

**2005**

**SENATE  
STATE & LOCAL  
GOVERNMENT**

**COMMITTEE  
MINUTES**

## ATTENDANCE

Committee: State and Local Government - 2005[illegible]

## State and Local Government Committee

### 2005 Membership

<u>SENATOR</u>	<u>CLERK</u>	<u>ROOM</u>	<u>PHONE</u>
Senator Robert Holloman, Co-Chair	Irma Avent-Hurst	623 LOB	5-3032
Senator Don East, Co-Chair	Helen Long	1120 LB	3-5743
Senator Katie Dorsett, Vice Chair	Joyce Hodge	2106 LB	5-3042
Senator Fletcher Hartsell, Ranking Minority Member	Gerry Johnson	518 LOB	3-7223
Charles W. Albertson	Cindy Davis	525 LOB	3-5705
Robert Atwater	Carol Resar	522 LOB	5-3036
Phillip E. Berger	Barbara Eldridge Joel Raupe Virginia Hebert	1121 LB	3-5708
Douglas Berger	Linda Laton	622 LOB	5-8363
Julia Boseman	Dot Waugaman	1119 LB	5-2525
Daniel G. Clodfelter	Wanda Joyner	408 LOB	5-8331
John A. Garwood	Phyllis Porter	1118 LB	3-5742
Malcolm Graham	Owen Pollock	1113 LB	3-5650
Hamilton C. Horton, Jr.	Genie Clark	1117 LB	3-7850
Keith Presnell	Rhonda Todd	2111 LB	3-3460
Fred Smith	Blair Keen	520 LOB	3-5748
R.C. Soles, Jr.	Janet Blalock Joan Leatherman	2022 LB	3-5963
Richard Stevens	Kleist Rhodes	515 LOB	3-5653
David F. Weinstein	Dee Bagley	2108 LB	3-5651
<b>Staff:</b>			
Barbara Riley, Counsel		545 LOB	3-2578
Hal Pell, Counsel		201CC	3-2578
Theresa Matula, Legislative Analyst		545 LOB	3-2578
<b>Committee Assistants:</b>			
Irma Avent-Hurst		623 LOB	5-3032
Helen Long		1120 LB	3-5743

North Carolina General Assembly  
Through Senate Committee on  
State and Local Government

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Leg. Day: H-125/S-126

2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0022	Wright	ZONING/WILMINGTON PERMITTED USES.	*S Re-ref Com On Rules and Operations of the Senate	03-16-05	06-22-05
H0075	Crawford	JUNKED/ABANDONED VEHICLES.	*SR Ch. SL 2005-10	03-07-05	03-16-05
H0196	Crawford	MUNICIPAL WEEDED LOT ORDINANCE.	*SR Ch. SL 2005-175	05-26-05	06-30-05
H0218	Bell	CLINTON ABC NET PROCEEDS DISTRIBUTION.	*SR Ch. SL 2005-5	03-21-05	03-30-05
H0231	Tolson	ST. CONTROLLER/ COMPLIANCE REVIEW/ PUB. RECORDS.	*SR Ch. SL 2005-65	04-05-05	05-10-05
H0328	Culpepper	OMNIBUS LOCAL LAWS	*SR Ch. SL 2005-305	06-06-05	08-11-05
H0489	Weiss	PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS	*SR Ch. SL 2005-41	03-29-05	04-21-05
H0570	Moore	KINGS MOUNTAIN ABC BOARD PROFIT DISTRIBUTION.	SR Ch. SL 2005-73	04-25-05	06-01-05
H0601	Sauls	CAROLINA LAKES MOTOR VEHICLE REGULATION.	*SR Ch. SL 2005-260	06-02-05	08-10-05
H0635	Jones	PUBLIC COMMENT AT LOCAL BOARD MEETINGS.	*SR Ch. SL 2005-170	05-31-05	06-29-05
H0699	Owens	STATE PROP./GOV OPS NOTICE.-AB	*SR Ch. SL 2005-39	04-14-05	04-20-05
H0798	Lewis	REPEAL HARNETT COUNTY FOX HUNTING LAW.	SR Ch. SL 2005-28	04-14-05	05-04-05
H0800	Glazier	STATE CONTRACTS/ REPORT OUTSOURCING.	*SR Ch. SL 2005-169	05-17-05	06-29-05
H0807	Warren	FARMVILLE PRIVATE SALE.	*SR Ch. SL 2005-29	04-07-05	05-04-05
H0811	Williams	AMEND PITT COUNTY HUNTING LAW.	SR Ch. SL 2005-42	04-14-05	05-11-05
H0820	Wilkins	AMEND PERSON FOX TRAPPING.	*SR Ch. SL 2005-262	05-17-05	08-10-05
H0825	Tucker	INCREASE KENANSVILLE ABC BOARD MEMBERS.	*SR Ch. SL 2005-13	04-05-05	04-20-05
H0826	Gibson	ANSONVILLE WEEDED LOT ORDINANCE.	S Re-ref Com On Rules and Operations of the Senate	04-14-05	05-16-05
H0827	Stiller	TOWN OF CASWELL BEACH- REGULATE GOLF CARTS.	SR Ch. SL 2005-58	04-14-05	05-19-05
H0829	Capps	DISPLAY OF OFFICIAL GOVERNMENT FLAGS.	*SR Ch. SL 2005-360	06-06-05	07-19-05
H0856	Wainwright	CRAVEN COUNTY REGIONAL AIRPORT AUTHORITY.	*SR Ch. SL 2005-14	04-18-05	04-20-05
H0860	Frye	BAKERSVILLE TOWN ELECTIONS.	*SR Ch. SL 2005-43	04-20-05	05-11-05
H0887	Allred	BURLINGTON CHARTER AMENDMENT.	*SR Ch. SL 2005-30	04-18-05	05-04-05
H0908	Goodwin	RIVER BASIN COMMISSIONS CLARIFYING AMENDS	*SR Ch. SL 2005-37	04-20-05	05-04-05

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2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0921	Owens	CURRITUCK DEER HUNTING.	SR Ch. SL 2005-15	04-14-05	04-20-05
H0922	Williams	BEAUFORT VACANCIES FILLED UNDER GENERAL LAW	*SR Ch. SL 2005-263	05-26-05	06-15-05
H0922	Williams	BEAUFORT VACANCIES FILLED UNDER GENERAL LAW	*SR Ch. SL 2005-263	06-21-05	08-10-05
H0940	Stiller	LELAND/PINEVILLE/AYDEN OVERGROWN VEG. ORD.	*SR Ch. SL 2005-81	05-12-05	06-01-05
H0941	Stiller	OCEAN ISLE BEACH ABANDONED AIRPLANES.	SR Ch. SL 2005-59	05-09-05	05-19-05
H0944	Goodwin	ADOPT THE SALUTE TO THE NC FLAG.	*S Ref To Com On State and Local Government	05-18-05	
H0946	Allred	OSSIPEE/MILLS RIVER BUDGETS.	*SR Ch. SL 2005-34	04-27-05	05-04-05
H0949	Owens	CURRITUCK BEAR HUNTING.	S Ref To Com On State and Local Government	05-11-05	
H0962	Gulley	MATTHEWS PUBLIC NUISANCE ORDINANCE.	SR Ch. SL 2005-44	04-27-05	05-11-05
H0963	Gulley	MATTHEWS JUNKED/ABANDONED VEHICLES.	SR Ch. SL 2005-24	04-20-05	04-27-05
H0966	Miller	DURHAM PRECINCTS.	S Re-ref Com On Rules and Operations of the Senate	05-17-05	05-18-05
H0973	Grady	JACKSONVILLE JUNKED/ABANDONED VEHICLES.	SR Ch. SL 2005-25	04-20-05	04-27-05
H0982	Crawford	VANCE COUNTY HUNTING.	SR Ch. SL 2005-31	04-27-05	05-04-05
H0987	McLawhorn	GRIFTON/CRAMERTON WEEDED LOT ORDINANCE.	*SR Ch. SL 2005-45	04-27-05	05-11-05
H0997	Howard	INCREASE DAVIE COUNTY FORCE ACCOUNT LIMIT.	SR Ch. SL 2005-32	04-25-05	05-04-05
H1010	Tolson	WILSON COUNTY HUNTING.	*SR Ch. SL 2005-264	04-18-05	08-10-05
H1020	Ray	STATESVILLE HISTORIC STRUCTURES.	SR Ch. SL 2005-143	06-06-05	06-29-05
H1021	Wray	NORTHAMPTON CONDEMNATION CONSENT.	SR Ch. SL 2005-33	04-27-05	05-04-05
H1028	Wiley	HIGH POINT/CLAREMONT CHARTER AMENDMENTS	*SR Ch. SL 2005-54	04-18-05	05-10-05
H1034	Wright	ROCKINGHAM CO. SCHOOLS ELECTIONS	*SR Ch. SL 2005-307	06-06-05	08-10-05
H1047	McComas	WRIGHTSVILLE BEACH BOARD OF ADJUSTMENT.	SR Ch. SL 2005-265	05-17-05	08-10-05
H1052	Stiller	BRUNSWICK - TRASH TRUCKS STOPPED ON HIGHWAYS.	SR Ch. SL 2005-266	05-02-05	08-10-05
H1055	Preston	JONES SCHOOL BOARD VACANCIES.	*SR Ch. SL 2005-107	05-12-05	06-15-05
H1064	Sherrill	SULLIVAN ACT III-ASHEVILLE PUBLIC ENTERPRISES.	*SR Ch. SL 2005-139	06-02-05	06-29-05
H1065	Sherrill	SULLIVAN ACT II.	*SR Ch. SL 2005-140	06-02-05	06-29-05

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Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H1069	Stiller	OAK ISLAND HEIGHT LIMITS.	S Ref To Com On State and Local Government	05-12-05	
H1078	Lewis	ANGIER/LAGRANGE WEEDED LOT ORDINANCE.	*SR Ch. SL 2005-308	05-09-05	08-12-05
H1230	Faison	LOCAL GOVERNMENT OBSOLETE PROPERTY DONATIONS.	*S Re-ref Com On Education/Higher Education	05-09-05	06-01-05
H1305	L. Allen	MAPS/CHARTERS TO SEC. OF STATE.	*S Ref To Com On State and Local Government	05-31-05	
<b>\$ H1723</b>	<b>Crawford</b>	<b>THE STUDIES ACT OF 2005</b>	<b>*S Re-ref Com On Rules and Operations of the Senate</b>	<b>08-11-05</b>	<b>08-23-05</b>
S0033=	Richard Stevens	PILOT VOTE BY MAIL.	S Ref To Com On State and Local Government	02-01-05	
S0043=	W. Edward (Eddie)	MONROE CHARTER AMENDMENT.	SR Ch. SL 2005-17	02-03-05	03-02-05
S0062	William R. Purce	GIBSON CHARTER AMENDMENTS.	*SR Ch. SL 2005-61	04-11-05	04-27-05
S0088	R. C. Soles, Jr.	BENT TREE PLANTATION HOA MV REGULATION.	*SR Ch. SL 2005-147	05-17-05	05-19-05
S0098	Eleanor Kinnaird	ORANGE COUNTY VOTING CENTERS.	*SR Ch. SL 2005-256	02-10-05	06-01-05
S0134	Harry Brown	JACKSONVILLE JUNKED/ABANDONED VEHICLES.	*S Ref To Com On Local Government I	04-18-05	04-20-05
S0135	Harry Brown	JONES SCHOOL BOARD VACANCIES.	*S Ref To Com On Local Government II	04-18-05	04-20-05
S0163=	Doug Berger	RECOGNIZE TRIBAL GOVERNMENTS.	S Re-ref Com On Rules and Operations of the Senate	02-17-05	04-26-05
S0164=	Doug Berger	HENDERSON JUNKED/ABANDONED VEHICLES.	S Ref To Com On State and Local Government	02-17-05	
S0166	Charles W. Alber	REGULATE GOLF CARTS/SEVEN LAKES MV REGULATION.	*SR Ch. SL 2005-11	02-17-05	02-23-05
S0175	Hamilton C. Hort	PUBLIC LAWS - 1.	S Re-ref Com On State and Local Government	08-08-05	
S0176=	Hamilton C. Hort	PROTECTION OF HISTORIC MONUMENTS.	S Ref To Com On State and Local Government	02-21-05	
S0179	William R. Purce	LAURINBURG PROPERTY SALES.	SR Ch. SL 2005-6	02-22-05	03-16-05
S0221	Andrew C. Brock	NO GAMES ON STATE COMPUTERS.	S Ref To Com On State and Local Government	02-28-05	
S0243	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On Appropriations/Base Budget	03-29-05	05-26-05
S0262	Tony Rand	MARRIAGE BY DISTRICT	*SR Ch. SL 2005-56	04-19-05	04-20-05

