AN ACT TO EXEMPT THE FAYETTEVILLE PUBLIC WORKS COMMISSION FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.** A proposed committee substitute was offered and approved upon the motion of Representative Brown. This bill would allow the Public Works Commission to use its own employees to design, construct, repair and renovate certain water and sewer lines and related facilities. The Committee Substitute only allows the Commission to utilize its authority if it has first attempted to obtain contracts through the public bidding process, but has received less than 3 bids. Representative Allen moved for a favorable report to the proposed committee substitute, unfavorable to the original bill. Motion carried.

Representative Dickson was again recognized to explain **HB 2041 – AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES.** A proposed committee substitute was offered and approved upon the motion of Representative Womble. Several questions came up and were clearly answered regarding training of the investigators, liability, authority of the traffic investigators, etc. It was determined that the City of Fayetteville appeared to have things worked out to the approval of this committee. Representative Hackney moved for a favorable report to the proposed committee substitute, unfavorable to the original bill. Motion carried.

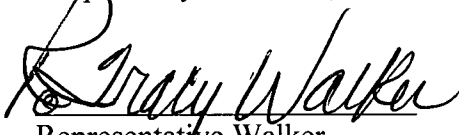
The Chair recognized Representative Holloway to explain **HB 2343 – AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS**. This bill would exempt Stokes County from the public contract and bidding requirements in Article 8 of Chapter 143 for the purposes of building a new emergency medical services station to be located near the Pinnacle area of the County. This would be a one time thing. Representative Womble moved for a favorable report. Motion carried.


Representative Hackney was recognized to explain **HB 2324 – AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO REPEAL TERM LIMITS FOR THE OFFICE OF MAYOR**. Under the current Charter of Chapel Hill, a mayor is limited to four successive two year terms. This would repeal the mayoral term limits. Representative Hackney moved for a favorable report. Motion carried.

HB 2137, on today's calendar, was pulled by the sponsor, Representative West.
HB' 2148 AND 2251 AND 2638 were not heard due to the sponsors absence.

There being no further business, the Chair adjourned the meeting.

Respectfully submitted,


Representative Walker
Chairman


Barbara Powell
Committee Assistant

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2040 A BILL TO BE ENTITLED AN ACT TO EXEMPT THE
FAYETTEVILLE PUBLIC WORKS COMMISSION FROM CERTAIN REQUIREMENTS
FOR PUBLIC CONTRACTS.

☒ 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 2040

Short Title: Fayetteville Public Works Comm. Contracts.

(Local)

Sponsors: Representatives Dickson and Glazier (Primary Sponsors).

Referred to: Local Government II.

May 17, 2006

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE FAYETTEVILLE PUBLIC WORKS COMMISSION
FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. The Public Works Commission of the City of Fayetteville may design, construct, repair, and renovate sewer and water lines and other facilities necessary to the functioning of the sewer and water lines without being subject to the requirements of G.S. 143-128, 143-129, 143-132.

SECTION 2. This act applies only to the Public Works Commission of the City of Fayetteville.

SECTION 3. This act is effective when it becomes law and expires January 1, 2022.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

New

D

HOUSE BILL 2040

PROPOSED COMMITTEE SUBSTITUTE H2040-CSRC-103 [v.4]

6/14/2006 9:44:26 AM

Short Title: Fayetteville Public Works Comm. Contracts.

(Local)

Sponsors:

Referred to:

May 17, 2006

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE PUBLIC WORKS COMMISSION OF THE CITY OF
FAYETTEVILLE TO USE COMMISSION LABOR FOR THE CONSTRUCTION
OF WATER AND SEWER UTILITY PROJECTS IN THE PHASE V ANNEXED
AREAS OF THE CITY IN UNDER CERTAIN CIRCUMSTANCES AND
WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR..

The General Assembly of North Carolina enacts:

SECTION 1. The Public Works Commission of the City of Fayetteville may use force account qualified labor on the Commission's payroll for the design, construction, repair, and renovation of the following projects without regard to the dollar limitations contained in G.S. 143-135:

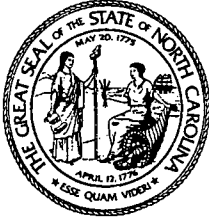
(1) Water lines and related facilities to serve the Phase V annexed areas of the City of Fayetteville, to be built in phases.

(2) Sewer lines and related facilities to serve the Phase V annexed areas of the City of Fayetteville, to be built in phases.

SECTION 2. The Commission may utilize its authority under Section 1 of this act for a particular project only if it has first: (i) complied with all the requirements of Article 8 of Chapter 143 of the General Statutes regarding the advertisement and bidding for public contracts; and (ii) received fewer than 3 bids.

SECTION 3. This act only applies to the Public Works Commission of the City of Fayetteville.

SECTION 4. This act is effective when it becomes law and expires January 1, 2012.



HOUSE BILL 2040: Fayetteville Public Works Comm. Contracts

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Reps. Dickson, Glazier
Version: PCS to First Edition
H2040-CSRC-103

Date: June 13, 2006
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: *House Bill 2040 would allow the Public Works Commission to use its own employees to design, construct, repair and renovate certain water and sewer lines and related facilities.*

The Proposed Committee Substitute rewrites the first edition and only allows the Commission to utilize its authority if it has first attempted to obtain contracts through the public bidding process, but has received less than 3 bids.

The act is effective when it becomes law and expires January 1, 2012.

CURRENT LAW: The City of Fayetteville Charter creates the Public Works Commission. The Commission is charged with the supervision and management of the electric utility plant and the waterworks and sewerage. It also has the authority to employ necessary labor for construction, repair and renovation projects. The Commission can not enter into a contract in excess of \$10,000 without the approval of the city council.

G.S. 143-135 provides that a subdivision of the State (which would include the Commission) may use its own employees ("force account qualified labor") to do construction and repair work if the total cost of the project including materials and supplies does not exceed \$125,000, or if the total cost of labor does not exceed \$50,000. If either of those thresholds is exceeded, the subdivision of the State must go through the public bidding and contract process under Article 8 of Chapter 143 of the General Statutes.

BILL ANALYSIS: House Bill 2040 would allow the Public Works Commission of the City of Fayetteville to use its own employees for the design, construction, repair and renovation of certain projects regardless of whether the cost of the project exceeds the thresholds in G.S. 143-135. These projects are:

- Water lines and related facilities to serve the Phase V annexed areas of the City of Fayetteville, to be built in phases.
- Sewer lines and related facilities to serve the Phase V annexed areas of the City of Fayetteville, to be built in phases.

The Commission must first attempt to obtain outside contracts through the requirements of Article 8 of Chapter 143. If it doesn't receive at least 3 bids for a particular project, it can use it on employees to work on the project.

EFFECTIVE DATE: The act is effective when it becomes law and will expire January 1, 2012.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2041

A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF
FAYETTEVILLE TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE
PROPERTY DAMAGE CRASHES.

☒ 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 2041*

Short Title: Civilian Traffic Investigators.

(Local)

Sponsors: Representatives Dickson and Glazier (Primary Sponsors).

Referred to: Local Government II.

May 17, 2006

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO USE CIVILIAN
TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE
CRASHES.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to the City of Fayetteville only.

SECTION 2. Notwithstanding any other provision of law, the City of Fayetteville is hereby authorized to employ and allow civilian personnel to investigate traffic crashes. The civilian personnel shall be known as "Civilian Traffic Investigators".

SECTION 3. The North Carolina Department of Justice, Division of Criminal Justice Education and Training Standards, shall establish the minimum standards for employment as a Civilian Traffic Investigator.

SECTION 4. Each Civilian Traffic Investigator shall attend a training program designed by the North Carolina Department of Justice, Division of Criminal Justice Education and Training Standards. Upon completion of the training program, a Civilian Traffic Investigator shall spend not less than four weeks of field training with a law enforcement officer who is a certified traffic crash investigator and has experience conducting traffic crash investigations.

SECTION 5. Each Civilian Traffic Investigator shall be issued credentials by the City of Fayetteville identifying the individual as a Civilian Traffic Investigator. The Civilian Traffic Investigator shall produce official credentials at any time when requested by a member of the public involved in or as a witness to a crash. A Civilian Traffic Investigator shall be issued a uniform that is substantially different in color and style from that of a law enforcement officer for the City of Fayetteville. Civilian Traffic Investigators shall not be issued badges.

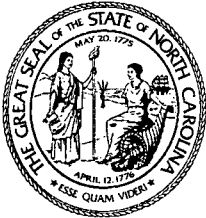
SECTION 6. Any vehicles issued to, or used by, a Civilian Traffic Investigator shall not bear markings or symbols that identify the vehicle as a police vehicle. The vehicle may have emergency equipment and lights installed but shall not use blue lights in any manner or form. Red and amber lights are permissible.

1 **SECTION 7.** Civilian Traffic Investigators shall investigate only crashes
2 involving property damage. A Civilian Traffic Investigator shall comply with all
3 provisions of G.S. 20-166.1. However, a report completed by a Civilian Traffic
4 Investigator shall be treated the same as if it were completed by a law enforcement
5 officer for the purposes of evidence and trial pursuant to G.S. 20-166.1(i). A law
6 enforcement officer shall investigate any crash involving personal injury or a fatality:

7 **SECTION 8.** A Civilian Traffic Investigator shall have no authority to arrest
8 or issue criminal process. They shall not be issued a weapon of any type. An assault on
9 a Civilian Traffic Investigator is a violation of G.S. 14-33(b)(4).

10 **SECTION 9.** A Civilian Traffic Investigator shall have the same authority as
11 a law enforcement officer to tow or remove a vehicle that is obstructing a public street
12 or highway.

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



HOUSE BILL 2041: Civilian Traffic Investigators

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 13, 2006
Introduced by:	Reps. Dickson, Glazier	Summary by:	Giles S. Perry
Version:	Proposed Committee Substitute H2041-CSRW-56 [v.4]		Committee Counsel

SUMMARY: *House Bill 2041 (proposed committee substitute) authorizes the City of Fayetteville to employ civilian traffic investigators, and authorizes them to investigate traffic crashes.*

CURRENT LAW: G.S. 20-114 makes it the duty of every municipal police officer and every sheriff or county law enforcement officer to arrest within the limits of their jurisdiction any person known to have violated any of the provisions of Article 3 of Chapter 20 of the General Statutes, which includes the operation of vehicles and rules of the road. Under G.S. 20-49, the Commissioner of the Division of Motor Vehicles and any officers and designated inspectors of the Division, and all members of the Highway Patrol and law enforcement officers of the Department of Crime Control and Public Safety have the power to investigate traffic accidents and secure testimony of witnesses or of persons involved.

G.S. 20-166.1 governs the reports and investigations required in the event of a traffic accident. It requires that the appropriate law enforcement agency investigate a reportable accident. A reportable accident is defined in G.S. 20-4.01 as an accident involving a motor vehicle that results in (i) the death or injury of a human being, (ii) property damage of \$1,000 or more, or (iii) property damage of any amount to a vehicle seized for an offense involving impaired driving while license revoked. The report of an accident must contain information on financial responsibility for the vehicle driven by the person whom the officer identifies as at fault for the accident. If the officer writing the report is a member of the State Highway Patrol, the officer must forward the report to the Division of Motor Vehicles. If the officer is not a member of the State Highway Patrol, the officer must forward the report to the local law enforcement agency for the area where the accident occurred. A local law enforcement agency that receives an accident report must forward it to DMV within 10 days after receiving the report.