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2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		COURT JUDGE.			
S0271	Julia Boseman	WILMINGTON RED LIGHT CAMERA PROCEEDS.	*S Ref To Com On Local Government II	05-11-05	05-25-05
S0281	Martin L. Nesbit	CITY OF ASHEVILLE LOCAL ACT-2.	S Re-ref Com On State and Local Government	05-26-05	
S0289	Philip E. Berger	CHATHAM SCHOOL ELECTIONS.	*SR Ch. SL 2005-309	05-26-05	06-01-05
S0294	Don East	PILOT MOUNTAIN CHARTER.	*S Re-ref Com On Local Government I	03-02-05	03-16-05
S0329	Tony Rand	PARTNERSHIP FOR CHILDREN/BD. APPT.	*S Passed 2nd & 3rd Reading	03-03-05	03-16-05
S0332=	Katie G. Dorsett	GREENSBORO CLOSING-OUT SALE.	SR Ch. SL 2005-12	03-03-05	03-16-05
S0335	Malcolm Graham	CORNELIUS CHARTER AMENDMENT.	*SR Ch. SL 2005-188	04-14-05	04-27-05
S0335	Malcolm Graham	CORNELIUS CHARTER AMENDMENT.	*SR Ch. SL 2005-188	05-03-05	06-01-05
S0338	Robert Lee Hollo	AHOSKIE OVERGROWN VEGETATION ORDINANCE.	*SR Ch. SL 2005-202	06-01-05	06-02-05
S0340	Robert Lee Hollo	WELDON PRIVATE SALE/ROANOKE RAPIDS CONSTRUCT.	*SR Ch. SL 2005-174	05-24-05	06-01-05
S0348=	John A. Garwood	NORTH WILKESBORO/LAND FOR PRISONS.	*SR Ch. SL 2005-258	03-03-05	03-16-05
S0368	Doug Berger	FRANKLIN SCHOOL ELECTIONS NONPARTISAN.	*SR Ch. SL 2005-80	03-03-05	03-24-05
S0386	Fletcher L. Hart	CABARRUS FIRE DISTRICTS.	*S Concurred On 2nd Reading	05-25-05	06-01-05
S0388	R. C. Soles, Jr.	WATHA TOWN COUNCIL/BOLTON ANNEXATION.	*SR Ch. SL 2005-141	03-07-05	03-16-05
S0392=	Janet Cowell	RALEIGH CHARTER AMENDMENTS.	*SR Ch. SL 2005-157	03-07-05	03-24-05
S0420=	Philip E. Berger	OAK RIDGE VOL. ANNEX./RED CROSS BUDGET ORD.	*SR Ch. SL 2005-245	03-07-05	03-16-05
S0435	Bob Atwater	DURHAM COUNTY PUBLIC-PRIVATE PARTNERSHIPS.	*SR Ch. SL 2005-172	05-31-05	06-01-05
S0449=	William R. Purce	ANSON COUNTY 911 FUNDS.	S Ref To Com On State and Local Government	03-10-05	
S0463	Charlie S. Danne	REPEAL MECK. PROP. SUNSET/ADD PROP.	*SR Ch. SL 2005-158	03-10-05	03-24-05
S0474=	John H. Kerr III	CARY/GREENVILLE UNFIT HOUSING.	*SR Ch. SL 2005-200	03-10-05	03-24-05
S0491	Doug Berger	BURIAL SERVICES AT STATE VETERANS CEMETERIES.-AB	*S Ref To Com On Military, Veterans and Indian Affairs	05-02-05	05-19-05
S0544	Andrew C. Brock	WORK-RELATED WEBSITES ON STATE COMPUTERS.	S Ref To Com On State and Local Government	03-15-05	
S0586=	Walter H. Dalton	TWO ADDITIONS TO STATE PARKS SYSTEM.	SR Ch. SL 2005-26	03-16-05	03-23-05
S0602=	Clark Jenkins	TECHNICAL CORRECTIONS ACT-2 - 2005.	*S Passed 2nd & 3rd Reading	03-16-05	04-19-05

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2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S0606=	Clark Jenkins	AMEND EASTERN REGION BOARD.	*SR Ch. SL 2005-364	03-16-05	03-23-05
S0773=	William R. Purce	REGIONAL COUNCILS OF GOVERNMENT.	*S Re-ref Com On Finance	03-22-05	03-30-05
S0773=	William R. Purce	REGIONAL COUNCILS OF GOVERNMENT.	*S Re-ref Com On Finance	03-31-05	04-14-05
S0835	John H. Kerr III	ZONING/JET NOISE ZONES.	*S Ref To Com On Rules, Calendar, and Operations of the House	03-23-05	04-14-05
S0867	Doug Berger	MULTI-JURISDICTION INDUSTRIAL PARK CHANGES.	*SR Ch. SL 2005-72	03-23-05	03-30-05
S1018	Andrew C. Brock	ADOPT COUGAR AS STATE CAT.	*S Ref To Com On State Government	03-24-05	05-25-05
S1107=	Daniel G. Clodfe	YADKIN/PEE DEE RIVER BASIN COMM.	S Re-ref Com On Agriculture/Environment/Natural Resources	03-24-05	03-31-05
S1113	Charles W. Alber	CLARIFY LEGISLATIVE PERSONNEL POLICY - 1.	S Ref To Com On State and Local Government	03-24-05	
S1127=	Charlie S. Danne	DOT MINORITY/WOMEN BUS. PROGRAMS/SBE PROJECTS.	*S Re-ref Com On Appropriations/Base Budget	05-25-05	06-01-05
S1130	Charles W. Alber	NO TOBACCO USE IN PRISONS.	*SR Ch. SL 2005-372	03-24-05	05-25-05
S1152	Bob Atwater	ECONOMIC DEVELOPMENT INVENTORY.	S Ref To Com On State and Local Government	03-24-05	

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**Senate State and Local Government Committee**  
**Wednesday, March 2, 2005, 12:00 Noon**  
**1124 LB**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

SB 43

Monroe Charter Amendment.

Senator Goodall

**Other Business**

**Adjournment**

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT  
Senator Don East, Co-Chair  
Senator Robert Lee Holloman, Co-Chair**

Wednesday, March 02, 2005

Senator EAST,  
submits the following with recommendations as to passage:

**FAVORABLE**

S.B.	43	Monroe Charter Amendment.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comments:

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**

**Wednesday, March 2, 2005 at 12:00 Noon**

**Room 1124, Legislative Building**

**MINUTES**

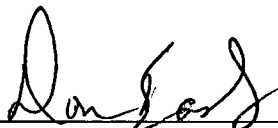
The Senate State and Local Government Committee met at 12:00 Noon on March 2, 2005, in Room 1124 of the Legislative Building. 11 members of the committee were present. Senator Don East presided.

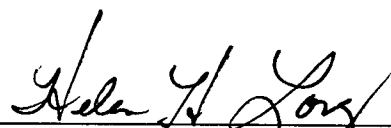
Senator East opened the meeting by asking the two Senate Pages to come forward and introduce themselves. They were Brittany Pence of Middlesex, sponsored by Senator Fred Smith; and Alexandra Kyerematen of Raleigh, sponsored by Senator Neal Hunt.

Senator East then asked Senator Eddie Goodall to come forward and explain SB 43, AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY MANAGER TO HIRE THE CHIEF OF POLICE.

Senator East then called for any discussion from the floor. No discussion forthcoming, Senator Daniel Clodfelter moved for a favorable report. The motion was unanimously approved.

The meeting adjourned at 12:10 p.m.

  
\_\_\_\_\_  
Senator Don East, Presiding

  
\_\_\_\_\_  
Helen Long, Committee Clerk

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 2005**

**S**

**1**

**SENATE BILL 43**

Short Title: Monroe Charter Amendment.

(Local)

Sponsors: Senator Goodall.

Referred to: State and Local Government.

February 3, 2005

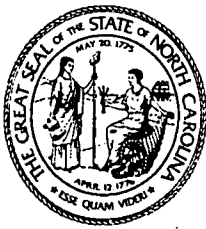
**A BILL TO BE ENTITLED**

**AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO ALLOW  
THE CITY MANAGER TO HIRE THE CHIEF OF POLICE.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4.5 of the Charter of the City of Monroe, being S.L.  
2000-35, is repealed.

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



## SENATE BILL 43: Monroe Charter Amendment

### BILL ANALYSIS

**Committee:** Senate State and Local Govt.

**Date:** March 2, 2005

**Version:** 1<sup>st</sup> Edition

**Introduced by:** Sen. Goodall

**Summary by:** Hal Pell

Committee Co-Counsel

**SUMMARY:** *This act amends the City of Monroe's charter to delete the provision authorizing the City Council to appoint the Chief of Police.*

**BILL ANALYSIS:** The act would repeal Section 4.5 in the City of Monroe's charter. The section authorizes the Council to appoint the Chief of Police. Under Section 4.8, the charter provides that the City Manager has the authority to appoint and remove all officers, department heads, and employees in the administrative service of the city, except those set forth in the Charter. Consequently, the act would result in the City Manager having the authority to appoint the Chief of Police. The City Manager currently has direct supervisory authority over the Chief of Police.

The act is effective when it becomes law.

S43-smrk-01

## VISITOR REGISTRATION SHEET

State and Local Government (SB-43 Monroe Charter Amendment) March 2, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tripp Milton	Stn. Stivins Int'n
Stephanie Simpson	W CAR
Kim Yonkers	MNC Law
John Cyma	mesg
Rfor	NCGA

**Senate State and Local Government Committee**  
**Wednesday, March 30, 2005, 12:00 Noon**  
**1124 LB**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

HB 218	Clinton ABC Net Proceeds Distribution.	Representative Bell
SB 773	Regional Councils of Government.	Senator Purcell
SB 835	Zoning/Jet Noise Zones.	Senator Kerr
SB 867	Multi-Jurisdiction Industrial Park Changes.	Senator Berger

**Other Business**

**Adjournment**

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**  
**Senator Don East, Co-Chair**  
**Senator Robert Lee Holloman, Co-Chair**

Wednesday, March 30, 2005

Senator EAST,  
submits the following with recommendations as to passage:

**FAVORABLE**

S.B.	773	Regional Councils of Government.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	218	Clinton ABC Net Proceeds Distribution.	
		Sequential Referral:	None
		Recommended Referral:	None

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

S.B.	867	Multi-Jurisdiction Industrial Park Changes.	
		Draft Number:	PCS 15221
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:



**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**

**Wednesday, March 30, 2005 at 12:00 Noon**

**Room 1124, Legislative Building**

**MINUTES**

The Senate State and Local Government Committee met at 12:00 Noon on March 30, 2005, in Room 1124 of the Legislative Building. Twelve members of the committee were present. Senator Don W. East presided.

Senator East opened the meeting by introducing the Senate Pages. They were Justin Sutton of Raleigh, Sarah Peele of Edenton, and Jana Hughes of Edenton, all sponsored by Senator Robert Lee Holloman

**HB 218, Clinton ABC Net Proceeds Distribution**, was explained by Representative Larry Bell. After questions from committee members, Senator Albertson moved for a favorable report of the bill and was seconded by Senator Weinstein. The motion carried unanimously. **Favorable Report.**

**SB 773, Regional Councils of Government**, was explained by Senator Purcell. After questions were asked and answered, Senator Weinstein moved for a favorable report of the bill and was seconded by Senator Horton. The motion carried unanimously. **Favorable Report.**

SB 835, Zoning/Jet Noise Zones, was pulled from the agenda by Senator John H. Kerr, III, to be discussed at a future State and Local Government Committee meeting.

**SB 867, Multi-Jurisdiction Industrial Park Changes**, was sponsored and explained by Senator Douglas Berger. A committee substitute was offered by Senator Douglas Berger deleting the number "60" and substituting the number "99" on page one, line 8 of the bill. Senator East asked for a motion to adopt the committee substitute. The motion carried.

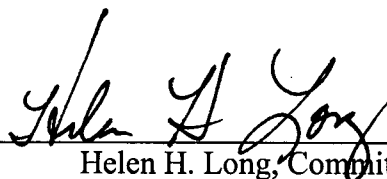
Speaking on behalf of the Proposed Committee Substitute bill were Mr. Ernest C. Pearson, Attorney, Sanford Holshouser LLP, Raleigh, NC; Mr. Neil Mallory, Executive Director, Kerr Tar Regional Council of Governments, Henderson, NC; and Mr. J. Donald Hobart, Jr., Counsel and Liaison of the NC Department of Commerce. All speakers answered questions from committee members.

Senator Albertson moved for a favorable report as to the committee substitute for SB 867 and was seconded by Senator Richard Stevens. The motion carried. **Unfavorable as to Bill, but Favorable as to Committee Substitute.**

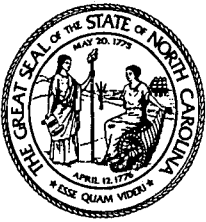
The meeting adjourned at 12:45 p.m.



Senator Don W. East, Presiding



Helen H. Long, Committee Clerk



# HOUSE BILL 218: Clinton ABC Net Proceeds Distribution

## BILL ANALYSIS

**Committee:** Senate State & Local Government  
**Date:** March 30, 2005  
**Version:** Second Edition

**Introduced by:**  
**Summary by:** Theresa Matula  
Committee Staff

**SUMMARY:** *The 2<sup>nd</sup> Edition of House Bill 218 changes how 80% of the net proceeds from the operation of the ABC stores in the Town of Clinton are distributed and changes the distribution of proceeds from a quarterly basis to an annual basis.*

## CURRENT LAW:

Currently, net proceeds are distributed on a quarterly basis 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 provides that the net proceeds from the ABC stores would be distributed annually as follows:

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

This bill becomes effective when it becomes law.

*\*Kory Goldsmith substantially contributed to this summary.*

H218-SMSH-001

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

**H**

**2**

**HOUSE BILL 218**  
**Committee Substitute Favorable 3/16/05**

Short Title: Clinton ABC Net Proceeds Distribution.

(Local)

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Sponsors:

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Referred to:

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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, as amended by Section 2 of the 1985 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. Nothing contained in this act shall  
3 prevent the City Board of Alcoholic Control from entering into a contract with the City  
4 of Clinton, in the manner set forth in G.S. 18B-501(f), and all provisions of  
5 G.S. 18B-501(f) are incorporated into this section.

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

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

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

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

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

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



# SENATE BILL 773: Regional Councils of Government

## BILL ANALYSIS

**Committee:** Senate State & Local Government  
**Date:** March 30, 2005  
**Version:** First Edition

**Introduced by:** Senator Purcell  
**Summary by:** Theresa Matula  
Committee Staff

**SUMMARY:** *Senate Bill 773 amends G.S. 160A-475 to allow regional councils of government to acquire and improve real property for the use and benefit of the regional council.*

## CURRENT LAW:

Part 2, Article 20 of Chapter 160A outlines the definition, membership, charter contents, organization, powers, fiscal affairs, and reports for regional councils of governments. G.S. 160A-470 provides that any two or more units of local government may create a regional council of governments by adopting identical concurrent resolutions to that effect. A "unit of local government" means a county, city, or consolidated city-county. To the extent permitted by law, a local government in a state adjoining North Carolina may participate in regional councils of governments to the same extent as if it were located in this State. The concurrent resolutions creating a regional council of governments, and any amendments thereto, are referred to in the "charter" of the regional council.

G.S. 160A-475 provides that the charter may confer on the regional council any of the following powers:

- (1) To apply for, accept, receive, and dispense funds and grants made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local government (whether or not a member of the council), and any private or civic agency;
- (2) To employ personnel;
- (3) To contract with consultants;
- (4) To contract with the State of North Carolina, any other state, the United States of America, or any agency thereof, for services;
- (5) To study regional governmental problems, including matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning, and regional development;
- (6) To promote cooperative arrangements and coordinated action among its member governments;
- (7) To make recommendations for review and action to its member governments and other public agencies which perform functions within the region in which its member governments are located;
- (8) Any other powers that are exercised or capable of exercise by its member governments and desirable for dealing with problems of mutual concern to the extent such powers are specifically delegated to it from time to time by resolution of the governing board of each of its member governments which are affected thereby, provided, that no regional council of governments shall have the authority to construct or purchase buildings, or acquire title to real property, except in order to exercise the authority granted by Chapter 260 of the Session Laws of 1979.

## BILL ANALYSIS:

Senate Bill 773 amends G.S. 160A-475 to add an additional power that the charter may confer on the regional council. This bill allows regional councils to acquire real property by purchase, gift, or otherwise, and to improve the property for the use and benefit of the regional council.

This bill becomes effective when it becomes law.

S773-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

1

SENATE BILL 773

Short Title: Regional Councils of Government.

(Public)

Sponsors: Senators Purcell; Albertson, Atwater, Boseman, Dannelly, Kinnaird,  
Lucas, and Malone.

Referred to: State and Local Government.

March 22, 2005

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

The General Assembly of North Carolina enacts:

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

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

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

...

(7a) To acquire real property by purchase, gift, or otherwise, and to  
improve the property for the use and benefit of the regional council."

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

**Helen Long (Sen. East)**

---

**From:** Evelyn Hartsell (Sen. Kerr)  
**Sent:** Wednesday, March 30, 2005 11:14 AM  
**To:** Theresa Matula (Research); Helen Long (Sen. East)  
**Subject:** RE: Summary for PCS of SB 835

Theresa; Sen. Kerr is going to pull this bill and it will not be heard today. The realtors have some problems and they want to get everything worked out before the bill is heard in committee. Sorry for all the inconvenience and thanks so much.

Evelyn S. Hartsell  
Legislative Assistant  
Senator John H. Kerr, III  
919-733-5621

-----Original Message-----

**From:** Theresa Matula (Research)  
**Sent:** Wednesday, March 30, 2005 10:13 AM  
**To:** Evelyn Hartsell (Sen. Kerr)  
**Cc:** Hal Pell (Research)  
**Subject:** Summary for PCS of SB 835

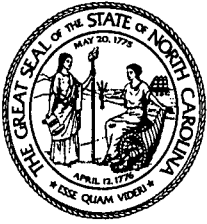
Evelyn,

Attached is a revised summary for the PCS for SB 835.

<< File: S835-SMSH-PCS.doc >>

Thanks,  
Theresa

*C. Theresa Matula  
Legislative Analyst  
Research Division  
NC General Assembly  
Phone: (919) 733-2578 Fax: (919) 715-5460  
Email: theresam@ncleg.net*



# SENATE BILL 867: Multi-Jurisdiction Industrial Park Changes

## BILL ANALYSIS

**Committee:** Senate State and Local Gov.  
**Date:** March 30, 2005  
**Version:** 1<sup>st</sup> Edition

**Introduced by:** Sen. Berger of Franklin  
**Summary by:** Joe Moore  
Research Assistant

**SUMMARY:** *Senate Bill 867 extends from 40 to 60 years the period that participating local governments may commit to an interlocal agreement.*

**CURRENT LAW:** N.C.G.S. 158-7.4 defines an interlocal agreement as a contract or agreement among two or more local governments under which each local government agrees to provide resources for the development of an industrial or commercial park or site. Two or more local governments can enter into a contract or agreement for economic development for a maximum of 40 years.

**BILL ANALYSIS:** N.C.G.S. 158-7.4 is rewritten to extend the length of time that governments may enter into an interlocal agreement to 60 years.

Senate Bill 867 is effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**S**

**1**

**SENATE BILL 867**

Short Title: Multi-Jurisdiction Industrial Park Changes.

(Public)

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Sponsors: Senator Berger of Franklin.

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Referred to: State and Local Government.

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March 23, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"(b) Any undertaking entered into pursuant to this section may be for that period  
that is agreed to by the participating local governments, up to a maximum of ~~40~~60  
years."

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

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

**S**

**D**

**SENATE BILL 867**  
**PROPOSED COMMITTEE SUBSTITUTE S867-PCS15221-RK-3**

Short Title: Multijurisdiction Industrial Park Changes.

(Public)

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Sponsors:

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Referred to:

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March 23, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

**S**

**D**

**SENATE BILL 867**  
**PROPOSED COMMITTEE SUBSTITUTE S867-PCS15221-RK-3**

Short Title: Multijurisdiction Industrial Park Changes.

(Public)

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Sponsors:

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Referred to:

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March 23, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

DATE 30 MAR 05

S. B. No. 867

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

COMMITTEE SUBSTITUTE \_\_\_\_\_

Rep.) Burger of Franklin  
Sen.)

1 moves to amend the bill on page 1, line 8

2 ( ) WHICH CHANGES THE TITLE

3 by deleting the number "60" and

4 substituting the number "99".

5 \_\_\_\_\_

6 \_\_\_\_\_

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SIGNED *Debra Meyer*

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

## VISITOR REGISTRATION SHEET

State and Local Government

March 30, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jonathan Grimes	North Carolina Central Univ.
Paula A. Hoef.	El Pueblo
Tomela L. Blue	Sampson County Schools
Andy Rowan	NC LHM
Alice Garland	NC DOC.
DON HOBBS	NC DOC
Nail Mallory	Kerr-Tan COG - Box 709 Henderson NC 27536
Ernest C. Pearson	Sanford Holdrege LLP
Kevin Mills	Senator Purcell's Intern
Pam Meyer	NC ACC
Jay L. Argo	Vance Co. Manager

# VISITOR REGISTRATION SHEET

State + Local Gov.  
Name of Committee

330-05  
Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE**  
**CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Mary Thomsen

REBIC

Doug Hemen

NC BTR ASSOC

**Senate State and Local Government Committee**  
**Wednesday, April 20, 2005, 12:00 Noon**  
**1124 LB**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

SB 134	6th Senatorial District Local Act-1.	Senator Brown
SB 135	6th Senatorial District Local Act-2.	Senator Brown
SB 262	Amend Public Laws - 1.	Senator Rand
HB 489	Cary Reimbursement.	Representative Weiss Representative Dollar
HB 699	State Prop./Gov Ops Notice.-AB	Representative Owens, Jr.
HB 825	Increase Kenansville ABC Board Members.	Representative Tucker
HB 856	Craven County Regional Airport Authority.	Representative Underhill Representative Wainwright
HB 921	Currituck Deer Hunting.	Representative Owens, Jr.

**Other Business**

**Adjournment**

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT  
Senator Don East, Co-Chair  
Senator Robert Lee Holloman, Co-Chair**

Wednesday, April 20, 2005

Senator EAST,  
submits the following with recommendations as to passage:

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

H.B.	<b>489</b>	Cary Reimbursement.	
		Draft Number:	PCS10276
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:



**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT  
Senator Don East, Co-Chair  
Senator Robert Lee Holloman, Co-Chair**

Wednesday, April 20, 2005

Senator EAST,  
submits the following with recommendations as to passage:

**FAVORABLE**

H.B.	699	State Prop./Gov Ops Notice.-AB	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	825	Increase Kenansville ABC Board Members.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	856	Craven County Regional Airport Authority.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	921	Currituck Deer Hunting.	
		Sequential Referral:	None
		Recommended Referral:	None

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

S.B.	134	6th Senatorial District Local Act-1.	
		Draft Number:	PCS85229
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes
S.B.	135	6th Senatorial District Local Act-2.	
		Draft Number:	PCS55210
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes
S.B.	262	Amend Public Laws - 1.	
		Draft Number:	PCS35215
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 7

Committee Clerk Comments:

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**

**Wednesday, April 20, 2005 at 12:00 Noon**

**Room 1124, Legislative Building**

**MINUTES**

The Senate State and Local Government Committee met at 12:00 Noon on April 20, 2005, in Room 1124 of the Legislative Building. 17 members of the committee were present. Senator Don East presided.

Senator East introduced pages. Trillian Roper of Middlesex sponsored by Senator Fred Smith. Sydney Reed of Raleigh, sponsored by Senator Richard Stevens.

**Local SB 134, Jacksonville Junked/Abandoned Vehicles**, was explained by Senator Harry Brown. After questions and discussion, motion was moved to for a favorable report as to committee substitute. Motion carried unanimously. **UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE.**

**Local SB 135, Jones School Board Vacancies**, was explained by Senator Harry Brown. PCS was adopted after questions and discussion. Motion was moved for a favorable committee substitute and was carried unanimously. **UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE.**

**Public SB 262, Marriage by District Court Judge**, sponsored by Senator Tony Rand, was explained by Senator Robert Holloman. This bill was discussed at length with issues raised by Senator Soles regarding out of state district court judges. This bill is of a five-day duration for a one-time only marriage ceremony. Questions were satisfactorily answered and a motion was moved for a favorable committee substitute and was carried unanimously. **UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE.**

**Local HB 489, Public-Private Reimbursement Agreements**, sponsored by Representative Jennifer Weiss, was explained by Senator Richard Stevens. Senator Fletcher Hartsell asked that the bill include his municipalities and a motion was moved for a committee substitute. Motion was carried unanimously. **UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE.**

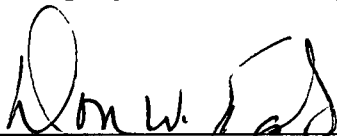
**Public HB 699, State Prop./Gov Ops Notice.-AB**, was sponsored and explained by Representative Bill Owens. After discussion by Senator Phil Berger, a motion was moved for a favorable report and carried. **FAVORABLE REPORT.**

**Local HB 825, Increase Kenansville ABC Board Members**, was sponsored and explained by Representative Russell Tucker. Motion was moved for a favorable report and unanimously carried. **FAVORABLE REPORT.**

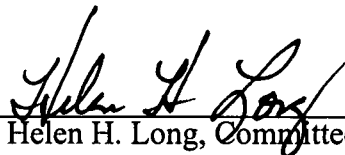
**Local HB 856, Craven County Regional Airport Authority**, was sponsored and explained by Representative Alice Underhill. Motion was unanimously carried for a **FAVORABLE REPORT.**

**Local HB 921, Currituck Deer Hunting**, sponsored and explained by Representative Bill Owens was moved for a favorable report and carried unanimously. **FAVORABLE REPORT.**

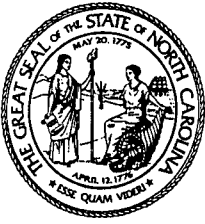
The meeting adjourned at 12:25 p.m.



Senator Don W. East, Presiding



Helen H. Long, Committee Clerk



## BILL ANALYSIS

# PCS FOR SENATE BILL 134: Jacksonville Junked/Abandoned Vehicles.

**Committee:** Senate State & Local Government  
**Date:** April 20, 2005  
**Version:** PCS (S134-PCS85229-LM-9)

**Introduced by:** Senator Brown  
**Summary by:** Theresa Matula  
Committee Staff

**SUMMARY:** *The Proposed Committee Substitute for Senate Bill 134 amends the definition of a "junked motor vehicle" that is more than five years old, to increase it from a vehicle that appears to be less than \$100.00, to a vehicle that appears to be less than \$500.00. The PCS applies to the City of Jacksonville.*

## CURRENT LAW:

G.S. 160A-303.2 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.