G.S. 20-166.1 provides that a report of an accident made by a person who is not a law enforcement officer is without prejudice, is for the use of DMV only, and cannot be used in any manner as evidence, or for any other purpose in any trial, civil or criminal, arising out of the accident. The statute specifies that reports made by persons who are not law enforcement officers or medical examiners are not public records; the reports made by law enforcement officers and medical examiners are public records and are open to inspection by the general public at all reasonable times.

BILL ANALYSIS: House Bill 2041 (proposed committee substitute):

- authorizes the City of Fayetteville to employ civilian traffic investigators, and authorizes them to investigate traffic crashes.
- authorizes the City of Fayetteville to establish minimum standards for employment as a civilian traffic investigator.



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE RONALD TRACY WALKER
41ST DISTRICT



House Bill 2041

Page 2

- requires each civilian traffic investigator to attend a training program designed by Fayetteville Technical Community College, and spend four weeks of field training with a law enforcement officer.
- provides that the civilian traffic investigators be issued credentials, uniforms, and vehicles with red or amber lights only.
- provides that civilian traffic investigators shall: investigate crashes involving only property damage, comply with all provision of G.S. 20-166.1 governing accident reports and investigations, and that their reports be treated the same as if completed by law enforcement for purposes of evidence and trial.
- provides that civilian traffic investigators shall not have authority to arrest, and shall not carry a weapon.
- provides that assault on an civilian traffic investigator is a violation of G.S. 14-33(b)(4). (Note: G.S. 120-36.7(d) requires a fiscal note for any change that could cause a net increase in incarceration time).
- provides that civilian traffic investigators shall have the same authority as a law enforcement officer to tow or remove a vehicle that is obstructing a public street or highway.

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

H2041e1-SMRW



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE RONALD TRACY WALKER
41ST DISTRICT



**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2343 A BILL TO BE ENTITLED AN ACT TO EXEMPT STOKES
COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

☒ 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 2343*

Short Title: Stokes County Construction.

(Local)

Sponsors: Representative Holloway.

Referred to: Local Government II.

May 23, 2006

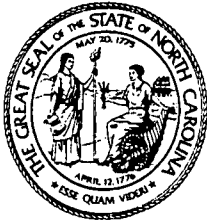
A BILL TO BE ENTITLED

AN ACT TO EXEMPT STOKES COUNTY FROM CERTAIN REQUIREMENTS
FOR PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 143-128, 143-129, and 143-132, Stokes County may use the design-build method of construction for an emergency medical services station to be located in the Pinnacle area of the County. Notwithstanding any provision of law, Stokes County may award a contract under this section in its sole discretion.

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



HOUSE BILL 2343: Stokes County Construction

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 13, 2006
Introduced by:	Rep. Holloway	Summary by:	Kory Goldsmith
Version:	First Edition		Committee Counsel

SUMMARY: *S360 allows Stokes County to use the design-build method for construction of an emergency medical services station to be located near the Pinnacle area of the County.*

The act is effective when it becomes law.

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

BILL ANALYSIS: would exempt Stokes County from the public contract and bidding requirements in Article 8 of Chapter 143 for the purposes of building a new emergency medical services station to be located near the Pinnacle area of the County. The County would still be required to comply with the provisions of G.S. 143-128.2, setting forth minority business participation goals for State and local building contracts.

H2343el-SMRC

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2324 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER
OF THE TOWN OF CHAPEL HILL TO REPEAL TERM LIMITS FOR THE OFFICE OF
MAYOR.

☒ 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 2324

Short Title: Chapel Hill Charter Amendment.

(Local)

Sponsors: Representatives Insko and Hackney (Primary Sponsors).

Referred to: Local Government II.

May 23, 2006

A BILL TO BE ENTITLED

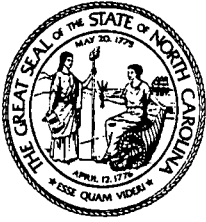
AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO
REPEAL TERM LIMITS FOR THE OFFICE OF MAYOR.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2.1 of the Charter of the Town of Chapel Hill, being
Chapter 473 of the 1975 Session Laws, as rewritten by Section 6 of Chapter 911 of the
1981 Session laws, reads as rewritten:

"(c) The mayor shall be elected at biennial elections for a term of two years
subject to the provisions of Section 2.3 of this Charter. ~~No person shall be eligible to be
elected to mayor for more than four successive two-year terms.~~"

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



HOUSE BILL 2324: Chapel Hill Charter Amendment

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 9, 2006
Introduced by:	Reps. Insko, Hackney	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 2324 amends the Charter of the Town of Chapel Hill concerning mayoral term limits.*

CURRENT LAW: Under the current Charter of Chapel Hill Charter, a mayor is limited to four successive two year terms.

BILL ANALYSIS: House Bill 2324 amends Chapel Hill's Charter to repeal mayoral term limits.

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

H2324e1-SMRW

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

CPM

NCATL

Johanna Reese

DOT

ELVIS HANKINS

NCLM

Kyle Sonnenberg

City of Fayetteville

GORDON MYERS

NC WILDLIFE RESOURCES COMMISSION

RICHARD HAMILTON

NC WILDLIFE RESOURCES COMMISSION

DAVE SIMPSON

CAROLINAS AGC

Estherine Davis

Electric Cities Inc

Davis Ingram

WSO

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Jones, Presiding Chair
Representative Walker, Co- Chair

**June 21, 2006
Room 425
10:00 a.m.**

OPENING REMARKS

Representative Jones
Representative Walker
Local Government II Committee Members

AGENDA ITEMS

SB 1265	Perquimans Bear Hunting Senator Holloman
HB 2137	Law Enforcement Use of ATV's Representative West
HB 2148	Bladen Electrofishing Representative Nye
HB 2339	Lincoln County Tax Certification Representative Kiser
HB 2421	Law Enforcement/ Piedmont Triad Water Auth. Representative Brubaker
HB 2524	Chocowinity ETJ Representative Williams
HB 2638	Dobson Satellite Annexation Representative Harrell
HB 2344	Charlotte Civil Service Board Membership Representative Alexander

MINUTES

LOCAL GOVERNMENT II COMMITTEE

June 21, 2006

10:00 a.m.

Room 425, Legislative Office Building

The Local Government II Committee met on Wednesday, June 21, 2006, at 10:00 a.m. in Room 425 of the Legislative Office Building. Members present were Representative(s) Jones and Walker (Chairs), Rayfield, L. Allen, Brown, Frye, Justice, Steen, Wilkins and Rapp. Legislative Staff in attendance included Kory Goldsmith, Giles Perry and Joe Moore. The Visitor Registration Sheet is attached as a record to the minutes (*Attachment 1*).

Chairman Earl Jones presided over the meeting. He welcomed the pages, committee members and introduced the committee staff. Chairman Jones then recognized Representative L. Allen to explain *SB 1265 Perquimans Bear Hunting* on behalf of the bill sponsor, Senator Holloman. Rep. Allen explained that this bill will repeal the prohibition on bear hunting in Perquiman's County. Representative Frye was recognized to make a motion to give *SB 1265* a favorable report. The motion carried.

At the request of the bill sponsor, Representative West, the Chairman announced that *HB 2137 Law Enforcement Use of ATV's*, would be removed from the agenda to be considered at a later date.

Chairman Jones then recognized Representative Nye to explain his *HB 2148, Bladen Electrofishing*. Staff informed the Chair that there was a House Proposed Committee Substitute for *HB 2148*. Representative Allen moved that the House PCS for *HB 2148* be adopted and placed before the committee for discussion. The motion carried. Rep. Nye explained that this bill would regulate electrofishing in the Cape Fear River. Rep. Rayfield asked what electrofishing is. Rep. Nye answered that it is shocking catfish and that this will allow the local Wildlife Authority to regulate it. Rep. Wilkins asked if the Wildlife Authority was ready to take on the responsibility. Rep. Nye responded by saying that the Wildlife Authority's Director, Dick Hamilton, was present and could speak if needed, but that years ago the Wildlife Authority populated the river with large catfish which today weigh one hundred pounds and which have become a nuisance because they are so large. He added that it has caused conflict between hook-and-line fishing and electrofishing which can be separated by the Wildlife Authority. Rep. Allen moved that the committee adopt the House Proposed Committee Substitute, unfavorable to the original bill- *HB 2148*. The committee gave their verbal approval and the motion carried.

Representative Kiser was welcomed to explain his bill, *HB 2339, Lincoln County Tax Certification*. Following comments and discussion, Representative Wilkins moved that *HB 2339* be given a favorable report and re-referred to the House Committee on Finance. The committee gave their verbal approval and the motion carried.


Representative Brubaker was welcomed by Chairman Jones to explain *HB 2421, Law Enforcement/ Piedmont Triad Water Auth.* Rep. Rayfield moved to adopt the Proposed Committee Substitute for discussion. Following discussion and comments by the Committee, Representative Rayfield was recognized to move that the committee adopt the House Proposed Committee Substitute of *HB 2421*, unfavorable to the original bill. The committee gave their verbal approval and the motion carried.

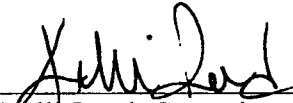
Chairman Jones then welcomed Rep. Williams to introduce *HB 2524, Chocowinity ETJ*, which expands the extraterritorial planning and zoning jurisdiction of the Town of Chocowinity in Beaufort County. Rep. Justice moved that *HB 2524* be given a favorable report. The committee gave their verbal approval and the motion carried.

Representative Harrell was then introduced to discuss *HB 2638, Dobson Satellite Annexation*, which will remove the cap on satellite annexations by the town of Dobson. Representative Rapp moved that *HB 2638* be given a favorable report and re-referred to the House Committee on Finance. The committee gave their verbal approval and the motion carried.

Finally, at the request of the bill sponsor, Representative Alexander, the Chairman announced that *HB 2344, Charlotte Civil Service Board Membership*, would be removed from the agenda to be considered at a later date.

The committee adjourned at 10:50 a.m.


Representative Earl Jones, Presiding Chairman


Kelli Reed, Committee Clerk

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

SB 1265 A BILL TO BE ENTITLED AN ACT TO REPEAL THE
PROHIBITION ON BEAR HUNTING IN PERQUIMANS COUNTY.

☒ 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 1265
State and Local Government Committee Substitute Adopted 6/1/06

Short Title: Perquimans Bear Hunting.

(Local)

Sponsors:

Referred to:

May 11, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE PROHIBITION ON BEAR HUNTING IN
3 PERQUIMANS COUNTY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 582 of the 1979 Session Laws is repealed as it applies
6 to Perquimans County.