## BILL ANALYSIS:

The Proposed Committee Substitute for SB 134 amends G.S. 160A-303.2(a) containing the definition of a "junked motor vehicle" that is more than five years old, to increase it from a vehicle that appears to be less than \$100.00, to a vehicle that appears to be less than \$500.00.

This bill applies to the City of Jacksonville only.

This bill would become effective when it becomes law.

## BACKGROUND:

This committee recently gave a favorable report to HB 75 containing a similar provision for the Town of Louisburg.

Similar provisions have been enacted for the Cities of Greenville and Henderson and the Town of Waynesville (S.L. 2004-30).

S134-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S

D

SENATE BILL 134

PROPOSED COMMITTEE SUBSTITUTE S134-PCS85229-LM-9

Short Title: Jacksonville Junked/Abandoned Vehicles.

(Local)

Sponsors:

Referred to:

February 16, 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.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

S

1

**SENATE BILL 134**

Short Title:	6th Senatorial District Local Act-1.	(Local)
Sponsors:	Senator Brown.	
Referred to:	Rules and Operations of the Senate.	

February 16, 2005

A BILL TO BE ENTITLED  
AN ACT RELATING TO THE 6<sup>TH</sup> SENATORIAL DISTRICT.  
The General Assembly of North Carolina enacts:

**SECTION 1.** This act relates only to the 6<sup>th</sup> Senatorial District.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

**S**

**D**

**SENATE BILL 135**  
**PROPOSED COMMITTEE SUBSTITUTE S135-PCS55210-LB-24**

Short Title: Jones School Board Vacancies.

(Local)

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Sponsors:

---

Referred to:

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February 16, 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.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

S

1

**SENATE BILL 135**

Short Title: 6th Senatorial District Local Act-2. (Local)

Sponsors: Senator Brown.

Referred to: Rules and Operations of the Senate.

February 16, 2005

**A BILL TO BE ENTITLED**

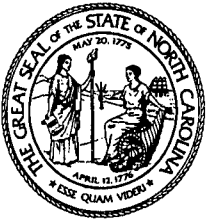
**AN ACT RELATING TO THE 6<sup>TH</sup> SENATORIAL DISTRICT.**

The General Assembly of North Carolina enacts:

**SECTION 1.** This act relates only to the 6<sup>th</sup> Senatorial District.

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





## SB 135: Jones School Board Vacancies

### BILL ANALYSIS

**Committee:** Senator State and Local Gov't  
**Date:** April 20, 2005  
**Version:** Proposed Committee Substitute

**Introduced by:** Senator Brown  
**Summary by:** Barbara Riley  
Committee Counsel

### SUMMARY:

*Senate Bill 135 sets forth the procedure for filling vacancies on the Jones County Board of Education. The procedure is the same as is used for filling vacancies on the Board of County Commissioners. The original bill was a blank bill.*

### BILL ANALYSIS:

The bill adds a new Section 3.1 to Chapter 349 of the 1973 Session Laws which provides for the election of the Jones County Board of Education. Section 3.1 provides the following:

- If a vacancy occurs, the remaining members of the board shall appoint a qualified person to fill the vacancy.
- If the number of vacancies is such that no quorum may be obtained, the chairman of the board shall appoint enough members for a quorum and the board shall then appoint members to fill the remaining vacancies.
- If the number of vacancies is such that there is no quorum and there is no chairman, the clerk of superior court shall fill the vacancies at the request of any board member or on petition by 5 registered voters of the county.
- If for any reason the remaining members of the board do not fill a vacancy within 60 days, the superintendent shall report the vacancy to the clerk of superior court who shall fill the vacancy within 10 days.

If a vacancy occurs later than 60 days before the general election held after the first 2 years of a term, the appointment shall be for the remainder of the term. Otherwise, the appointment shall run until the first Monday in December next following the general election.

If a vacancy is filled for the remainder of the unexpired term, and it occurs beginning on the 10<sup>th</sup> day before the filing period ends, a nomination shall be made by the county executive committee of each political party and the names of the nominees shall be printed on the general election ballots.

If a vacancy is filled for the remainder of the unexpired term and it occurs prior to the 10<sup>th</sup> day, nominations shall be made by primary election.

To be eligible for appointment, a person must be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party. The board of education or clerk of superior court shall consult with the county executive committee of the appropriate political party prior to filling the vacancy, but shall not be bound by that recommendation.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

D

SENATE BILL 262  
PROPOSED COMMITTEE SUBSTITUTE S262-PCS35215-LB-28

Short Title: Marriage by District Court Judge.

(Public)

Sponsors:

Referred to:

March 1, 2005

A BILL TO BE ENTITLED  
AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE  
CEREMONIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 51-1 reads as rewritten:

"§ 51-1. **Requisites of marriage; solemnization.**

A valid and sufficient marriage is created by the consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other, either:

- (1) a. In the presence of an ordained minister of any religious denomination, a minister authorized by a church, a district court judge of this State or of another state, or a magistrate; and
- b. With the consequent declaration by the ~~minister~~ minister, district court judge, or magistrate that the persons are husband and wife; or

- (2) In accordance with any mode of solemnization recognized by any religious denomination, or federally or State recognized Indian Nation or Tribe.

Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not ordained, are validated from their consummation."

SECTION 2. This act becomes effective June 23, 2005, and expires June 27, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

D

SENATE BILL 262  
PROPOSED COMMITTEE SUBSTITUTE S262-PCS35215-LB-28

Short Title: Marriage by District Court Judge.

(Public)

Sponsors:

Referred to:

March 1, 2005

A BILL TO BE ENTITLED  
AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE  
CEREMONIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 51-1 reads as rewritten:

**"§ 51-1. Requisites of marriage; solemnization.**

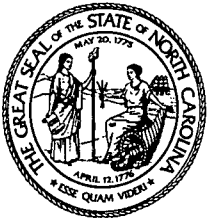
A valid and sufficient marriage is created by the consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other, either:

- (1) a. In the presence of an ordained minister of any religious denomination, a minister authorized by a church, a district court judge of this State or of another state, or a magistrate; and
- b. With the consequent declaration by the ~~minister~~ minister, district court judge, or magistrate that the persons are husband and wife; or

- (2) In accordance with any mode of solemnization recognized by any religious denomination, or federally or State recognized Indian Nation or Tribe.

Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not ordained, are validated from their consummation."

**SECTION 2.** This act becomes effective June 23, 2005, and expires June 27, 2005.



## **SB 262: Marriage by District Court Judge**

### ***BILL ANALYSIS***

**Committee:** Senate State & Local Gov  
**Date:** April 20, 2005  
**Version:** Proposed Committee Substitute

**Introduced by:** Senator Rand  
**Summary by:** Barbara Riley  
Committee Counsel

### ***SUMMARY:***

Senate Bill 262 would authorize a district court judge of this State or of another State to perform marriages in North Carolina. The act would become effective June 23, 2005 and expire June 27, 2005. Such authority for district court judges and superior court judges has been granted for a limited period of time on a number of occasions in the past several years.

The law currently authorizes only ordained ministers of any religious denomination, a minister authorized by a church or a magistrate to perform a marriage. G.S. 51-1.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

1

SENATE BILL 262

Short Title: Amend Public Laws - 1.

(Public)

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Sponsors: Senator Rand.

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Referred to: Rules and Operations of the Senate.

---

March 1, 2005

1  
2  
3  
4

A BILL TO BE ENTITLED  
AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.  
The General Assembly of North Carolina enacts:  
**SECTION 1.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

**H**

**D**

**HOUSE BILL 489**  
**Committee Substitute Favorable 3/23/05**  
**Third Edition Engrossed 3/28/05**  
**PROPOSED SENATE COMMITTEE SUBSTITUTE H489-PCS10276-SH-17**

Short Title: Public-Private Reimbursement Agreements.

(Local)

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Sponsors:

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Referred to:

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March 7, 2005

1                                   A BILL TO BE ENTITLED  
2 AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS  
3 FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, THE  
4 TOWN OF HOLLY SPRINGS, AND CABARRUS COUNTY AND THE  
5 MUNICIPALITIES WHOLLY OR PARTIALLY LOCATED WITHIN  
6 CABARRUS COUNTY.  
7 The General Assembly of North Carolina enacts:  
8           **SECTION 1.** A town may enter into reimbursement agreements with private  
9 developers and property owners for the design and construction of municipal  
10 infrastructure that is included on the town's Capital Improvement Plan and serves the  
11 developer or property owner. For the purpose of this act, municipal infrastructure  
12 includes, without limitation, water mains, sanitary sewer lines, lift stations, stormwater  
13 lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated  
14 facilities.  
15           **SECTION 2.** A town shall enact ordinances setting forth procedures and  
16 terms under which such agreements may be approved.  
17           **SECTION 3.** A town may provide for such reimbursements to be paid from  
18 any lawful source.  
19           **SECTION 4.** No reimbursement pursuant to an agreement authorized by this  
20 act shall be deemed to be construction subject to Article 8 of Chapter 143 of the General  
21 Statutes or to be deemed to be a violation or evasion of any provision of said Article.  
22 Notwithstanding the foregoing provisions of this section, a construction contract subject  
23 to a reimbursement agreement authorized by this act shall not be awarded by a  
24 developer or property owner who is a party to such reimbursement agreement without  
25 complying with the requirements of G.S. 143-129 and G.S. 143-128.2 relating to public

1 advertising and bid opening requirements which would be applicable if the construction  
2 contract had been awarded by the town.

3       **SECTION 5.** This act applies only to the Town of Cary and the Town of  
4 Holly Springs and to Cabarrus County and all municipalities located wholly or partially  
5 within Cabarrus County.

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



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 489

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

H489-ARF-2 [v.1]

Page 1 of 1

Date April 20, 2005

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

Senator Stevens

- 1 moves to amend the bill on page 1, line 3 by rewriting that line to read:
- 2 "FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY AND THE
- 3 TOWN OF HOLLY SPRINGS.";
- 4
- 5 and further amends the bill on page 1, lines 25 and 26, by rewriting those lines to read:
- 6 "SECTION 5. This act applies only to the Town of Cary and the Town of
- 7 Holly Springs."
- 8

SIGNED Richard J. Hove  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. ~~Amendment~~

H. B. No. 489

DATE \_\_\_\_\_

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

COMMITTEE SUBSTITUTE \_\_\_\_\_

Rep.) Hartsell  
)  
Sen.)

1 moves to amend the bill on page Amendment ~~to~~ 25 and 26, line \_\_\_\_\_

2 ( ) WHICH CHANGES THE TITLE

3 by rewriting these lines to read

4 "SECTION 5. This act applies only to  
5 the Towns of Cary and the Town of ~~Apex~~ <sup>Holly Springs</sup>  
6 and to ~~the~~ Cabarrus County and all  
7 municipalities located wholly or  
8 partially within Cabarrus County."

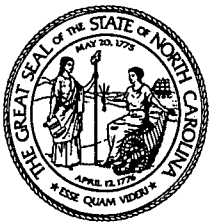
10 and on page 1, line 3, by adding

12 after the word "Holly Springs" the phrase

14 "AND CABARRUS COUNTY AND THE  
15 MUNICIPALITIES WHOLLY OR PARTIALLY  
16 LOCATED WITHIN CABARRUS COUNTY."

SIGNED Hutch R. Hartsell

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



# HOUSE BILL 489: Cary Reimbursement.

## BILL ANALYSIS

**Committee:** Senate State & Local Government  
**Date:** April 20, 2005  
**Version:** Third Edition

**Introduced by:** Representative Weiss  
**Summary by:** Theresa Matula  
Committee Staff

**SUMMARY:** *House Bill 489 permits the Town of Cary to pay private developers and property owners for the design and construction of municipal infrastructure.*

### CURRENT LAW:

Local governments in North Carolina must comply with the statutory requirements for purchasing and contracting when acquiring infrastructure through the expenditure of public monies. Article 8 of Chapter 143 contains the statutory requirements for purchasing and contracting. If a construction project is estimated to cost \$300,000 or more, the local government is required to formally bid the project. If the project is less, the bidding is informal. G.S. 143-128.2 contains the minority bidding requirements applicable to any State building project.

### BILL ANALYSIS:

House Bill 489 allows the Town of Cary to adopt a local ordinance setting the procedures and terms under which the Town could enter into reimbursement agreements with a private developer or property owner for the design and construction of municipal infrastructure. Municipal infrastructure includes water mains, sanitary sewer lines, lift stations, stormwater lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.

All of the following would apply to any such agreement:

1. The infrastructure would have to be included in the Capital Improvement Plan of the Town.
2. The infrastructure would have to serve the developer or property owner.
3. The developer or property owner would have to comply the provisions of G.S. 143-129 and G.S. 143-143-128.2 relating to public advertising and bid opening, if applicable, if the developer or property owner desires to be reimbursed by the Town.
4. Compliance with no other provision of Article 8 of Chapter 143 would be mandatory under the local act.

The bill only applies to municipal infrastructure located in Wake County.

The bill would become effective when it becomes law.