7 **SECTION 2.** G.S. 113-133.1(e) reads as rewritten:

8 "(e) Because of strong community interest expressed in their retention, the local
9 acts or portions of local acts listed in this section are not repealed. The following local
10 acts are retained to the extent they apply to the county for which listed:

11 ..."

12 Perquimans: Former G.S. 113-111; Session Laws 1973, Chapter 160; Session Laws
13 1973, Chapter 264; ~~Session Laws 1979, Chapter 582.~~ 264.

14 ..."

15 **SECTION 3.** The 2006 bear hunting season shall be from November 11
16 through November 18 and December 11 through December 23. Subsequent seasons
17 shall be established by the Wildlife Resources Commission.

18 **SECTION 4.** This act applies only to Perquimans County.

19 **SECTION 5.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2148 A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE
RESOURCES COMMISSION TO REGULATE AND CONTROL ELECTROFISHING OF
CATFISH ON THE CAPE FEAR RIVER IN BLADEN COUNTY.

☒ 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/Senate) 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.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 2148

Short Title: Bladen Electrofishing. (Local)

Sponsors: Representative Nye.

Referred to: Local Government II.

May 18, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO
3 REGULATE AND CONTROL ELECTROFISHING OF CATFISH ON THE CAPE
4 FEAR RIVER IN BLADEN COUNTY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Notwithstanding the provisions of Chapter 363 of the 1985
7 Session Laws and the provisions of Chapter 129 of the 1989 Session Laws, as amended
8 by Chapter 140 of the 1991 Session Laws, the Wildlife Resources Commission shall
9 regulate and control the electrofishing of catfish on the Cape Fear River in Bladen
10 County.

11 **SECTION 2.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2339

A BILL TO BE ENTITLED AN ACT TO ALLOW LINCOLN
COUNTY TO REQUIRE THAT ALL TAXES BE PAID ON REAL PROPERTY BEFORE THE
REGISTER MAY RECORD A DEED TRANSFERRING THAT PROPERTY AND BEFORE A
BUILDING PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY.

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

(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 2339

Short Title: Lincoln County Tax Certification.

(Local)

Sponsors: Representative Kiser.

Referred to: Local Government II.

May 23, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LINCOLN COUNTY TO REQUIRE THAT ALL TAXES BE
3 PAID ON REAL PROPERTY BEFORE THE REGISTER MAY RECORD A
4 DEED TRANSFERRING THAT PROPERTY AND BEFORE A BUILDING
5 PERMIT MAY BE ISSUED WITH RESPECT TO THAT PROPERTY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 161-31(b) reads as rewritten:

8 "(b) Applicability. – This section applies only to Anson, Beaufort, Bertie,
9 Cabarrus, Camden, Carteret, Cherokee, Chowan, Clay, Cleveland, Currituck, Davidson,
10 Duplin, Durham, Edgecombe, Forsyth, Gaston, Gates, Graham, Granville, Halifax,
11 Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Johnston, Lee, Lenoir,
12 Lincoln, Macon, Madison, Martin, Montgomery, Nash, Northampton, Onslow,
13 Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Robeson, Rockingham, Rowan,
14 Rutherford, Stanly, Surry, Swain, Transylvania, Vance, Warren, Washington, Wilson,
15 and Yadkin Counties."

16 **SECTION 2.** Section 3(b) of S.L. 2005-433 reads as rewritten:

17 "**SECTION 3.(b)** This section applies to Greene, Lenoir, Lincoln, Iredell, Wayne,
18 and Yadkin Counties only."

19 **SECTION 3.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2421 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE
PIEDMONT TRIAD WATER AUTHORITY TO ESTABLISH A SPECIAL POLICE
AGENCY.

☒ 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/Senate) 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.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

D

**HOUSE BILL 2421
PROPOSED COMMITTEE SUBSTITUTE H2421-CSRC-109 [v.2]**

6/20/2006 4:22:35 PM

Short Title: Law Enforcement/Piedmont Triad Water Auth.

(Local)

Sponsors:

Referred to:

May 24, 2006

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE PIEDMONT TRIAD WATER AUTHORITY TO
EMPLOY LAKE WARDENS WITH THE AUTHORITY OF PEACE OFFICERS.

The General Assembly of North Carolina enacts:

SECTION 1. With respect to its property in Guilford and Randolph Counties, the Piedmont Triad Regional Water Authority may contract for or employ lake wardens to enforce federal and State laws, and the ordinances, rules and regulations of the units of local government where the property is located providing for the protection of the watershed, the protection of game and wildlife in the area, and the protection of parks and recreational areas. Upon taking the oath of office of law enforcement officers set forth in G.S. 11-11, the lake wardens shall have the powers of peace officers, including the power of arrest, for the purpose of enforcing those laws.

SECTION 2. This act applies only to the Piedmont Triad Regional Water Authority and its property in Guilford and Randolph Counties.

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

*Allow H&D Auth to have lake wardens to simplify
authority of lakes across counties*

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2524 A BILL TO BE ENTITLED AN ACT EXPANDING THE
EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF CHOCOWINITY

☒ 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 _____.



HOUSE BILL 2524: Chocowinity ETJ

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 19, 2006
Introduced by:	Rep. Williams	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 2524 expands the extraterritorial planning and zoning jurisdiction of the Town of Chocowinity in Beaufort County.*

CURRENT LAW: Article 19 of Chapter 160 authorizes municipalities to regulate development within their authorized "ETJ," or extraterritorial planning and zoning jurisdiction.

BILL ANALYSIS: House Bill 2524 expands the ETJ of the Town of Chocowinity to include the area of the von Eberstein Home Farm, as described in the bill.

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

H2524e1-SMRW

Brown - is agreed 2 by County 3
- yes, county attorney

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 2524

Short Title: Chocowinity ETJ.

(Local)

Sponsors: Representative Williams.

Referred to: Local Government II.

May 25, 2006

A BILL TO BE ENTITLED
AN ACT EXPANDING THE EXTRATERRITORIAL PLANNING JURISDICTION
OF THE TOWN OF CHOCOWINITY

The General Assembly of North Carolina enacts:

SECTION 1.(a) In addition to any areas where the Town of Chocowinity exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, the Town shall have extraterritorial jurisdiction under that Article in the area described in subsection (b) of this section.

SECTION 1.(b) Description (+/-277.74 ac, Hwy 17, Chocowinity Tws, #12-003254):

Being that certain lot or parcel of land situated in Chocowinity Township, Beaufort County, North Carolina which is more particularly described as follows:

Being the von Eberstein Home Farm, known as "Elmwood", situated on both sides of US Hwy. 17 and also on both sides of the Norfolk-Southern Railroad right-of-way, originally containing 302.5 acres as depicted by the Referenced Worthington Map of Survey.

LESS AND EXCEPTING the following parcels:

---The 4.60 acre parcel conveyed to Roy Tuten by Deed recorded 01/10/1956 in Book 459, Page 292, now Tax Parcel ID #12-002494.

---The 1.00 acre parcel conveyed to David Rowe by Deed recorded 01/21/1956 in Book 460, Page 44, now Tax Parcel ID #12-000023.

---The 0.75 acre parcel conveyed to J.O. Branch by Deed recorded 07/22/1960 in Book 511, Page 183 and by Correction Deed recorded 08/17/1960 in Book 512, Page 69, now Tax Parcel ID #12-002308.

---The 0.50 acre parcel conveyed to Leslie Godley by Deed recorded 08/05/1960 in Book 511, Page 516, now Tax Parcel ID #12-002576.

---The 0.84 acre parcel conveyed to Erma Lee Cook by Deed recorded 08/05/1960 in Book 511, Page 524, now Tax Parcel ID #12-021360.

1 ---The parcel conveyed to A.E. Chandler by Deed recorded 08/08/1960 in Book
2 511, Page 551 and by Correction Deed recorded 08/17/1960 in Book 512, Page
3 69, now Tax Parcel ID #12-002671.

4 ---The parcel conveyed to Albert Sutton by Deed recorded 09/22/1960 in Book
5 513, Page 252, now Tax Parcel ID #12-013129.

6 ---The 1.16 acre parcel conveyed to J.T. Chandler by Deed recorded 09/22/1960
7 in Book 513, Page 256, now Tax Parcel ID #12-005268.

8 ---The parcel conveyed to William Hodges by Deed recorded 10/06/1960 in
9 Book 513, Page 639, now Tax Parcel ID #12-015763.

10 ---The 1.15 acre parcel conveyed to Glen T. Clark by Deed recorded 10/20/1960
11 in Book 514, Page 296, now Tax Parcel ID #12-010743.

12 ---The parcel conveyed to Glen T. Clark by Deed recorded 05/22/1961 in Book
13 521, Page 530, now part of Tax Parcel ID #12-010743.

14 ---The 1.12 acre parcel conveyed to J. B. Wall by Deed recorded 11/01/1961 in
15 Book 527, Page 111, now Tax Parcel ID #12-015266.

16 ---The 0.03 acre parcel conveyed to Eastern North Carolina Natural Gas
17 Company by Deed recorded 06/29/2004 in Book 1402, Page 155, now Tax
18 Parcel ID #15-021048.

19 ---The approximately 0.75, more or less, acre parcel conveyed to D & B Land
20 Group by Deed recorded in Book 1422, Page 707, now Tax Parcel ID
21 #12-032960.

22 This tract now contains approximately 277.74 acres, more or less, designated as
23 Beaufort County Tax Parcel #12-003254, all in accordance to that Deed recorded in
24 Book 1240, Page 915 of the Beaufort County Registry, that Map recorded in Plat. Cab.
25 A, Slide 84 of the Beaufort County Registry and that Estate recorded in File 69 E 87 of
26 the Pitt County Clerk of Court.

27 Referenced Map of Survey:

28 Reference should be made to that Map of Survey by M. M. Worthington, entitled "Map
29 Showing Property of F. H. von Eberstein", dated 03/01/1918 and recorded 09/17/1976
30 in Plat Cab. A, Slide 84 of the Beaufort County Registry. This Map of Survey is
31 incorporated herein for a more complete and accurate description. Further reference
32 may be made to those Maps of Survey by W. B. Duke, entitled "Plan of Lots Surveyed
33 for W. H. von Eberstein", recorded in Map Book 14 at Pages 49, 59, 60 and 62.

34 **SECTION 2.** This act applies to the Town of Chocowinity only.

35 **SECTION 3.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

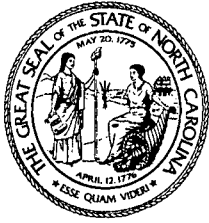
HB 2638 A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON
SATELLITE ANNEXATIONS BY THE TOWN OF DOBSON.

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

(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 _____.



HOUSE BILL 2638: Dobson Satellite Annexations

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 21, 2006
Introduced by:	Rep. Harrell	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *House Bill 2638 removes the 10% area cap for voluntary noncontiguous "satellite" annexations by the Towns of Dobson.*

CURRENT LAW: Under current law, municipalities are authorized to voluntarily annex noncontiguous "satellite" areas, as long as the total of all satellite areas does not exceed 10% of the area within the primary corporate limits of the annexing municipality.

BILL ANALYSIS: House Bill 2638 adds the Town of Dobson to a list of 63 cities and towns that are exempted from the current 10% area cap on satellite annexations.

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

H2638e1-SMRW

VISITOR REGISTRATION SHEET

Local Gov #

Name of Committee

6/21/06

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

R. Paul Williams

NCHBA

Steve Wall

DENR

Dick Hamilton

NCWRC

GORDON MYERS

NCWRC

Lisa Martin

NC Home Builders Assoc.

JOHN F. Kline

Piedmont TRAD Water holt

Estherine Davis

Electric City

AGENDA
HOUSE COMMITTEE ON LOCAL GOVERNMENT II
Representative Walker, Presiding Chair
Representative Jones, Co-Chair

June 28, 2006
Room 425
10:00 a.m.

OPENING REMARKS

Representative Walker
Representative Jones
Local Government II Committee Members

AGENDA ITEMS:

HB 845 LAW ENFORCEMENT ATV USE IN SURRY COUNTY
Representative Harrell

HB 2724 CHAPEL HILL TRANSIT SYSTEM
Representatives Insko and Hackney

SB 1310 CRAMERTON ALL-TERRAIN VEHICLE USE
Senator Hoyle

SB 1348 DORTCHES DEANNEXATION
Senator Swindell

SB 1428 VARIOUS SATELLITE ANNEXATIONS/REFERENDUM
Senator Soles

MINUTES

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

June 28, 2006

The House Committee on Local Government II met on Wednesday, June 28, 2006 in Room 425 of the Legislative Building at 10:00 a.m. The following members were present: Co-Chairs Representatives Walker and Jones, Representatives Rayfield, Allen, Frye, Justice, Langdon, Wilkins, Rapp and Womble. Staff Counsel Kory Goldsmith, Giles Perry and Joe Moore were also in attendance. A visitor registration list is attached and made part of these minutes.

Representative Walker called the meeting to order and recognized attendees.

Representative Harrell was recognized to explain **HB 845 – AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS IN SURRY COUNTY**. A Proposed Committee substitute was offered and approved upon the motion of Representative Womble. This bill allows Surry County law enforcement officers to operate unregistered all-terrain vehicles. Similar laws have been enacted for at least 4 other municipalities. An amendment was offered by Representative Justice and Representative Walker adding Surf City and Wilkes County to the bill. Representative Womble moved for a favorable report to the proposed committee substitute, as amended, with a Title Change, unfavorable to the original. Motion carried.

The Chair recognized Representative Insko to explain **HB 2724 –AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO PERMIT THE TOWN COUNCIL TO ACCEPT PAYMENTS IN LIEU OF TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS FOR NEW DEVELOPMENT**. A proposed committee substitute was offered and approved upon the motion of Representative Church. This bill authorizes the Town of Chapel Hill to adopt an ordinance to allow a developer to offer payments in support of the public transit system in lieu of making improvements to the transportation infrastructure. This option would be an alternative method for meeting a condition of approval of the proposed development. The Proposed Committee Substitute clarifies that the payment in lieu of improvements is optional and may be offered at the applicant's discretion. It also reorganizes the structure of the bill and uses consistent terminology. Representative Allen moved for a favorable report to the Proposed Committee Substitute and unfavorable to the original. Motion carried.


SB1310 – AN ACT TO ADD THE TOWN OF CRAMERTON AND THE CITY OF CHERRYVILLE TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS was explained by Senator Hoyle. A Proposed Committee Substitute was offered and approved upon the motion of Representative Rapp. This removes the town of Cramerton and adds Cleveland County. Representative Rapp moved for a favorable report to the Proposed Committee Substitute and unfavorable to the original. Motion carried.

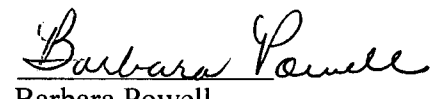
The Chair recognized Senator Swindel to explain **HB 1348 – AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES**. A Proposed Committee Substitute was offered and approved upon the motion of Representative Womble. Representative England explained the bill which removes a certain area from the Town of Dortches and provides that the deannexation will have no effect on any liens for ad valorem taxes or special assessments outstanding before the effective date. Representative Womble moved for a favorable report to the Proposed Committee Substitute, unfavorable to the original and moved it be re-referred to Finance Committee.

The Chair recognized Representative Langdon (at Senator Soles request) to explain **SB 1428 – AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY REFERENDUM IN THE TOWN OF CLAYTON**. Section I of the bill adds the Towns of Burgaw, Clayton, Dobson, Princeton and Yadkinville to a list of 63 cities and towns that are exempted from the current 10% area cap on satellite annexations. Section 2 of the bill authorizes the Town of Clayton to conduct an advisory referendum prior to January 1, 2008 on changing how its Town Council is elected to a system with both district and at-large members. Representative Carney moved for a favorable report and asked that it be re-referred to Finance. Motion carried.

There being no further business, the Chair adjourned the meeting.

Respectfully submitted:


Representative Walker
Chairman


Barbara Powell
Committee Assistant

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 845 A BILL TO BE ENTITLED AN ACT TO PERMIT THE LAW
ENFORCEMENT OFFICERS TO USE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS
IN SURRY COUNTY.

☒ 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 845

Short Title: Law Enforcement ATV Use in Surry County.

(Local)

Sponsors: Representative Harrell.

Referred to: Local Government II.

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE LAW ENFORCEMENT OFFICERS TO USE
ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS IN SURRY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a
new section to read:

"§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways.

**Law enforcement officers enforcing the laws of the State may use all-terrain
vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental
agency, on public highways within North Carolina."**

SECTION 2. This act applies in Surry County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

D

title change

HOUSE BILL 845

PROPOSED COMMITTEE SUBSTITUTE H845-CSRW-63 [v.2]

6/27/2006 3:23:11 PM

Short Title: Law Enforcement ATV Use in Surry County.

(Local)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

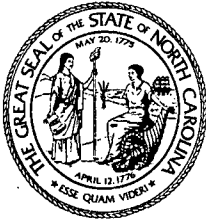
AN ACT TO ADD SURRY COUNTY TO THE AREAS IN WHICH LAW
ENFORCEMENT OFFICERS MAY OPERATE UNREGISTERED
ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF
THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2004-108, as rewritten by S.L. 2005-305 and
S.L. 2006-25, reads as rewritten:

"SECTION 3. Section 1 of this act applies to the County of Surry and the City of
Albemarle, and the Towns of Beaufort, Highlands, Southern Shores, and Mint Hill only.
Section 2 of this act applies to the Towns of Cramerton, Dallas, Duck, Kill Devil Hills,
Kitty Hawk, Nags Head, and the City of Kings Mountain and the County of Currituck
only. The term 'municipal employee' shall include employees of a county."

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



HOUSE BILL 845: Law Enforcement ATV Use in Surry County

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 27, 2006
Introduced by:	Rep. Harrell	Summary by:	Giles S. Perry
Version:	PCS to First Edition		Committee Counsel
	H845-CSRW-63[v.2]		

SUMMARY: *House Bill 845 (PCS) authorizes law enforcement officers of Surry County to operate unregistered all-terrain vehicles on highways with speed limits of thirty-five miles per hour or less.*

CURRENT LAW: Under current law, vehicles operated on highways must be registered to (G.S. 20-50).

BILL ANALYSIS: House Bill 845 (PCS) authorizes law enforcement officers of Surry County to operate unregistered all-terrain vehicles on highways with speed limits of thirty-five miles per hour or less.

An all-terrain vehicle is defined as "a two or more wheeled vehicle designed for recreational off road use" G.S. 14-159.3(b).

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

BACKGROUND: Similar laws have been enacted for at least 4 other municipalities.

H0845e1-SMRW-CSRW

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2724

A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER
OF THE TOWN OF CHAPEL HILL TO PERMIT THE TOWN COUNCIL TO ACCEPT
PAYMENTS IN LIEU OF TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS
FOR NEW DEVELOPMENT.

☒ 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 2724

Short Title: Chapel Hill Transit System. (Local)

Sponsors: Representatives Insko and Hackney (Primary Sponsors).

Referred-to: Local Government II.

May 25, 2006

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO PERMIT THE TOWN COUNCIL TO ACCEPT PAYMENTS IN LIEU OF TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS FOR NEW DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter V of the Charter of the Town of Chapel Hill, being Chapter 473 of the 1975 Session Laws, as amended by Chapter 936 of the 1985 Session Laws and Chapter 549 of the 1993 Session Laws, is amended by adding the following new section to read:

"Sec. 5.43. Public Transportation Payments.

The Town may, by ordinance, establish a program for accepting payments in lieu of transportation infrastructure improvements from applicants for development in accordance with the following standards:

- (1) Where a proposed new development in the Town or the Town's extraterritorial planning jurisdiction is determined, as a result of a traffic impact study, to place an increased demand on the public transportation infrastructure, the Town may, as a condition of approval of the proposed development, accept from the developer a payment offered in support of public transit service.
- (2) The payments provided by the developer shall be calculated to be reasonably equivalent to the cost of the transit system improvements required to address the impact of the new development. The ordinance may allow for a combination of partial payment of funds and partial construction of transportation infrastructure improvements if the Council determines that a combination is in the best interest of the citizens of the area to be served.
- (3) Any payments made by a developer shall be used by the Town to provide public transit capital improvements, including buses and bus

1 shelters, that will improve public transit service to the new
2 development or to provide roads or other transportation infrastructure
3 improvements that will serve the area of the new development."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 2724
PROPOSED COMMITTEE SUBSTITUTE H2724-CSRC-113 [v.3]

6/27/2006 7:29:15 PM

Short Title: Chapel Hill Transit System.

(Local)

Sponsors:

Referred to:

May 25, 2006

A BILL TO BE ENTITLED
AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO
PERMIT THE TOWN COUNCIL TO ACCEPT PAYMENTS IN LIEU OF
TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS FOR NEW
DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter V of the Charter of the Town of Chapel Hill, being Chapter 473 of the 1975 Session Laws, as amended by Chapter 936 of the 1985 Session Laws and Chapter 549 of the 1993 Session Laws, is amended by adding the following new section to read:

"Sec. 5.43. Public Transit System Payments.

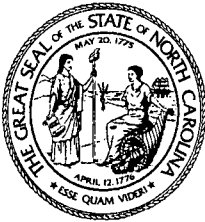
(a) The Town may adopt an ordinance to allow an applicant for development to offer, at the applicant's discretion, payments in support of the public transit system in lieu of providing transportation infrastructure improvements in order to satisfy a condition of approval of the proposed development. The ordinance may allow for both the payment of funds and the construction of transportation infrastructure improvements if the Council determines that a combination of payments and construction is in the best interest of the citizens of the area to be served.