### BACKGROUND INFORMATION:

This provision is similar to one enacted for the City of Charlotte in 2001. (S.L. 2001-329)

*R. Erika Churchill substantially contributed to this summary.*  
H489-SMSH-001

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

**H**

**3**

**HOUSE BILL 489**  
**Committee Substitute Favorable 3/23/05**  
**Third Edition Engrossed 3/28/05**

Short Title: Cary Reimbursement.

(Local)

Sponsors:

Referred to:

March 7, 2005

A BILL TO BE ENTITLED

AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS  
FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY.

The General Assembly of North Carolina enacts:

**SECTION 1.** A town may enter into reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure that is included on the town's Capital Improvement Plan and serves the developer or property owner. For the purpose of this act, municipal infrastructure includes, without limitation, water mains, sanitary sewer lines, lift stations, stormwater lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.

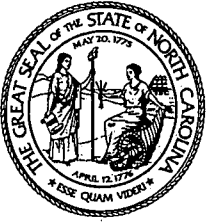
**SECTION 2.** A town shall enact ordinances setting forth procedures and terms under which such agreements may be approved.

**SECTION 3.** A town may provide for such reimbursements to be paid from any lawful source.

**SECTION 4.** No reimbursement pursuant to an agreement authorized by this act shall be deemed to be construction subject to Article 8 of Chapter 143 of the General Statutes or to be deemed to be a violation or evasion of any provision of said Article. Notwithstanding the foregoing provisions of this section, a construction contract subject to a reimbursement agreement authorized by this act shall not be awarded by a developer or property owner who is a party to such reimbursement agreement without complying with the requirements of G.S. 143-129 and G.S. 143-128.2 relating to public advertising and bid opening requirements which would be applicable if the construction contract had been awarded by the town.

**SECTION 5.** This act applies only to the Town of Cary, but only applies as to municipal infrastructure located in Wake County.

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



# HOUSE BILL 699: State Prop./Gov Ops Notice -AB.

## BILL ANALYSIS

**Committee:** Senate State & Local Government  
**Date:** April 20, 2005  
**Version:** First Edition

**Introduced by:** Representative Owens  
**Summary by:** Theresa Matula  
Committee Staff

**SUMMARY:** *House Bill 699 specifies that when a State agency wants to acquire real property valued at more than \$25,000, the Department of Administration may proceed with that acquisition after it has provided the co-chairs of the Joint Legislative Commission on Governmental Operations written notice 30 days in advance of the acquisition.*

*The act would be effective when it becomes law.*

**CURRENT LAW:** Article 6 of Chapter 146 governs the procedure by which State agencies may acquire real property. It provides that all acquisitions are to be made by the Department of Administration (DOA) and approved by the Governor and the Council of State. If the property to be acquired has an appraised value of \$25,000 and is not for transportation purposes, then the acquisition may not be made until the DOA has consulted with the Joint Legislative Commission on Governmental Operations (Gov. Ops.). The statute does not define what constitutes "consultation" with Gov. Ops.

The term "acquisition" includes a purchase, condemnation, lease, or rental.

*Kory Goldsmith substantially contributed to this summary.*

H699-SMSH-001

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

1

HOUSE BILL 699

Short Title: State Prop./Gov Ops Notice.-AB

(Public)

Sponsors: Representative Owens.

Referred to: State Government.

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE CONSULTATION REQUIREMENT WITH THE  
JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS  
FOR STATE ACQUISITIONS OF REAL PROPERTY AND TO SUBSTITUTE A  
REQUIREMENT OF PRIOR WRITTEN NOTICE TO THE COMMISSION  
CHAIRS OF THE INTENDED REAL PROPERTY ACQUISITION.

The General Assembly of North Carolina enacts:

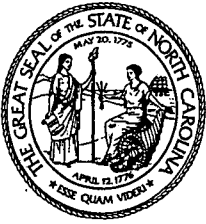
**SECTION 1.** G.S. 146-22 reads as rewritten:

**"§ 146-22. All acquisitions to be made by Department of Administration.**

Every acquisition of land on behalf of the State or any State agency, whether by purchase, condemnation, lease, or rental, shall be made by the Department of Administration and approved by the Governor and Council of State; provided that if the proposed acquisition is a purchase of land with an appraised value of at least twenty-five thousand dollars (\$25,000), and the acquisition is for other than a transportation purpose, the acquisition may only be made after ~~consultation with written notice to~~ the Joint Legislative Commission on Governmental Operations, ~~Operations given to the Chairs of the Commission at least 30 days prior to the acquisition,~~ and provided further, that acquisitions on behalf of the University of North Carolina Health Care System shall be made in accordance with G.S. 116-37(i), acquisitions on behalf of the University of North Carolina Hospitals at Chapel Hill shall be made in accordance with G.S. 116-37(a)(4), acquisitions on behalf of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill shall be made in accordance with G.S. 116-37(a)(4), and acquisitions on behalf of the Medical Faculty Practice Plan of the East Carolina University School of Medicine shall be made in accordance with G.S. 116-40.6(d). In determining whether the appraised value is at least twenty-five thousand dollars (\$25,000), the value of the property in fee simple shall be used. The State may not purchase land as a tenant-in-common without consultation with the Joint Legislative Commission on Governmental Operations if the appraised value of the property in fee simple is at least twenty-five thousand dollars (\$25,000)."

1

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



# HOUSE BILL 825: Increase Kenansville ABC Board Members.

## BILL ANALYSIS

**Committee:** Senate State & Local Government  
**Date:** April 20, 2005  
**Version:** Second Edition

**Introduced by:** Representative Tucker  
**Summary by:** Theresa Matula  
Committee Staff

**SUMMARY:** *House Bill 825 increases the size of the Kenansville Board of Alcoholic Control from three members to five members effective January 1, 2006.*

## BILL ANALYSIS:

House Bill 825 increases the membership of the Kenansville Board of Alcoholic Control from three members to five members.

The terms of the current three-member board will expire on December 31, 2005. The terms of the reconstituted board will begin on January 1, 2006. Terms will be staggered with the chairman serving a first term of one year, two members serving initial two-year terms, and two members serving initial three-year terms. Thereafter, terms shall be for three years.

The bill is effective when it becomes law.

*Steve Rose substantially contributed to this summary.*  
H825-SMSH-001

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

H

2

**HOUSE BILL 825**  
**Committee Substitute Favorable 3/30/05**

Short Title: Increase Kenansville ABC Board Members.

(Local)

Sponsors:

Referred to:

March 21, 2005

A BILL TO BE ENTITLED  
AN ACT TO INCREASE THE MEMBERSHIP OF THE TOWN OF KENANSVILLE  
ALCOHOLIC BEVERAGE CONTROL BOARD.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4 of Chapter 1169 of the 1949 Session Laws reads as rewritten:

"Sec. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the Mayor and the Board of Commissioners of the Town of Kenansville shall immediately create a city board of alcoholic control to be composed of a chairman and ~~two~~ four other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Kenansville Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the town and shall serve ~~for his~~ the first term ~~for a period of three years, one year, and one member~~ two members shall serve for ~~his~~ their first term a period of two years, and the other ~~member~~ members shall serve for a period of ~~one year; three years;~~ and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town."

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

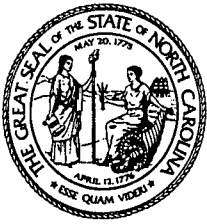
"(a) Membership. - A local ABC board shall consist of ~~three~~ five members appointed for three-year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or unless the board is a board for a merged ABC system under G.S. 18B-703 and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



1           **SECTION 3.** Section 2 of this act applies to the Town of Kenansville only.

2           **SECTION 4.** The terms of members currently appointed to the board shall  
3 expire on December 31, 2005. All new appointments and reappointments to the board  
4 will be effective on January 1, 2006, and shall be for the terms specified in Section 1 of  
5 this act. In the event a member is removed or leaves the board for any reason, the new  
6 member appointed to the board shall fill the remainder of the unexpired term.

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



## HB 856: Craven County Regional Airport

### BILL ANALYSIS

**Committee:** Senate State & Local Gov  
**Date:** April 20, 2005  
**Version:** 2nd Edition

**Introduced by:** Representative Wainwright  
**Summary by:** Kory Goldsmith and Barbara  
Riley  
Committee Counsel

### 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 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.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

H

2

**HOUSE BILL 856  
Committee Substitute Favorable 4/7/05**

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, 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.



# HB 921: Currituck Deer Hunting

## BILL ANALYSIS

**Committee:** Senator State and Local Gov't  
**Date:** April 20, 2005  
**Version:** 1<sup>st</sup> Edition

**Introduced by:** Representative Owens  
**Summary by:** Barbara Riley  
Committee Counsel

### SUMMARY:

*House Bill 921 amends Section 4 of Chapter 221 of the 1993 Session Laws modifying the provisions regarding the taking of deer in portions of Currituck County.*

### BILL ANALYSIS:

Chapter 221 of the 1993 Session Laws provided for an open season for taking antlered deer with a shotgun no larger than a 10 gauge in Poplar Branch Township on the Outer Banks, and in the US Fish and Wildlife Swan Island and Monkey Island refuge areas on the Outer Banks. House Bill 921 amends the provisions of that act to provide for an open season for taking deer of either sex with shotguns, bow and arrow, and muzzle-loading firearms in those areas. The seasons and bag limits are to be established by the Wildlife Resources Commission.

The bill also provides for the either sex deer season on the Outer Banks to coincide with the either sex deer season for the rest of Currituck County in 2005.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

1

HOUSE BILL 921

Short Title: Currituck Deer Hunting.

(Local)

Sponsors: Representative Owens.

Referred to: Wildlife Resources.

March 28, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CURRITUCK COUNTY DEER HUNTING LAW TO  
PROVIDE FOR THE TAKING OF EITHER SEX DEER.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4 of Chapter 221 of the 1993 Session Laws reads as  
rewritten:

"Sec. 4. Notwithstanding any other provision of law, there is an open season for  
hunting or taking antlered deer of either sex with shotguns no larger than 10 gauge  
shotguns, bow and arrow, and muzzle-loading firearms in:

(1) That portion of Poplar Branch Township on the Outer Banks of  
Currituck County; and

(2) The U.S. Fish and Wildlife Service Swan Island and Monkey Island  
Refuge Areas on the Outer Banks of Currituck County;

~~from October 18, 1993, through January 1, 1994, and in subsequent years as~~ during the  
season established by the Wildlife Resources ~~Commission.~~ Commission and with bag  
limits established by the Commission."

**SECTION 2.** In 2005 only, the either sex deer season on the Outer Banks of  
Currituck County as established by Section 1 of this act shall coincide with the either  
sex deer season established for the rest of Currituck County by the Wildlife Resources  
Commission.

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

## VISITOR REGISTRATION SHEET

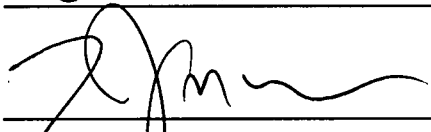
State and Local Government

April 20, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
BRUCE THOMPSON	PNEKOE POB
Mark Henry	University System
Sharif Durham	Charlotte Observer
Andy Romenit	NCLM
Lee Hodge	KCLT
David Crawford	AIA
John Cyrus	NESG
Tripp Melton	Sen. Stevens Office
Cam Coker	BPMHL
	NCRA
John Martin	Nc Home Builders Assoc.

## VISITOR REGISTRATION SHEET

## State and Local Government

April 20, 2005

Name of Committee

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Jessica Sauer

NCF PC

Rizk Zechini

NE Assoc of Duth

R. Paul Wilms

NCHBA

Tracy Kimbrell

Parker Poe

**Senate State and Local Government Committee**  
**Wednesday, May 11, 2005, 12:00 Noon**  
**1124 LB**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

HB 811	Amend Pitt County Hunting Law.	Representative Williams, III Representative Warren Representative McLawhorn
HB 860	Bakersville Town Elections.	Representative Frye
HB 962	Matthews Public Nuisance Ordinance.	Representative Gulley
HB 987	Grifton/Cramerton Weeded Lot Ordinance.	Representative McLawhorn

**Other Business**

**Adjournment**



**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**  
**Wednesday, May 11, 2005 at 12:00 Noon**  
**Room 1124, Legislative Building**

**MINUTES**

The Senate State and Local Government Committee met at 12:00 Noon on May 11, 2005, in Room 1124 of the Legislative Building. Seven members of the committee were present. Senator Don East presided.

Senator East introduced the four Senate pages. They were Mr. Chase Pattillo, sponsored by Senator Tony Rand; Mr. Paul Woods, sponsored by Senator John Snow; Mr. Cornelius Flowers, sponsored by Senator Doug Berger; and Mr. Derik Dean, sponsored by Senator Richard Stevens.

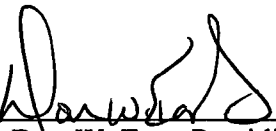
Local HB 811, Amend Pitt County Hunting Law, sponsored by Representatives. Williams, Warren, and McLawhorn, was explained by Representative Arthur Williams. Without questions on the bill, a motion was made by Senator Holloman for a favorable report and the motion carried unanimously. FAVORABLE REPORT.