(b) The ordinance shall provide for the following standards:

- (1) A traffic impact study demonstrates that the proposed new development in the Town or in the Town's extraterritorial planning jurisdiction is expected to place an increased demand on the transportation infrastructure.
- (2) The payments are calculated to be reasonably equivalent to the cost of the public transit system improvements required to address the impact of the new development.
- (3) The Town uses any payments made under this section to provide either or both of the following:

- 1 a. Public transit system capital improvements that will improve
2 public transit service to the new development.
3 b. Roads or other transportation infrastructure improvements that
4 will serve the area of the new development.
5 (c) As used in this section, the term "public transit system capital improvements"
6 includes buses and bus shelters."

7 **SECTION 2.** This act is effective when it becomes law.
8



HOUSE BILL 2724: Chapel Hill Transit System

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Reps. Insko, Hackney
Version: PCS to First Edition
H2724-CSRC-113

Date: June 27, 2006
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: *HB2724 authorizes the Town of Chapel Hill to adopt an ordinance to allow a developer to offer payments in support of the public transit system in lieu of making improvements to the transportation infrastructure. This option would be an alternative method for meeting a condition of approval of the proposed development.*

The Proposed Committee Substitute clarifies that the payment in lieu of improvements is optional and may be offered at the applicant's discretion. It also reorganizes the structure of the bill and uses consistent terminology.

The act would be effective when it becomes law.

CURRENT LAW: G.S. 160A-372(a) authorizes a municipality to adopt a subdivision control ordinance for the orderly growth and development of the city. Under G.S. 160A-372(b), the ordinance may require that an applicant for a subdivision must construct "community service facilities" as a condition of approval. The statute also provides that an applicant can be required to provide funds to be used by the municipality to build roads to serve the persons living in and visiting the proposed development.

BILL ANALYSIS: HB 2724 would authorize the Town of Chapel Hill to create a third option as a condition of approval for a subdivision proposal. In addition to the existing options of either making improvements to transportation infrastructure or making payments in lieu of improvements, the bill would allow the applicant to offer to make payments in support of the public transit system. The ordinance could allow for a combination of payments and construction of improvements if the Town Council determines that is in the best interest of the citizens in the area to be served.

The ordinance would have to provide for the following standards:

- A traffic impact study demonstrates that the development is expected to place an increased demand on the transportation infrastructure system.
- The payments are reasonably equivalent to the cost of the public transit system improvements needed to address the impact of the new development.
- The Town uses the payments to provide public transit system capital improvements that will improve the public transit service to the new development or to provide transportation infrastructure improvements serving the new development.
- The payments could be used to purchase buses or construct bus shelters.

H2724e1-SMRC-CSRC-113

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

SB 1310

A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF CRAMERTON AND THE CITY OF CHERRYVILLE TO THE MUNICIPALITIES IN WHICH LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

☒ With a favorable report as to the House 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/Senate) 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.

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

2

SENATE BILL 1310
Second Edition Engrossed 6/6/06

Short Title: Cramerton All-Terrain Vehicle Use. (Local)

Sponsors: Senator Hoyle.

Referred to: State and Local Government.

May 11, 2006

A BILL TO BE ENTITLED

AN ACT TO ADD THE TOWN OF CRAMERTON AND THE CITY OF
CHERRYVILLE TO THE MUNICIPALITIES IN WHICH LAW
ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES MAY OPERATE
UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED
LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2004-108, as rewritten by S.L. 2005-305,
reads as rewritten:

"SECTION 3. Section 1 of this act applies to the City of Albemarle and the Towns
of Beaufort, Southern Shores, and Mint Hill only. Section 2 of this act applies to the
Cleveland County and the Towns of Cramerton, Duck, Kill Devil Hills, Kitty Hawk,
Nags Head, and the City-Cities of Cherryville and Kings Mountain only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE BILL 1310
Second Edition Engrossed 6/6/06
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1310-CSRW-67 [v.1]

6/28/2006 9:35:09 AM

Short Title: Cleveland/Cherryville ATV Use.

(Local)

Sponsors:

Referred to:

May 11, 2006

A BILL TO BE ENTITLED

AN ACT TO ADD CLEVELAND COUNTY AND THE CITY OF CHERRYVILLE
TO THE AREAS IN WHICH LAW ENFORCEMENT OFFICERS AND
MUNICIPAL EMPLOYEES MAY OPERATE UNREGISTERED ALL-TERRAIN
VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES
PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2004-108, as rewritten by S.L. 2005-305 and
S.L. 2006-25, reads as rewritten:

"SECTION 3. Section 1 of this act applies to the City of Albemarle and the Towns
of Beaufort, Highlands, Southern Shores, and Mint Hill only. Section 2 of this act
applies to the Towns of Cramerton, Dallas, Duck, Kill Devil Hills, Kitty Hawk, Nags
Head, and the City-Cities of Cherryville and Kings Mountain and the County-Counties
of Cleveland and Currituck only. The term 'municipal employee' shall include
employees of a county."

SECTION 2. This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

SB 1348

A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN
DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF
DORTCHES.

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

(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/Senate) 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.

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is placed on the Unfavorable Calendar.

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Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S

1

SENATE BILL 1348

Short Title: Dortches Deannexation.

(Local)

Sponsors: Senator Swindell.

Referred to: State and Local Government.

May 15, 2006

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE
CORPORATE LIMITS OF THE TOWN OF DORTCHES.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Dortches:

Commencing at a magnetic nail located at the intersection of the centerlines of Benvenue Road (NC 43) and South Browntown Road (SR 1527); thence S 52°41'51"E 517.69 feet to an existing iron axle on the northern right-of-way of Benvenue Road, the southwest corner of Falls Road Baptist Church property, Tract A, Map Book 16 Page 391; thence along the common line between Falls Road Baptist Church and James E. Wells, Deed Book 1857 Page 805, N 04°41'26"E 172.85 feet to an iron pipe; thence along the common line between Falls Road Baptist Church and Janet D. Beabout, Deed Book 1674 Page 245, N 04°53'16"E 205.66 feet to an angle iron found; thence along the common line between Falls Road Baptist Church and property now or formerly owned by Sally L. Stancil, et al, N 05°00'54"E 466.60 feet to an iron pipe set, the POINT OF BEGINNING; thence continuing along the same line N 05°00'54"E 506.25 feet to an existing iron axle found, the northwest corner of Tract A, Map Book 16 Page 391; thence along the common line between the church and James R. Byrd and Cheryl D. Byrd, tenants in common, recorded in Deed Book 1900 Page 392, S 85°16'40"E 268.71 feet to an iron pipe set; thence along the existing jurisdictional boundary between the City of Rocky Mount and the town of Dortches a curve being concave to the right and having a radius of 7,900 feet and a chord bearing and distance of S 32°54'31"W 574.36 feet to the point of beginning and containing 1.61 acres and being a portion of Tract A, Map Book 16 Page 391, Stony Creek Township, Nash County Registry, as shown on map by Mack Gay Associates, P.A. November 7, 2005, Project Number P050335.

SECTION 2. This act shall have no effect upon the validity of any liens of the Town of Dortches for ad valorem taxes or special assessments outstanding before

1 the effective date of this act. Such liens may be collected or foreclosed upon after the
2 effective date of this act as though the property was still within the corporate limits of
3 the Town of Dortches.

4 **SECTION 3.** This act becomes effective June 30, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE BILL 1348
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1348-CSRW-66 [v.1]

6/27/2006 7:58:02 PM

Short Title: Dortches/Rutherford County Changes.

(Local)

Sponsors:

Referred to:

May 15, 2006

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORTCHES AND REPEALING THE LOCAL MODIFICATIONS OF G.S.153A-335 PERTAINING TO THE REGULATION OF SUBDIVISIONS IN RUTHERFORD COUNTY AND THEREBY SUBJECTING THE COUNTY TO FULL APPLICATION OF THE GENERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Dortches:

Commencing at a magnetic nail located at the intersection of the centerlines of Benvenue Road (NC 43) and South Browntown Road (SR 1527); thence S 52°41'51"E 517.69 feet to an existing iron axle on the northern right-of-way of Benvenue Road, the southwest corner of Falls Road Baptist Church property, Tract A, Map Book 16 Page 391; thence along the common line between Falls Road Baptist Church and James E. Wells, Deed Book 1857 Page 805, N 04°41'26"E 172.85 feet to an iron pipe; thence along the common line between Falls Road Baptist Church and Janet D. Beabout, Deed Book 1674 Page 245, N 04°53'16"E 205.66 feet to an angle iron found; thence along the common line between Falls Road Baptist Church and property now or formerly owned by Sally L. Stancil, et al, N 05°00'54"E 466.60 feet to an iron pipe set, the POINT OF BEGINNING; thence continuing along the same line N 05°00'54"E 506.25 feet to an existing iron axle found, the northwest corner of Tract A, Map Book 16 Page 391; thence along the common line between the church and James R. Byrd and Cheryl D. Byrd, tenants in common, recorded in Deed Book 1900 Page 392, S 85°16'40"E 268.71 feet to an iron pipe set; thence along the existing jurisdictional boundary between the City of Rocky Mount and the town of Dortches a curve being concave to the right and having a radius of 7,900 feet and a chord bearing

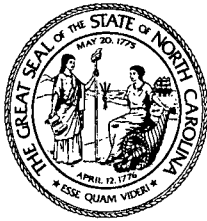
1 and distance of S 32°54'31"W 574.36 feet to the point of beginning and containing 1.61
2 acres and being a portion of Tract A, Map Book 16 Page 391, Stony Creek Township,
3 Nash County Registry, as shown on map by Mack Gay Associates, P.A. November 7,
4 2005, Project Number P050335.

5 **SECTION 2.** This act shall have no effect upon the validity of any liens of
6 the Town of Dortches for ad valorem taxes or special assessments outstanding before
7 the effective date of this act. Such liens may be collected or foreclosed upon after the
8 effective date of this act as though the property was still within the corporate limits of
9 the Town of Dortches.

10 **SECTION 3.** Sections 2 and 3 of Chapter 313 of the 1979 Session Laws are
11 repealed.

12 **SECTION 4.** Section 3 of this act applies to Rutherford County only.

13 **SECTION 5.** This act becomes effective June 30, 2006.



SENATE BILL 1348: Dortches Deannexation

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 27, 2006
Introduced by:	Sen. Swindell	Summary by:	Giles S. Perry
Version:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 1348 removes a described area from the Town of Dortches.*

CURRENT LAW: Under current law, only the General Assembly can remove or "deannex" areas from municipalities.

BILL ANALYSIS: Senate Bill 1348 removes a described area from the Town of Dortches.

The bill also provides that the deannexation shall have no effect on any liens of the Town for ad valorem taxes or special assessments outstanding before the effective date.

EFFECTIVE DATE: June 30, 2006.

S1348e1-SMRW

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☒ Senate Committee Substitute for

SB 1428

A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON
SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, AND TO ALLOW AN
ADVISORY REFERENDUM IN THE TOWN OF CLAYTON.

☒ With a favorable report, and recommendation that the Senate committee substitute bill be re-referred to the Committee on FINANCE.

(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

3

SENATE BILL 1428

Finance Committee Substitute Adopted 6/8/06

Third Edition Engrossed 6/19/06

Short Title: Various Satellite Annexations/Referendum.

(Local)

Sponsors:

Referred to:

May 17, 2006

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR
VARIOUS MUNICIPALITIES, AND TO ALLOW AN ADVISORY
REFERENDUM IN THE TOWN OF CLAYTON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b)(5) reads as rewritten:

"(b) A noncontiguous area proposed for annexation must meet all of the following
standards:

...

(5) The area within the proposed satellite corporate limits, when added to
the area within all other satellite corporate limits, may not exceed ten
percent (10%) of the area within the primary corporate limits of the
annexing city.

This subdivision does not apply to the Cities of Claremont,
Concord, Conover, Elizabeth City, Gastonia, Greenville, Hickory,
Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern,
Newton, Oxford, Randleman, Rockingham, Sanford, Salisbury,
Southport, Statesville, and Washington and the Towns of Angier,
Ayden, Benson, Bladenboro, Burgaw, Calabash, Catawba, Clayton,
Columbia, Creswell, Dallas, Dobson, Fuquay-Varina, Garner, Godwin,
Holly Ridge, Holly Springs, Kenly, Knightdale, Landis, Leland,
Louisburg, Maggie Valley, Maiden, Mayodan, Midland, Mocksville,
Morrisville, Pembroke, Pine Level, Princeton, Ranlo, Rolesville,
Rutherfordton, Shallotte, Smithfield, Spencer, Surf City, Swansboro,
Taylorsville, Troy, Wallace, Warsaw, Waynesville, Wendell, Windsor,
Yadkinville, and Zebulon."

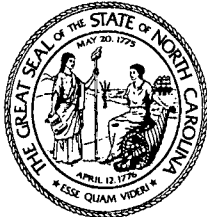
SECTION 2. The Clayton Town Council may, by resolution, direct the
Johnston County Board of Elections to conduct prior to January 1, 2008, an advisory

1 referendum on whether the Town should consider amending the manner by which
2 voters elect Council members. The referendum shall be conducted in accordance with
3 Chapter 163 of the General Statutes. The form of the question to be presented on a
4 ballot for such a referendum shall be:

5 "Should the Clayton Town Council consider amending the manner by which
6 voters elect Council members by designating that some members are elected from
7 voting districts to be drawn by the Town Council and other members are elected at
8 large?

9 [] YES [] NO"

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



SENATE BILL 1428: Various Satellite Annexations/Referendum

BILL ANALYSIS

Committee:	House Local Government II	Date:	June 26, 2006
Introduced by:	Sen. Soles	Summary by:	Giles S. Perry
Version:	Third Edition		Committee Counsel

SUMMARY: *Senate Bill 1428 removes the 10% area cap for voluntary noncontiguous "satellite" annexations by the Towns of Burgaw, Clayton, Dobson, Princeton, and Yadkinville; and authorizes an advisory referendum in Clayton.*

CURRENT LAW: Under current law, municipalities are authorized to voluntarily annex noncontiguous "satellite" areas, as long as the total of all satellite areas does not exceed 10% of the area within the primary corporate limits of the annexing municipality.

BILL ANALYSIS: Section 1 of Senate Bill 1428 adds the Towns of Burgaw, Clayton, Dobson, Princeton, and Yadkinville to a list of 63 cities and towns that are exempted from the current 10% area cap on satellite annexations.

Section 2 of Senate Bill 1428 authorizes the Town of Clayton to conduct an advisory referendum prior to January 1, 2008 on changing how its Town Council is elected to a system with both district and at-large members.

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

S1428e3-SMRW

VISITOR REGISTRATION SHEET

LOCAL GOV'T #1

Name of Committee

6/28/06

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Johanna Reese

DOT

BRUCE THOMPSON

PARKER POW

Lui Hodge

KCLH

Tim Fuller

Town of Kure Beach

DAVID BONK

Town of Chapel Hill

Kevin Foy

Mayor - Chapel Hill

Jim Doherty

Dany Miskin

Capitol

Leah Friedman

News + Observer

Kevin Leonard

WCSR

ANTHONY BROWN

NCAEE

Paul Mayer

NCAEE

Andy Romanit

NCLM

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Thursday, July 6, 2006

1:30 p.m.

House Chamber Floor

The Local Government II Committee met on Thursday, July 6, 2006, at 1:30 p.m. on the House Chamber Floor of the Legislative Building. Representatives present included Jones and Walker (Chairs), Carney, L. Allen, Brown, Frye, Jeffus, Justice, Wilkins, and Rapp.

Chairman Earl Jones called this meeting unscheduled at his chamber desk in order to hear *HB 2682, New Hanover County Infrastructure Referendum*. Representative Earl Jones then recognized Rep. McComas, the primary sponsor, to discuss *HB 2682*. The committee gave their verbal approval to a favorable report and recommendation that the bill be re-referred to the committee on Finance, and the motion carried.

The committee adjourned.



Representative Earl Jones, Presiding Co-Chair



Kelli Reed, Committee Assistant

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2682 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A
REFERENDUM ON TRANSPORTATION AND SEWER NEEDS IN NEW HANOVER
COUNTY.

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

(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 2682

Short Title: New Hanover County Infrastructure Referendum. (Local)

Sponsors: Representatives McComas, Wright, and Justice (Primary Sponsors).

Referred to: Local Government I, if favorable, Finance.

May 25, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE A REFERENDUM ON TRANSPORTATION AND
3 SEWER NEEDS IN NEW HANOVER COUNTY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** This act applies only to New Hanover County.

6 **SECTION 2.** Short title; purpose. – This act is the New Hanover County
7 Sewer and Transportation Infrastructure Referendum Act. This act gives New Hanover
8 County an opportunity to improve infrastructure without having to raise property tax
9 rates. These improvements include the construction of transportation projects and
10 improving failing sewer infrastructure located within the County. It provides New
11 Hanover County with authority to levy sales and use taxes for these purposes.

12 **SECTION 3.** Definitions. – The definitions in G.S. 105-164.3 and the
13 following definitions apply in this act:

14 (1) Net proceeds. – Gross proceeds less the cost of administering and
15 collecting the tax.

16 (2) Sewer infrastructure. – The system of pipes, conduits, pumping
17 stations, force mains, and necessary appurtenances for collecting and
18 conveying wastewater to a designated wastewater treatment facility or
19 to another sewer system.

20 (3) Transportation improvement projects. – The highway projects to be
21 accelerated with the revenue collected pursuant to this act are the
22 following:

23 a. U-4434 – Independence Boulevard Extension.

24 b. Construction on U-4751 – SR 1409 (Military Cutoff Road) to
25 the Wilmington Bypass (R-2405).

26 c. Construction on R-4708 – US 421 (Lake Park Boulevard) in
27 Carolina Beach to US 421 (Fort Fisher Boulevard) in Kure
28 Beach.

1 **SECTION 4.** Local election on adoption of sales and use tax. – (a)
2 Resolution. – The Board of Commissioners shall direct the county board of elections to
3 conduct an advisory referendum within the county on the following two questions: (1)
4 whether a local sales and use tax at the rate of one-half percent (1/2%) may be levied in
5 accordance with this act and (2) whether an additional local sales and use tax not greater
6 than one-half percent (1/2%), at a rate equal to the difference between four and one-half
7 percent (4 1/2%) and the rate authorized by G.S. 105-164.4(a) if that rate is reduced
8 below four and one-half percent (4 1/2%) before July 1, 2007, may be levied in
9 accordance with this act. The election shall be held on November 7, 2006, and shall be
10 held in accordance with the procedures of G.S. 163-287. The Board of Commissioners
11 shall hold a public hearing on the question at least 30 days before the date the election is
12 to be held.

13 **SECTION 4.(b)** Ballot question. – The question to be presented on a ballot
14 for a special election concerning the levy of a tax authorized by this section shall be in
15 the following form:

16 **"[] FOR [] AGAINST**

17 One-half percent (1/2%) local sales and use tax, in addition to the current two and
18 one-half percent (2 1/2%) local sales and use taxes, to be used only for the improvement
19 of county sewer infrastructure and the construction of the following transportation
20 improvement projects: (1) U-4434 – Independence Boulevard Extension, (2) U-4751 –
21 SR 1409 (Military Cutoff Road) to the Wilmington Bypass (R-2405), and (3) R-4708 –
22 US 421 (Lake Park Boulevard) in Carolina Beach to US 421 (Fort Fisher Boulevard) in
23 Kure Beach."

24 **SECTION 4.(c)** Ballot question on additional local sales and use tax. – The
25 question to be presented on a ballot for a special election concerning the levy of the
26 additional tax authorized by this section shall be in the following form:

27 **"[] FOR [] AGAINST**

28 An additional local sales and use taxes not greater than one-half percent (1/2%), at a rate
29 equal to the difference between four and one-half percent (4 1/2%) and the rate
30 authorized by G.S. 105-164.4(a) if that rate is reduced below four and one-half percent
31 (4 1/2%) before July 1, 2007, in addition to the current local sales and use taxes, to be
32 used only for the improvement of county sewer infrastructure and the construction of
33 the following transportation improvement projects: (1) U-4434 – Independence
34 Boulevard Extension, (2) U-4751 – SR 1409 (Military Cutoff Road) to the Wilmington
35 Bypass (R-2405), and (3) R-4708 – US 421 (Lake Park Boulevard) in Carolina Beach to
36 US 421 (Fort Fisher Boulevard) in Kure Beach."

37 **SECTION 5.** Levy of sales and use tax. – If the majority of those voting in a
38 referendum held pursuant to Section 4 of this act vote for the levy of those taxes, the
39 Board of Commissioners may, by resolution, levy the additional local sales and use
40 taxes, as permitted by this act, in addition to any other State and local sales and use
41 taxes levied pursuant to law. Notwithstanding the provisions of G.S. 105-466, the rate
42 change may become effective January 1, 2007.

43 A tax levied under this act does not apply to the sales price of food that is
44 exempt from tax pursuant to G.S. 105-164.13B.

1 **SECTION 6.** Distribution. – The Secretary shall, on a quarterly basis,
2 allocate to New Hanover County the net proceeds of any tax levied under this act.

3 **SECTION 7.** Funds reserved to the Infrastructure Improvement Fund. –
4 New Hanover County shall establish the Infrastructure Improvement Fund to receive the
5 net proceeds of a tax levied under this act. The funds in the Infrastructure Improvement
6 Fund shall be used only in accordance with this act.

7 **SECTION 8.** Use and limitation. – New Hanover County shall use one-half
8 of the net proceeds distributed to it under this act to participate in the right-of-way and
9 construction costs associated with the transportation improvement projects only. New
10 Hanover County shall use the remaining net proceeds to improve sewer infrastructure
11 located within the County. Upon the completion of the transportation improvement
12 projects, all net proceeds under this act shall be used for improvements to sewer
13 infrastructure located within the County. In funding sewer infrastructure improvements,
14 the County shall give priority to projects necessary to repair failing sewer infrastructure
15 and prevent sanitary sewer overflows, including but not limited to replacement of
16 failing sewer lines, extension of sewer lines to areas with failing subsurface waste
17 systems, construction of parallel or replacement lines to provide adequate sewer
18 capacity, and replacement of pump stations.