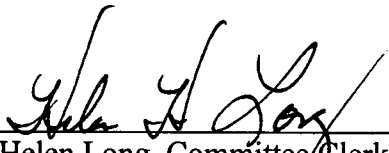
Local HB 860, Bakersville Town Elections, was sponsored and explained by Representative Phillip Frye. Without questions on the bill, Senator Charles Albertson moved for a favorable report and it was approved unanimously. FAVORABLE REPORT.

Local HB 962, Matthews Public Nuisance Ordinance, was sponsored by Representative Jim Gulley and explained by Senator Edward Goodall. After discussion, Senator Albertson moved for a favorable report and bill was approved unanimously. FAVORABLE REPORT.

Local HB 987, Grifton/Cramerton Weeded Lot Ordinance, was sponsored and explained by Representative Marion McLawhorn. With no discussion, Senator Holloman moved for a favorable report and was unanimously approved. FAVORABLE REPORT.

The meeting adjourned at 12:15 p.m.

  
\_\_\_\_\_  
Senator Don W. East, Presiding

  
\_\_\_\_\_  
Helen Long, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT  
Senator Don East, Co-Chair  
Senator Robert Lee Holloman, Co-Chair**

Wednesday, May 11, 2005

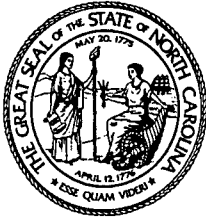
Senator EAST,  
submits the following with recommendations as to passage:

**FAVORABLE**

H.B.	811	Amend Pitt County Hunting Law.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	860	Bakersville Town Elections.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	962	Matthews Public Nuisance Ordinance.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	987	Grifton/Cramerton Weeded Lot Ordinance.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 4

Committee Clerk Comments:



# HOUSE BILL 811: Amend Pitt County Hunting Law

## *BILL ANALYSIS*

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<b>Committee:</b>	Senate State and Local Government	<b>Date:</b>	May 9, 2005
<b>Introduced by:</b>	Reps. Williams, Warren, McLawhorn	<b>Summary by:</b>	Barbara Riley
<b>Version:</b>	First Edition		Committee Counsel

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### ***SUMMARY:***

House Bill 811 amends Pitt County's local law regulating hunting with dogs. Section 5 of Chapter 142 of the 2002 Session Laws currently makes it unlawful to release dogs or to allow them to run on posted land without the written permission of the owner or lessee. The bill deletes the prohibition against allowing dogs to run on posted land without written permission. It remains illegal to release dogs on posted land without the written permission of the owner or lessee.

The act is effective when it becomes law.

*H0811e1-SMRF*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

1

HOUSE BILL 811

Short Title: Amend Pitt County Hunting Law.

(Local)

Sponsors: Representatives Williams, Warren, and McLawhorn (Primary Sponsors).

Referred to: Local Government I.

March 21, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 5 of S.L. 2002-142 reads as rewritten:

"**SECTION 5.** It is unlawful to release dogs ~~on, or allow them to run on,~~ on posted land without the written, signed, and dated permission of the owner or lessee of the land. This permission shall be renewed annually in order to remain active."

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

LOCAL BILL

H.B. 0811

SESSION LAW \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGULATING HUNTING IN PITT COUNTY.

Introduced by Representative(s): Williams, Warren, and McLawhorn (Primary Sponsors).


Principal Clerk's Use Only

**PASSED 1st READING**  
MAR 21 2005  
AND REFERRED TO COMMITTEE  
ON Local Government

I

ON MOTION OF  
REP. Culpepper  
WITHDRAWN FROM  
L. Govt I  
MAR 24 2005  
RECOMMITTED TO  
Wildlife Res.

The Committee on Wildlife Resources  
a majority being present, having considered  
this bill, recommend that it do pass.  
Reps. Williams & Steen  
For the Committee

REPORTED FAVORABLY APR 3 6 2005

PURSUANT TO RULE 36(b)  
APR 6 2005  
PLACED ON CALENDAR  
OF 4-13-05

VV VV  
**PASSED 2nd & 3rd  
READING**

APR 13 2005

**ORDERED SENT TO SENATE**

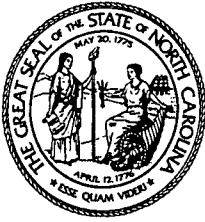
Debbie Welch

**RECEIVED**

APR 14 2005

From House of Representatives  
By Clerk APR 13 2005

**PASSED 1st READING**  
APR 14 2005  
AND REFERRED TO COMMITTEE  
ON St. Luc. Govt



## HOUSE BILL 860: Bakersville Town Elections

### BILL ANALYSIS

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<b>Committee:</b>	Senate State and Local Government	<b>Date:</b>	May 9, 2005
<b>Introduced by:</b>	Rep. Frye	<b>Summary by:</b>	Barbara Riley
<b>Version:</b>	Second Edition		Committee Counsel

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### 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 three council members from two-year terms to staggered four-year terms. To stagger the terms of the members of the Town Council, the highest vote getter at the 2005 election shall serve a four-year term and the two next highest vote getters shall be elected for two-year terms. In 2007, two members shall be elected for four-year terms and in 2009, one member shall be elected for a four-year term.*

*The act is effective when it becomes law.*

### CURRENT LAW:

Section 3 of Chapter 1291 of the 1955 Session laws provided that the Mayor and the three members of the Bakersville Board of Aldermen be elected for two-year terms.

*Kory Goldsmith, Committee Counsel to House Local Government II substantially contributed to this summary.*

*H0860e2-SMRF*

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

**H**

**2**

**HOUSE BILL 860**  
**Committee Substitute Favorable 4/13/05**

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.

# LOCAL BILL

Proposed Committee Substitute For  
H.B. 860

SESSION LAW \_\_\_\_\_

## 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.

Introduced by Representative(s): Frye


Principal Clerk's Use Only

The Committee on Local Government II  
majority being present, having considered  
this bill, recommend that it do NOT pass.  
Rep. Jones & Walker  
For the Committee

**FAVORABLE TO COMM. SUB**  
**UNFAVORABLE TO BILL**

APR 13 2005

366 AND PLACED ON  
CALENDAR FOR

4-19-05

**PASSED 2nd & 3rd  
READING**

APR 19 2005

**ORDERED SENT TO SENATE**

Denise Walker

**RECEIVED**

APR 20 2005

From House of Representatives  
By Clerk 8:51 AM/PM

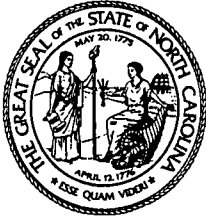
**PASSED 1st READING**

APR 20 2005

AND REFERRED TO COMMITTEE

Str. Loc. Gov





# HOUSE BILL 962: Matthews Public Nuisance Ordinance

## BILL ANALYSIS

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<b>Committee:</b>	Senate State and Local Govt.	<b>Date:</b>	May 11, 2005
<b>Introduced by:</b>	Rep. Gulley	<b>Summary by:</b>	Hal Pell
<b>Version:</b>	First Edition		Committee Co-Counsel

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**SUMMARY:** *This local bill allows the Town of Matthews 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 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.

Summary contribution by Kory Goldsmith, Staff Attorney

H0962e1-SMRK-001

**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.

# LOCAL BILL

H.B. 0962

SESSION LAW \_\_\_\_\_

## 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.

Introduced by Representative(s): Gulley.


Principal Clerk's Use Only

**PASSED 1st READING**  
MAR 29 2005  
AND REFERRED TO COMMITTEE  
ON Local Government

II

The Committee on Local Government II  
a majority being present, having considered  
this bill, recommend that it do pass.  
Reps. Walker & Jones  
For the Committee.

REPORTED FAVORABLY APR 20 2005

PURSUANT TO RULE 30.1  
APR 20 2005  
PLACED ON CALENDAR  
OF 4-26-05

VV VV  
**PASSED 2nd & 3rd  
READING**

APR 26 2005

**ORDERED SENT TO SENATE**

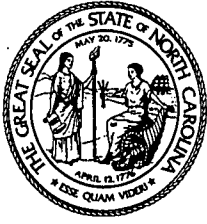
Stenice White

**RECEIVED**

APR 27 2005

From House of Representatives  
By Clerk 270 8:35 AM/PM

**PASSED 1st READING**  
APR 27 2005  
AND REFERRED TO COMMITTEE  
ON St. Loc. Gov



# HOUSE BILL 987: Grifton/Cramerton Weeded Lot Ordinance

## *BILL ANALYSIS*

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<b>Committee:</b>	Senate State and Local Govt.	<b>Date:</b>	May 11, 2005
<b>Introduced by:</b>	Rep. McLawhorn	<b>Summary by:</b>	Hal Pell
<b>Version:</b>	Second Edition		Committee Co-Counsel

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**SUMMARY:** *The bill would authorize the Towns of Cramerton (Gaston County) and Grifton (Pitt County) to notify a violator of the weeded lot ordinance that it will take remedial action for a second violation within the calendar year without further notice. The act is effective when it becomes law.*

**BILL ANALYSIS:** The bill would permit the named towns to

- notify a violator that if the violator's property is again found to be in violation of the weeded lot ordinance in the calendar year, the Town shall take action to remedy the violation without further notice.
- The expense of the second remedial action is to 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.
- Any such notice is to be served by registered or certified mail.

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

**BACKGROUND:** Like authority was granted to the City of Henderson in 2003. S.L. 2003-40.

Summary contribution by Erika Churchill, Staff Attorney

H0987e2-SMRK-001

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

**H**

**2**

**HOUSE BILL 987**  
**Committee Substitute Favorable 4/20/05**

Short Title: Grifton/Cramerton Weeded Lot Ordinance.

(Local)

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Sponsors:

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Referred to:

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March 30, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO  
GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDDED LOT  
ORDINANCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Town 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 applies only to the Towns of Cramerton and Grifton.

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

LOCAL BILL

*Title Change*

Proposed Committee Substitute For  
H.B. 987

SESSION LAW \_\_\_\_\_

**A BILL TO BE ENTITLED**

AN ACT AUTHORIZING THE TOWNS OF CRAMERTON AND GRIFTON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE TOWN'S WEEDED LOT ORDINANCE.

Introduced by Representative(s): *McLaughlin*


Principal Clerk's Use Only

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

Rep. Tucker  
For the Committee

FAVORABLE TO COMM. SUB.  
UNFAVORABLE TO BILL

APR 20 2005 TITLE CHANGE

366 AND PLACED ON  
CALENDAR FOR

4-26-05

VV VV  
PASSED 2nd & 3rd  
READING

APR 26 2005

ORDERED SENT TO SENATE

*James Weeks*

RECEIVED

APR 27 2005

From House of Representatives  
By Clerk AW 8:35 AM PM

PASSED 1st READING

APR 27 2005

AND REFERRED TO COMMITTEE

on 4th Loc. Govt

## VISITOR REGISTRATION SHEET

## State and Local Government

May 11, 2005

Name of Committee

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE**  
**CLERK**

NAME

**FIRM OR AGENCY AND ADDRESS**

WES FOY

TOWN OF SPRUCE PINE

Richard Canipe

Town of Spruce Pine

Phillip Hise

Town of Spruce Pine

Danny Young

Town of Spruce Pine

**Senate State and Local Government Committee**  
**Wednesday, May 25, 2005, 12:00 Noon**  
**1124 LB**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

SB 243	50th Senatorial District Local Act-1.	Senator Snow, Jr.
SB 271	9th Senatorial District Local Act-1.	Senator Boseman
SB 1018	Adopt Cougar As State Cat.	Senator Brock
SB 1130	No Smoking in Prisons.	Senator Albertson

**Other Business**

**Adjournment**



**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**

**Wednesday, May 25, 2005 at 12:00 Noon**

**Room 1124, Legislative Building**

**MINUTES**

The Senate State and Local Government Committee met at 12:00 Noon on May 25, 2005, in Room 1124 of the Legislative Building. Fourteen members of the committee were present. Senator Don East presided.

Senator called the meeting to order and introduced the five staff members, six pages and three sergeants at arms:

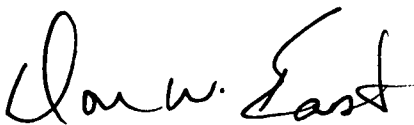
**SB 243, Public Assistance/Indians** was sponsored by Senator John Snow. A PCS was unanimously adopted for purposes of discussion and was explained by Senator Snow. Mr. John Eller from the Swain County Department of Social Services spoke on behalf of the bill. Discussions regarding whether the bill should be a local or public bill, and why it should not be for all Indians in all counties were raised as well as if assistance had been asked from the Cherokee gambling casinos. After much discussion, a motion was made to re-refer to Committee on Appropriations without prejudice. The motion was carried and no action was taken on the bill. Barbara Riley of our staff indicated that such motion was valid. Janet Pruitt, Senate Principal Clerk, indicated that Senate Rules did not recognize that motion and Senator Tony Rand should be asked to move the bill from State and Local Government to the Appropriations Committee.

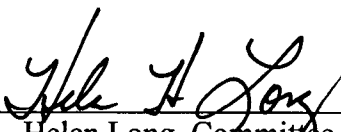
**SB 271, Wilmington Red Light Camera Proceeds** – A PCS was unanimously adopted for purposes of discussion. Senator Julia Boseman sponsored and explained the bill. After discussion Senator Horton made a motion for a favorable PCS and was unanimously approved. UNFAVORABLE AS TO BILL BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE.