19 **SECTION 9.** Administration. – Except as provided in this act, the adoption,
20 levy, collection, administration, and repeal of these additional taxes shall be in
21 accordance with Article 39 of this Chapter. In applying the provisions of Article 39 of
22 Chapter 105 of the General Statutes to this act, references to "this Article" mean "this
23 act."

24 **SECTION 10.** No TIP disadvantage for participation. – If New Hanover
25 County participates in the right-of-way acquisition and construction of the
26 transportation improvement projects, the Department of Transportation shall ensure that
27 the County's participation does not cause any disruption to or delay of a project that is in
28 the Transportation Improvement Program and approved by the Board of Transportation
29 pursuant to G.S. 143B-350(f)(4) and that is located in New Hanover County.

30 **SECTION 11.** Lump sum or unit price contracts. – A tax levied under this
31 act does not apply to construction materials purchased to fulfill a lump sum or unit price
32 contract entered into or awarded before the effective date of the levy or entered into or
33 awarded pursuant to a bid made before the effective date of the levy when the
34 construction materials would otherwise be subject to the tax levied under this act.

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

AGENDA

HOUSE COMMITTEE ON LOCAL GOVERNMENT II

Representative Jones, Presiding Chair

Representative Walker, Co- Chair

July 12, 2006

Room 425

10:00 a.m.

OPENING REMARKS

Representative Jones

Representative Walker

Local Government II Committee Members

AGENDA ITEMS

- | | |
|---------|--|
| HB 2402 | DURHAM FAIR HOUSING COMPLAINTS
Representative Wilkins, Jr. |
| HB 2468 | REGULATION OF GOLF CARTS IN CLARKTON
Representative Nye |
| HB 2591 | BLADEN CO. SCHOOLS MAY CONVEY PROPERTY
Representative Nye |
| HB 2662 | MORVEN MAYORAL AND COUNCIL TERMS
Representative Gibson, III |
| HB 2687 | SALE OF DRUGS NEAR PARKS/ INCREASE PENALTY
Representative Stiller |
| HB 2716 | COLUMBUS COUNTY PRECINCTS
Representative Hill |
| HB 2688 | KURE BEACH/BLDG. HEIGHT LIMIT
Representative McComas and Justice |
| SB 1217 | KURE BEACH/BLDG. HEIGHT LIMIT
Senator Boseman |
| SB 1841 | CHARLOTTE CIVIL SERVICE BOARD
Senator Graham |

MINUTES

LOCAL GOVERNMENT II COMMITTEE

Wednesday, July 12, 2006

10:00 a.m.

Room 425, Legislative Office Building

The Local Government II Committee met on Wednesday, July 12, 2006, at 10:00 a.m. in Room 425 of the Legislative Office Building. Representatives present included Jones and Walker (Chairs), Carney, Rayfield, L. Allen, Brown, Church, Frye, Jeffus, Justice, Langdon, Steen, Wilkins, Womble and Rapp. Legislative Staff in attendance included Giles Perry, Kory Goldsmith and Joe Moore. The original Visitor Registration Sheet is attached to these minutes as *Attachment 1*.

Chairman Earl Jones presided over the meeting. He welcomed the pages, committee members and introduced the committee staff and each committee member.

Representative Earl Jones acknowledged that items *HB 2662 Morven Mayoral and Council Terms*, *HB 2716 Columbus County Precincts*, and *SB 1217 Kure Beach/Bldg. Height Limit*, of the agenda had been pulled that morning at the request of the bill sponsors.

Representative Earl Jones then recognized Rep. Wilkins, Jr. to introduce *HB 2402 Durham Fair Housing Complaints*. Representative Womble moved that the House PCS for *HB 2402* be adopted and placed before the committee for discussion. The motion carried. Rep. Wilkins briefly described *HB 2402* as amending the Durham City Charter to allow housing complaints to the Durham Human Relations Commission on behalf of citizens. Rep. Womble moved for a favorable report of the House Committee Substitute, unfavorable to the original bill- *HB 2402*. The committee gave their verbal approval and the motion carried.

Rep. Jones then welcomed Rep. Nye to present *HB 2468 Regulation of Golf Carts in Clarkton*, which Rep. Nye explained would regulate electric golf carts on public roads and streets in the town. Rep. Church moved that *HB 2468* be given a favorable report. The committee gave their verbal approval and the motion carried.

Rep. Nye remained to discuss *HB 2591 Bladen Co. Schools May Convey Property*, which he explained would allow the school system to dispose of real or personal property as municipalities do. Rep. Carney moved that *HB 2591* be given a favorable report. The committee gave their verbal approval and the motion carried.

Rep. Jones recognized Rep. Stiller to explain *HB 2687 Sale of Drugs Near Parks/ Increase Penalty*, which Rep. Stiller explained would make the penalty for drug sales in local parks the same as the penalty for selling drugs on school grounds. Rep. Wilkins and

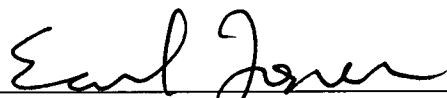
Carney asked several questions about the clarity of enforcing the Class E Felony as such a penalty. Giles Perry, staff clarified that a Class E felony includes to sell or deliver controlled substances within 300 feet of a school. Rep. Wilkins commented that he is in support of the spirit of this bill but would like to be kept informed about the implications of the Class E Felony penalty. Rep. Womble asked why the bill applies to those 21 years and older, and Rep. Stiller answered that it considered the young and dumb, who have not made it a life's decision to distribute drugs, but may be experimenting and still have potential to be law abiding citizens. Rep. Frye made the motion for a favorable report. The committee gave their verbal approval and the motion carried.

Rep. Jones introduced Rep. McComas and Justice to present *HB 2688, Kure Beach/ Bldg. Height Limit*, which produced a crowd of supporters and opposition recorded on the visitors log, *Attachment 2*. Rep. Justice moved to accept the Proposed Committee Substitute for discussion and the motion passed. Rep. Rapp moved to adopt the amendment, which would be incorporated into *HB 2688*. Kory Goldsmith explained that the PCS makes the House bill just like the Senate companion and the amendment adds a 64 foot height limit to the city of Hendersonville subject to a referendum.

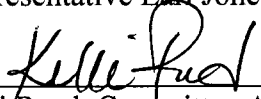
Rep. Jones introduced Senator Berger to discuss *SB 1444, Rockingham County Airport Authority*. Rep. Carney moved for a favorable report. The committee gave their verbal approval and the motion carried.

Finally, Rep. Jones introduced Senator Graham to discuss *SB 1841, Charlotte Civil Service Board*. Kory Goldsmith explained that there was an amendment to this bill. Rep. Carney moved to adopt the amendment and the motion passed. Rep. Rapp made a motion for a favorable report to the bill as amended, and rolled into a committee substitute. The committee gave their verbal approval and the motion carried.

The committee adjourned.



Representative Earl Jones, Presiding Co-Chair



Kelli Reed, Committee Assistant

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2402

A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER
OF THE CITY OF DURHAM TO ALLOW FAIR HOUSING ORGANIZATIONS TO FILE
COMPLAINTS WITH THE CITY'S HUMAN RELATIONS COMMISSION.

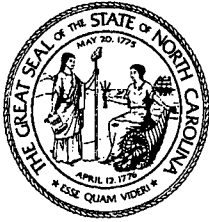
☒ With a favorable report as to the committee substitute bill, which changes the title,
unfavorable as to the original bill.

(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/Senate) 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.



HOUSE BILL 2402: Durham Fair Housing Complaints

BILL ANALYSIS

Committee:	House Local Government II	Date:	July 11, 2006
Introduced by:	Reps. Wilkins, Michaux, Miller, Luebke	Summary by:	Steven Rose
Version:	PCS to First Edition		Committee Counsel
	S1442-CSRL		

SUMMARY: *The PCS for HB 2402 amends the Durham City Charter to allow a fair housing enforcement organization to file a complaint with a committee designated by the city pursuant to 42 U.S.C. § 3602 (1968) (the Durham Human Relations Commission), on behalf of a person who claims they were discriminated against under the city charter's fair housing provisions.*

EFFECTIVE DATE: When it becomes law.

BACKGROUND: This provision is identical to the provision placed in the statutes governing the State Human Relations Commission in 2003. (S.L. 2003-136; G.S. 41A-7(a))

H2402e1-SMRL-CSRL

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

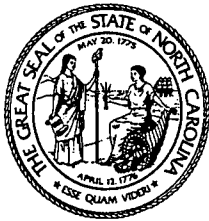
HB 2468 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF
CLARKTON TO REGULATE GOLF CARTS.

☒ 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 _____.



HOUSE BILL 2468: Regulation of Golf Carts in Clarkton

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Nye
Version: First Edition

Date: July 6, 2006
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 2468 authorizes the Town of Clarkton to regulate the operation of electric golf carts on public streets and roads within the Town.*

CURRENT LAW: Under current law, vehicles intended to be operated on the streets and highways of the State must be registered (G.S. 20-50). Golf carts may not be registered (G.S. 20-54), and therefore may not operate on the streets and highways. G.S. 20-4.01(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

BILL ANALYSIS: House Bill 2468 authorizes the Town of Clarkton, notwithstanding G.S. 20-50 and G.S.20-54, to regulate the operation of electric golf carts on any public street or road within the town.

Specifically, the bill authorizes Clarkton to adopt an ordinance to

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

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

BACKGROUND: Similar laws have been enacted for several other municipalities in the State.

H2468e1-SMRW

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 2468

Short Title: Regulation of Golf Carts in Clarkton. (Local)

Sponsors: Representative Nye.

Referred to: Local Government II.

May 24, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE TOWN OF CLARKTON TO REGULATE GOLF
3 CARTS.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** Section 3 of S.L. 2005-11 reads as rewritten:
6 "SECTION 3. Section 1 of this act applies only to the Towns of Clarkton,
7 Elizabethtown, Rose Hill and Bladenboro. Section 2 of this act applies only to Moore
8 County."
9 **SECTION 2.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

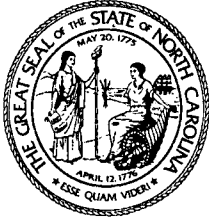
HB 2591 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE BLADEN
COUNTY SCHOOLS TO CONVEY PROPERTY.

☒ 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 _____.



HOUSE BILL 2591: Bladen Co. Schools May Convey Property

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Nye
Version: First Edition

Date: July 10, 2006
Summary by: Steven Rose
Committee Counsel

SUMMARY: *HB 2591 authorizes the Board of Education of the Bladen County Schools to convey a specific piece of real property to the Lower Bladen Community Citizens Group, with or without monetary consideration and without fulfilling the requirements of G.S. 115C-518.*

CURRENT LAW: G.S. 115C-518 authorizes local boards of education to dispose of real or personal property using the same procedures as municipalities, pursuant to Article 12 of Chapter 160A of the General Statutes. G.S. 115C-518 also requires that real property first be offered to the county commissioners of the county in which the property is located before a sale can be completed.

BILL ANALYSIS: The bill would eliminate the requirements of G.S. 115C-518 for this piece of real property to be conveyed to this particular entity.

EFFECTIVE DATE: When it becomes law.

H2591e1-SMRL

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 2591

Short Title: Bladen Co. Schools May Convey Property. (Local)

Sponsors: Representative Nye.

Referred to: Local Government II.

May 25, 2006

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE BLADEN COUNTY SCHOOLS TO CONVEY
3 PROPERTY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Notwithstanding the provisions of G.S. 115C-518, the Board
6 of Education of the Bladen County Schools may convey to Lower Bladen Community
7 Citizens Group, with or without monetary consideration, all of its rights, title, and
8 interest to the Natmore School property, which is also known as the Kelly Community
9 Building.

10 **SECTION 2.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

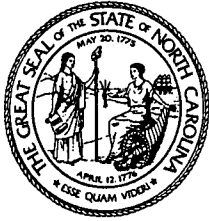
HB 2687 A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY
IN BRUNSWICK COUNTY FOR THE ILLEGAL SALE OF DRUGS IF THE TRANSACTION
OCCURS IN OR NEAR A PUBLIC PARK.

☒ 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 _____.



HOUSE BILL 2687: Sale of Drugs Near Parks/Increase Penalty

BILL ANALYSIS

Committee: House Local Government II
Introduced by: Rep. Stiller
Version: First Edition

Date: July 7, 2006
Summary by: Giles S. Perry
Committee Counsel

SUMMARY: *House Bill 2687 changes the drug laws as they apply to parks in Brunswick County.*

CURRENT LAW: G.S. 90-95 (a)(1) prohibits the manufacture, sale, delivery, or the possession with intent to manufacture, sell, or delivery, of a controlled substance. A violation of G.S. 90-95 (a)(1) is a Class G, H, or I felony, except for manufacture of methamphetamine, which is a Class C felony.

BILL ANALYSIS: House Bill 2687 makes a violation of G.S. 90-95(a)(1) a Class E felony, if the offense is committed by a person 21 years of age or older on property that is a public park or within 300 feet of a public park in Brunswick County.

EFFECTIVE DATE: This act becomes effective December 1, 2006, and applies to offenses committed on or after that date.

H2687e1-SMRW

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 2687

Short Title: Sale of Drugs Near Parks/Increase Penalty. (Local)

Sponsors: Representatives Stiller; Capps, Frye, Justice, Kiser, and Wray.

Referred to: Local Government II.

May 25, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PENALTY IN BRUNSWICK COUNTY FOR THE
3 ILLEGAL SALE OF DRUGS IF THE TRANSACTION OCCURS IN OR NEAR A
4 PUBLIC PARK.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-95(e) is amended by adding a new subdivision to read:

7 "(11) Any person 21 years of age or older who commits an offense under
8 G.S. 90-95(a)(1) on property that is a public park or within 300 feet of
9 the boundary of real property that is a public park shall be punished as
10 a Class E felon. For purposes of this subdivision, the transfer of less
11 than five grams of marijuana for no remuneration shall not constitute a
12 delivery in violation of G.S. 90-95(a)(1)."

13 **SECTION 2.** This act applies only to Brunswick County.

14 **SECTION 3.** This act becomes effective December 1, 2006, and applies to
15 offenses committed on or after that date.

**2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

HB 2688 A BILL TO BE ENTITLED AN ACT TO LIMIT THE HEIGHT OF
STRUCTURES IN THE TOWN OF KURE BEACH AND TO ALLOW EXCEPTIONS TO
THE HEIGHT LIMIT UPON APPROVAL BY REFERENDUM.

☒ 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 2688*

Short Title: Kure Beach/Bldg. Height Limit. (Local)

Sponsors: Representatives McComas; and Justice.

Referred to: Local Government I.

May 25, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF KURE
3 BEACH AND TO ALLOW EXCEPTIONS TO THE HEIGHT LIMIT UPON
4 APPROVAL BY REFERENDUM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** No building erected within the corporate limits of the Town of
7 Kure Beach may have a height in excess of 35 feet above ground level unless:

- 8 (1) The building was erected before the effective date of this act; or
9 (2) Subject to the approval of the qualified voters of the Town of Kure
10 Beach, the Town Council adopts an ordinance granting an exception to
11 the height limit.

12 **SECTION 2.** Upon receipt of a petition bearing the signatures and residence
13 addresses of ten percent (10%) of the qualified voters of the Town, the Town Council
14 shall direct the New Hanover County Board of Elections to conduct a referendum on the
15 question of whether an exception to the height limitation imposed by this act should be
16 granted. The election shall be held on the date of the next regularly scheduled election
17 in New Hanover County that is at least 60 days after the receipt of the petition. The
18 form of the question to be presented on the ballot concerning an exception to the height
19 limit shall be:

20 "[] FOR [] AGAINST

21 Adoption of the ordinance to grant an exception to the height limit of 35 feet
22 above ground level for buildings in the Town of Kure Beach, as follows: (describe the
23 effect of the ordinance, including the proposed change in the building height limit and
24 the specific geographic area in the Town in which the change would apply)." The ballot
25 shall not propose alternatives to the height limit or geographical location proposed in
26 the petition.

27 If a majority of those voting in the referendum held pursuant to this act vote
28 in favor of the adoption of the ordinance, the ordinance shall be effective pursuant to its
29 terms.

1 **SECTION 3.** The height limitation created by Section 1 of this act does not
2 apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other
3 appurtenances usually required to be placed above the roof level and not intended for
4 human occupancy.

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



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT

Bill _____

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

_____ALB-197 [v.1]

Page 1 of 2

Date _____, 2006

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

Senator _____

1 moves to amend the bill on page __, line __, by adding the following "AND TO LIMIT
2 THE HEIGHT OF STRUCTURES IN THE CITY OF HENDERSONVILLE

3
4 further moves to amend the bill on page __, line __ by adding the following between lines
5 _ and _:

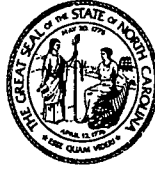
6 "SECTION __.(a) The maximum building height on any building within the
7 corporate limits of the City of Hendersonville shall not exceed 64 feet. For purposes of
8 this section, building height shall mean the vertical distance measured from the average
9 grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof,
10 or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.
11 The height limitation created by this subsection does not apply to spires, belfries,
12 cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually
13 required to be placed above the roof level and not intended for human occupancy. No
14 variance to this subsection may be granted. This subsection does not apply to buildings
15 erected prior to the effective date of this section.

16 SECTION __.(b) The Henderson County Board of Elections shall conduct a
17 referendum on subsection (a) of this section. The election shall be held on November 6,
18 2006. The form of the question to be presented on the ballot shall be:

19 "[] FOR [] AGAINST

20 Height limit of 64 feet for buildings in the City of Hendersonville."

21 If a majority of those voting in the referendum held pursuant to this act vote
22 in favor of the question, subsection (a) of this section shall remain in effect. If a
23 majority of those voting in the referendum do not vote in favor of the question,
24 subsection (a) of this section is repealed upon certification of the election results."
25



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT**

Bill _____

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

_____ALB-197 [v.1]

Page 2 of 2

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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

SB 1444 A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF
THE ROCKINGHAM COUNTY AIRPORT AUTHORITY AND PROVIDE FOR THREE-
YEAR TERMS FOR ALL BOARD MEMBERS.

☒ 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

1

SENATE BILL 1444

Short Title: Rockingham County Local Act-2. (Local)

Sponsors: Senator Berger of Rockingham.

Referred to: Rules and Operations of the Senate.

May 17, 2006

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** This act relates to Rockingham County only.
5 **SECTION 2.** This act 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 Jones, Walker (Chairs) for the Committee on LOCAL
GOVERNMENT II.

☐ Committee Substitute for

SB 1841 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER
OF THE CITY OF CHARLOTTE CONCERNING THE CIVIL SERVICE BOARD.

☒ With a favorable report as to the House 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/Senate) 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.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 1841

Short Title: Charlotte Civil Service Board.

(Local)

Sponsors: Senator Graham.

Referred to: State and Local Government.

May 24, 2006

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE
3 CONCERNING THE CIVIL SERVICE BOARD.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 4.61 of Article III of Chapter 4 of the Charter of the
6 City of Charlotte, being S.L. 2000-26, as amended, reads as rewritten:

7 "Section 4.61. **Civil service Board; board; Membership, Powers and Duties.** (a)
8 Establishment. There is hereby continued a ~~civil service~~ Civil Service Board for the City
9 of Charlotte, to consist of ~~five members and two alternates; three~~ seven members; four
10 ~~members and one alternate~~ to be appointed by the Council and ~~two~~ three members and
11 ~~one alternate~~ to be appointed by the Mayor. Each member shall serve for a term of three
12 years. In case of a vacancy on the Board, the Council or the Mayor, as the case may be,
13 shall fill such vacancy for the unexpired term of said member. For the purposes of
14 establishing a quorum of the Board, ~~any combination of Board members and alternates~~
15 ~~totaling three~~ four members shall constitute a quorum. All Board members and alternates
16 shall attend regular meetings for the purposes of meeting attendance policy and
17 familiarity with Board business and procedures. ~~Alternates shall attend hearings when~~
18 ~~needed due to scheduling conflicts of regular Board members and shall vote only when~~
19 ~~serving in the absence of a regular Board member.~~ Attendance at meetings and
20 continued service on the Board shall be governed by the attendance policies established
21 by the Council. Vacancies resulting from a member's failure to attend the required
22 number of meetings or hearings shall be filled as provided herein."

23 **SECTION 2.** An individual appointed by the Council or Mayor prior to
24 January 1, 2007, to serve as an alternate on the Civil Service Board shall automatically
25 become a member of the Civil Service Board for the remainder of the individual's
26 unexpired term as an alternate.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

)

Sen.)

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE

3 by _____

4 _____

5 _____

6 _____

7 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Local Reg Gov't
Name of Committee

7/12/06
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Judy McConnell	IOG
Cameron Contrizano	Daily Bulletin
William McGee	Kure Beach
Richard McGee	" "
John Armstrong	" "
GAYLARD KRAUS	KURE BEACH
MYRNA KRAUS	" "
Marti Fuller	Kure Beach
Debbie Price	"
Ron Eccleston	" "
LORE Eccleston	Kure Beach
PATRICIA BLASKO	KURE BEACH
MICHAEL BLASKO	" "
Ken WITHROW	" "
PATRICK J SMITH	KURE BEACH
JAMES C. SMITH	" "
Priscilla Smith	Kure Beach
CHARLOTTE Forrest	Kure BEACH
THOMAS FORREST	Kure BEACH
Maurice Blanchard	Kure Beach
David Cranford	AIA NC
Rick Zechini	NCAR
Lisa Martin	NC Home Builders Assoc.
Alastair Macaulay	NCHBA
Jamie Fitzgerald	NCFBC
Lauren Roberts	NCFBC

9.

7/12/56 *Continued*
Date (Page 2)
E ASSISTANT

Dated

(Page 2)

FIRM OR AGENCY

Jack
Wacker's
Rockies