SB 1018, Adopt Cougar As State Cat, was sponsored and explained by Senator Andrew Brock. After discussion Senator Keith Presnell moved for a favorable report and was unanimously approved. FAVORABLE REPORT.

SB 1130, No Smoking in Prisons. A PCS was adopted for purposes of discussion. Senator Charlie Albertson sponsored and explained the bill. Mr. Walker Reagan, General Assembly Research Department, spoke on the bill and answered questions. Department of Corrections personnel Ms. Mildred Spearman, Policy Analyst, and Mr. Boyd Bennett, Director of Prisons, both spoke for the bill. A motion was made for a favorable report. UNFAVORABLE AS TO BILL BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL.

The meeting adjourned at 1:00 p.m.

  
Don W. East, Presiding

  
Helen Long, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

**STATE AND LOCAL GOVERNMENT COMMITTEE REPORT**

**Senator Don East, Co-Chair  
Senator Robert Lee Holloman, Co-Chair**

Wednesday, May 25, 2005

Senator EAST,  
submits the following with recommendations as to passage:

**FAVORABLE**

S.B.	1018	Adopt Cougar As State Cat.	
		Sequential Referral:	None
		Recommended Referral:	None

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

S.B.	271	9th Senatorial District Local Act-1.	
		Draft Number:	PCS15245
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

S.B.	1130	No Smoking in Prisons.	
		Draft Number:	PCS55237
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

D

SENATE BILL 243  
PROPOSED COMMITTEE SUBSTITUTE S243-PCS75218-LN-4

Short Title: Public Assistance/Indians.

(Local)

Sponsors:

Referred to:

March 1, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE STATE SHALL PAY THE NONFEDERAL  
SHARE OF COSTS OF PUBLIC ASSISTANCE PROGRAMS FOR INDIANS IN  
CERTAIN COUNTIES WHO ARE NOT LIVING ON FEDERAL  
RESERVATIONS BUT ARE FROM FEDERALLY RECOGNIZED TRIBES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 108A-87 reads as rewritten:

**"§ 108A-87. Allocation of nonfederal shares.**

(a) The nonfederal share of the annual cost of each public assistance and social services program and related administrative costs may be divided between the State and counties as determined by the General Assembly and in a manner consistent with federal laws and regulations.

(b) ~~The~~ In a manner consistent with federal laws and regulations, the State shall pay the entire nonfederal share of the annual cost of public assistance and social services programs and related administrative costs provided to Indians living on federal reservations held in trust by the United States on their behalf shall be borne entirely by the State behalf, and Indians not living on federal reservations but who are from federally recognized tribes.

**SECTION 2.** This act is effective when it becomes law and applies to Jackson, Swain, Graham, and Cherokee counties only.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

S

1

**SENATE BILL 243**

Short Title: 50th Senatorial District Local Act-1. (Local)

Sponsors: Senator Snow.

Referred to: Rules and Operations of the Senate.

March 1, 2005

A BILL TO BE ENTITLED  
AN ACT RELATING TO THE 50<sup>TH</sup> SENATORIAL DISTRICT.  
The General Assembly of North Carolina enacts:

**SECTION 1.** This act relates only to the 50<sup>th</sup> Senatorial District.

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

# Swain County

## COUNTY COMMISSIONERS

GLENN JONES

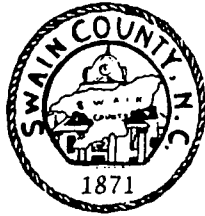
Chairman

DAVID ANTHONY

GENEVIEVE LINDSAY

DAVID MONTEITH

JEFF WALDROUP



PHONE: 828-488-9273

828-488-2600

FAX: 828-488-2754

E-mail: swaincountygovt@hotmail.com

## COUNTY MANAGER

KEVIN S. KING

Email: kking1@swaincounty.org

## Medicaid Facts and Figures for Swain County

Over the past several years it has become increasingly difficult to meet the county cost share for the Medicaid program. Swain County has limited revenues to use toward the increasing costs. Below are some of the factors that the county deals with concerning the overall financial position of Swain County and more specifically the Medicaid program.

- Approximately 26% of the population in Swain County has Medicaid.
- Approximately 11% of the entire county budget goes directly to fund the Medicaid Program.
- 31% of the ad-valorem tax is directly used to fund the Medicaid Program.
- The County pays more for Medicaid than any other budget item, including schools and public safety.
- Over 88% of the entire county is federally owned, which is approximately 239,000 acres. There is more federal land in Swain County than any other county in North Carolina. We do get some Payment in Lieu of Tax Appropriations from the Federal Government (approximately 1.43 per acre). This amount may be less next year due to the budget cuts that President Bush has suggested. (approx 12% decrease). This amount is significantly less than what other citizens pay for their property taxes. <http://www.blm.gov/pilt>

We do not have the revenue generating power to levy the revenues needed to continue funding Medicaid. We would appreciate your help phasing out the county share of the Medicaid program, so we can provide or expand other needed services for our citizens. If we can provide any further information to you, please do not hesitate to ask.

Thank you.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

D

SENATE BILL 271  
PROPOSED COMMITTEE SUBSTITUTE S271-PCS15245-SH-26

Short Title: Wilmington Red Light Camera Proceeds.

(Local)

Sponsors:

Referred to:

March 2, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE CLEAR PROCEEDS OF TRAFFIC CONTROL  
3 PHOTOGRAPHIC SYSTEMS IN THE CITY OF WILMINGTON TO BE PAID  
4 TO THE COUNTY SCHOOL FUND.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-300.1(c) is amended by adding a new subdivision  
7 to read:

8 "(5) The clear proceeds from the citations issued pursuant to the ordinance  
9 authorized by this section shall be paid to the county school fund. The  
10 clear proceeds from the citations shall mean the funds remaining after  
11 paying for the lease, lease-purchase, or purchase of the traffic control  
12 photographic system; paying a contractor for operation of the system;  
13 and paying any administrative costs incurred by the municipality  
14 related to the use of the system."

15 SECTION 2. This act is effective when it becomes law and applies only to  
16 the City of Wilmington.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

S

D

**SENATE BILL 271  
PROPOSED COMMITTEE SUBSTITUTE S271-CSSH-26 [v.1]**

5/20/2005 2:02:05 PM

Short Title: Wilmington Red Light Camera Proceeds.

(Local)

Sponsors:

Referred to:

March 2, 2005

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE THE CLEAR PROCEEDS OF TRAFFIC CONTROL  
PHOTOGRAPHIC SYSTEMS IN THE CITY OF WILMINGTON TO BE PAID  
TO THE COUNTY SCHOOL FUND.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-300.1(c) is amended by adding a new subdivision  
to read:

"(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 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."

**SECTION 2.** This act is effective when it becomes law, and applies only to the City of Wilmington.



# SENATE BILL 271: Wilmington Red Light Camera Proceeds

## BILL ANALYSIS

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<b>Committee:</b>	Senate State and Local Government	<b>Date:</b>	May 23, 2005
<b>Introduced by:</b>	Sen. Boseman	<b>Summary by:</b>	Theresa Matula
<b>Version:</b>	PCS to First Edition S271-CSSH-26		Committee Staff

---

**SUMMARY:** *The Proposed Committee Substitute for SB 271 requires the clear proceeds from the operation of traffic control photographic systems in the City of Wilmington to be paid to the county school fund.*

### CURRENT LAW:

G.S. 160A-300.1(c) authorizes municipalities to adopt ordinances for the civil enforcement of vehicle control signs and signals (G.S. 20-158) 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.

The City of Wilmington was authorized to use traffic control photographic systems by Section 2 of S.L. 1999-182, which was repealed by S.L. 1999-456, Section 48(d). However, S.L. 1999-456, Section 48(c) provided that Section 2 of S.L. 1997-216, as amended by S.L. 1999-17 and S.L. 1999-181 was rewritten to include the Cities of Wilmington and the Towns of Cornelius, Huntersville, and Matthews. (This was done to resolve duplicate enactments.)

Article IX, Section 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:

The Proposed Committee Substitute (PCS) for SB 271 amends G.S. 160A-300.1(c) to add a new subdivision authorizing the clear proceeds from citations issued in the City of Wilmington to be paid to the county school fund. In the PCS for SB 271, clear proceeds are defined 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.

S0271e1-SMSH-CSSH-26



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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1

SENATE BILL 271

Short Title: 9th Senatorial District Local Act-1.

(Local)

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Sponsors: Senator Boseman.

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Referred to: Rules and Operations of the Senate.

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March 2, 2005

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3  
4  
5

A BILL TO BE ENTITLED  
AN ACT RELATING TO THE 9<sup>TH</sup> SENATORIAL DISTRICT.  
The General Assembly of North Carolina enacts:  
**SECTION 1.** This act relates only to the 9<sup>th</sup> Senatorial District.  
**SECTION 2.** This act is effective when it becomes law.

**Helen Long (Sen. East)**

---

**From:** Curtis J. Wright [curtisjw@bellsouth.net]  
**Sent:** Monday, May 23, 2005 2:21 PM  
**To:** Sen. Robert Lee Holloman; Sen. Don East; Sen. Katie Dorsett; Sen. Fletcher Hartsell, Jr.; Sen. Charlie Dannelly; Sen. Bob Atwater; Sen. Doug Berger; Sen. Phil Berger; Sen. Daniel Clodfelter; Sen. John Garwood; Sen. Malcolm Graham; Sen. Richard Stevens; Sen. David Weinstein; Sen. Ham Horton; Sen. Keith Presnell; Sen. Fred Smith; Sen. R. C. Soles  
**Subject:** [Fwd: SB 271 / Wilmington Safe Light Program]

**RE: SB271**

Dear Mr. Co-Chairman, Ranking Member & Committee Members: Senate State & Local Government Committee,

**Attached, please find the following documents from the public record which I would respectfully ask you review and place into the record of your hearing on SB271:**

1. **Demand Letter:** New Hanover County School District; February 1, 2005; to the City of Wilmington
  - Note stated legal authorities
  - Note offer for schedule of payments
2. **Acknowledgment Letter:** City of Wilmington, March 2, 2005; to New Hanover County School District
  - Note acknowledgment of legal authorities and duty to pay
  - Note acknowledgment of \$1.7 million gross (as of March 2, 2005) collected
3. **City of Wilmington 2005 Public Document - Financial Overview**
  - Note \$14.5 million 'Undesignated General Fund Balance' (6/05) (ability to pay)
4. **New Hanover County School District Public Document - Bond Referendum**
  - Note \$400 million in unfunded capital needs before Bond Referendum approval
  - Note \$277 million in unfunded capital needs balance after Bond Referendum approval

Respectfully submitted,

Curtis J. Wright  
 Wilmington, NC  
 (910) 233-1343

----- Original Message -----

**Subject:** SB 271 / Wilmington Safe Light Program  
**Date:** Mon, 23 May 2005 09:12:33 -0400  
**From:** Curtis J. Wright <curtisjw@bellsouth.net>  
**Reply-To:** curtisjw@bellsouth.net  
**To:** Sen. Julia Boseman (NC Senate) <Juliab@ncleg.net>, Rep. Daniel F. McComas (NC House) <Dannym@ncleg.net>, Rep. Carolyn H. Justice (NC House) <Carolynju@ncleg.net>, Rep. Thomas E. Wright (NC House) <tomw@ncleg.net>, Robertho@ncleg.net, done@ncleg.net, kated@ncleg.net, fletcherh@ncleg.net, charliea@ncleg.net, boba@ncleg.net,

5/24/2005

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[rcsoles@ncleg.net](mailto:rcsoles@ncleg.net), [richards@ncleg.net](mailto:richards@ncleg.net), [davidw@ncleg.net](mailto:davidw@ncleg.net), Sen. Marc Basnight (NC House)  
[<Marchb@ncleg.net>](mailto:Marchb@ncleg.net), Rep. James B. Black (NC House) [<Jimb@ncleg.net>](mailto:Jimb@ncleg.net), Sherry Jones  
(Star News) [<sherry.jones@starnewsonline.com>](mailto:sherry.jones@starnewsonline.com)

CC: Hon. Michael F. Easley, Governor [<governor@ncmail.net>](mailto:governor@ncmail.net), Hon. Michael F. Easley,  
Governor [<governor@ncmail.net>](mailto:governor@ncmail.net), Dick Lee (Morning Line - Big Talker) [<dickl@sea-comm.com>](mailto:dickl@sea-comm.com),  
Frances Weller (WECT 6) [<fweller@wect.com>](mailto:fweller@wect.com), Harvard Jennings (980  
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Cantwell (Star News) [<si.cantwell@starnewsonline.com>](mailto:si.cantwell@starnewsonline.com), Barbara Bradley (NC Child  
Advocacy Inst.) [<barb@ncchild.org>](mailto:barb@ncchild.org), Bill Brooks, Executive Director (NC Family Policy  
Council) [<admin@ncfamily.org>](mailto:admin@ncfamily.org), Daniella Cook (NC Child Advocacy Inst.)  
[<daniella@ncchild.org>](mailto:daniella@ncchild.org), David A. Mills (NC Common Sense Foundation)  
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Editor - Star News [<letters@starnewsonline.com>](mailto:letters@starnewsonline.com), Exec. Director, Democracy NC  
[<info@democracy-nc.org>](mailto:info@democracy-nc.org), John Hood (John Locke Foundation) [<jhood@johnlocke.org>](mailto:jhood@johnlocke.org),  
Lindalyn Kakadelis (NC Education Alliance) [<kakadelis@bellsouth.net>](mailto:kakadelis@bellsouth.net), NC Coalition for  
Lobbying Reform [<info@nclobbyreform.org>](mailto:info@nclobbyreform.org), News Director Lumina News  
[<letters@luminanews.com>](mailto:letters@luminanews.com), North Carolina Association of Educators  
[<g.relations@ncae.org>](mailto:g.relations@ncae.org), Rob Schofield (NC Justice Ctr.) [<rob@ncjustice.org>](mailto:rob@ncjustice.org), WHQR  
Radio [<whqr@whqr.org>](mailto:whqr@whqr.org), Willard H. Killough, III (Island Gazette)  
[<editor@islandgazette.net>](mailto:editor@islandgazette.net), Wilmington Parent Magazine [<wilmingtonparent@ec.rr.com>](mailto:wilmingtonparent@ec.rr.com),  
Mark Schreiner (Star News) [<mark.schreiner@starnewsonline.com>](mailto:mark.schreiner@starnewsonline.com)

**Wilmington Star News article attached:**

**SB 271 - Ms Boseman wants Senate Committee approval of SB 271 based on the City of  
Wilmington - who has refused to pay some \$1.5 million in delinquent amounts due per NC law  
and the Safe Light program - approval of a draft allowing for NON-PAYMENT of delinquent  
amounts.....DUH!**

Dear Senate Committee Members,

Ms Boseman has presented you with a SB271 drafted to assist the City of Wilmington in avoiding the  
payment of some \$1.5 million dollars to the New Hanover County School System.

**WHO WOULDN'T WANT THE NC SENATE TO HELP THEM AVOID PAYING THEIR  
DELINQUENT BILLS !!!**

Now, you will be told that the City of Wilmington approves of this draft. Of course the City approves  
the draft! The City - **who has proven it can pay its delinquent bill with no burden on its taxpayers  
nor disruption on ANY of its 2005-2006 or beyond public projects** - would love to have the State

Legislature help it circumvent the funding laws of the State of NC and instead use this money for funding projects for the benefit of PRIVATE/FOR PROFIT firms.

Now, you will be told that the New Hanover County School Board - which is receiving political pressure to not collect this money from the City - is just fine with allowing the City to not pay its delinquent bills! But, as some of our local State delegation has acknowledged, **we do not see how it is legal for the New Hanover County School Board, a fiduciary for New Hanover County taxpayers, to not collect these delinquent amounts due under NC law!**

A LEGAL DEMAND FOR PAYMENT WAS MADE BY THE NEW HANOVER COUNTY SCHOOL BOARD ON FEBRUARY 2, 2005 FOR ALL DELINQUENT AMOUNTS.

Ms Boseman, who states that "Our NC Public Schools are my #1 priority", seems to have no problem assisting the City of Wilmington, a party that has proven via the public record its ability to pay its past due amounts for the Safe Light program under NC law, to avoid paying monies owed to our local public schools that are currently some \$277 million dollars behind in its capital funding and is facing a shortfall of operational funding from our local County Commissioners for 2005-2006.

The NC Senate Local & State Committee has the power to send a message to ALL our NC elected politicians: WE WILL NEVER SUPPORT ANY ACTION BY ANY ENTITY TO UNDERMINE NC LAWS PUT IN PLACE TO PROVIDE FUNDING FOR OUR PUBLIC SCHOOLS; and,

The NC Senate Local & State Government Committee has the power to send a message to ALL our public school children: WE WILL USE OUR POSITIONS AS ELECTED OFFICIALS TO ENSURE ALL PARTIES ABIDE BY NC LAW AS TO PROTECT THE ADEQUATE FUNDING OF YOUR PUBLIC SCHOOLS.

Any other message to our public elected officials and school children says; "Public Schools are not our #1 priority", and "you pay your bills due under the law", period!

**SB271 should be revised to make certain that "UPON APPROVAL OF SB271, ALL DELINQUENT AMOUNTS OWED BY THE CITY OF WILMINGTON SHALL CONTINUE TO BE DUE AND PAYABLE IN FULL".**

**This is an issue of character, of honoring your fiduciary responsibilities to our public school children, and acting "by example" on your promise that "Public Schools in NC are our #1 priority".**

**I WOULD BE GLAD TO PERSONALLY APPEAR BEFORE THE COMMITTEE DURING ITS DEBATE TO PLACE INTO YOUR PUBLIC RECORD THE PUBLIC SCHOOL FUNDING SHORTFALLS ACKNOWLEDGED IN THE PUBLIC RECORD BY OUR LOCAL ELECTED OFFICIALS, AND THE ABILITY OF THE CITY OF WILMINGTON TO PAY ITS DELINQUENT AMOUNTS DUE BY LAW.**

Respectfully submitted,

Curtis J. Wright  
Wilmington, NC  
(910) 233-1343

5/24/2005

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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1

SENATE BILL 1018

Short Title: Adopt Cougar As State Cat. (Public)

Sponsors: Senators Brock; and Apodaca.

Referred to: State and Local Government.

March 24, 2005

A BILL TO BE ENTITLED

AN ACT ADOPTING THE COUGAR AS THE OFFICIAL STATE CAT OF NORTH CAROLINA.

Whereas, the cougar is a member of the small cat family and is sometimes referred to as the panther, puma, catamount, mountain lion, and painter; and

Whereas, an adult cougar can reach eight feet in length, including its tail, and can weigh more than 150 pounds; and

Whereas, cougars are solitary nocturnal predators that feed primarily on deer and other small mammals; and

Whereas, cougars were once prevalent in North Carolina, but in recent years only a few sightings have been reported; and

Whereas, adopting the cougar as the official State cat of North Carolina would help bring about awareness of this magnificent animal; Now, therefore, The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 145 of the General Statutes is amended by adding a new section to read:

**"§ 145-22. State cat.**

**The cougar is adopted as the official State cat of the State of North Carolina."**

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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D

SENATE BILL 1130  
PROPOSED COMMITTEE SUBSTITUTE S1130-PCS55237-RU-41

Short Title: No Smoking in Prisons.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED  
AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.  
The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-599 reads as rewritten:

**"§ 143-599. Exemptions.**

All of the following facilities shall be exempt from the provisions of this Article:

- (1) Any primary or secondary school or child care center, except for a teacher's lounge.
- (2) An enclosed elevator.
- (3) Public school bus.
- (4) Hospital, nursing home, rest home, and State facility operated under the authority of G.S. 122C-181.
- (5) Local health department.
- (6) Any nonprofit organization or corporation whose primary purpose is to discourage the use of tobacco products by the general public.
- (7) Tobacco manufacturing, processing, and administrative facilities.
- (8) State correctional facilities operated by the Department of Correction."

**SECTION 2.** Article 2 of Chapter 148 of the General Statutes is amended by adding a new section to read:

**"§ 148-23.1. Smoking prohibited in State correctional facilities.**

(a) The General Assembly finds that in order to protect the health, welfare, and comfort of inmates in the custody of the Department of Correction and to reduce the costs of inmate health care, it is necessary to prohibit inmates from using tobacco products inside State correctional facilities and to ensure that employees and visitors do not use tobacco products inside those facilities.

(b) No person may use tobacco products inside of a State correctional facility, except for authorized religious purposes.

(c) The Department of Correction may adopt rules to implement the provisions of this section. Inmates in violation of this section are subject to disciplinary measures to be determined by the Department, including the potential loss of sentence credits earned prior to that violation. Employees in violation of this section are subject to disciplinary action by the Department. Visitors in violation of this section are subject to removal from the facility and loss of visitation privileges.

(d) As used in this section, the following terms mean:

(1) State correctional facility. – All buildings of a State correctional institution operated by the Department of Correction.

(2) Tobacco products. – Cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant that are prepared or used for smoking, chewing, dipping, or other personal use."

**SECTION 3.** The Department of Correction shall conduct one or more pilot programs banning smoking both inside buildings and on the grounds of State correctional institutions and administering smoking cessation programs for staff and inmates. The pilot smoking cessation programs shall be available to inmates and staff on a volunteer basis, and no person shall be compelled or coerced to participate. The smoking cessation program shall include instructions and education that will help inmates and staff cease the use of tobacco products and remain smoke free. The cost of administering the pilot smoking cessation program shall be paid from existing funds available to the Department of Correction. The Department of Correction may use services, personnel, and resources donated by nongovernmental agencies and organizations to implement this program. The Department of Correction shall report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on or before April 1, 2006, on the progress and status of the pilot programs.

**SECTION 4.** The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall study and make legislative recommendations on the feasibility and implementation of a two-year phase-in program banning smoking by all inmates, personnel, and visitors in all buildings and on all grounds of State correctional institutions operated by the Department of Correction. This study shall examine methods to assist with smoking cessation, including the use of nongovernmental agencies, organizations, and corporations for counseling, training, cessation aids, and interventions. The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall report the results of this study to the General Assembly prior to the convening of the 2006 Session of the 2005 General Assembly.

**SECTION 5.** Sections 1 and 2 of this act become effective January 1, 2006. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 1130  
PROPOSED COMMITTEE SUBSTITUTE S1130-CSRU-41 [v.5]

5/24/2005 6:32:18 PM

Short Title: No Smoking in Prisons.

(Public)

Sponsors:

Referred to:

March 24, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 143-599 reads as rewritten:

5 "**§ 143-599. Exemptions.**

6 All of the following facilities shall be exempt from the provisions of this Article:

- 7 (1) Any primary or secondary school or child care center, except for a  
8 teacher's lounge.  
9 (2) An enclosed elevator.  
10 (3) Public school bus.  
11 (4) Hospital, nursing home, rest home, and State facility operated under  
12 the authority of G.S. 122C-181.  
13 (5) Local health department.  
14 (6) Any nonprofit organization or corporation whose primary purpose is to  
15 discourage the use of tobacco products by the general public.  
16 (7) Tobacco manufacturing, processing, and administrative facilities.  
17 (8) State correctional facilities operated by the Department of Correction."

18 SECTION 2. Article 2 of Chapter 148 of the General Statutes is amended by  
19 adding a new section to read:

20 "**§ 148-23.1. Smoking prohibited in State correctional facilities.**

21 (a) The General Assembly finds that in order to protect the health, welfare, and  
22 comfort of inmates in the custody of the Department of Correction and to reduce the  
23 costs of inmate health care, it is necessary to prohibit inmates from using tobacco  
24 products inside State correctional facilities and to ensure that employees and visitors do  
25 not use tobacco products inside those facilities.

26 (b) No person may use tobacco products inside of a State correctional facility,  
27 except for authorized religious purposes.



1       (c) The Department of Correction may adopt rules to implement the provisions  
2 of this section. Inmates in violation of this section are subject to disciplinary measures  
3 to be determined by the Department, including the potential loss of sentence credits  
4 earned prior to that violation. Employees in violation of this section are subject to  
5 disciplinary action by the Department. Visitors in violation of this section are subject to  
6 removal from the facility and loss of visitation privileges.

7       (d) As used in this section, the following terms mean:

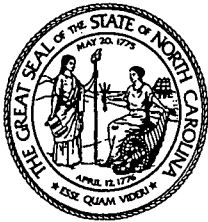
8           (1) State correctional facility. – All buildings of a State correctional  
9 institution operated by the Department of Correction.

10          (2) Tobacco products. –Cigars, cigarettes, snuff, loose tobacco, or similar  
11 goods made with any part of the tobacco plant that are prepared or  
12 used for smoking, chewing, dipping, or other personal use."

13       **SECTION 3.** The Department of Correction shall conduct one or more pilot  
14 programs banning smoking both inside buildings and on the grounds of State  
15 correctional institutions and administering smoking cessation programs for staff and  
16 inmates. The pilot smoking cessation programs shall be available to inmates and staff on  
17 a volunteer basis and no person shall be compelled or coerced to participate. The  
18 smoking cessation program shall include instructions and education that will help  
19 inmates and staff cease the use of tobacco products and remain smoke free. The cost of  
20 administering the pilot smoking cessation program shall be paid from existing funds  
21 available to the Department of Correction. The Department of Correction may use  
22 services, personnel and resources donated by non-governmental agencies and  
23 organizations to implement this program. The Department of Correction shall report to  
24 the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight  
25 Committee on or before April 1, 2006 on the progress and status of the pilot programs.

26       **SECTION 4.** The Joint Legislative Corrections, Crime Control, and Juvenile  
27 Justice Oversight Committee shall study and make legislative recommendations on the  
28 feasibility and implementation of a two-year phase-in program banning smoking by all  
29 inmates, personnel and visitors in all buildings and on all grounds of State correctional  
30 institutions operated by the Department of Correction. This study shall examine  
31 methods to assist with smoking cessation, including the use of non-governmental  
32 agencies, organizations and corporations for counseling, training, cessation aids and  
33 interventions. The Joint Legislative Corrections, Crime Control, and Juvenile Justice  
34 Oversight Committee shall report the results of this study to the General Assembly prior  
35 to the convening of the 2006 Session of the 2005 General Assembly.

36       **SECTION 5.** Sections 1 and 2 of this act become effective January 1, 2006.  
37 The remainder of this act is effective when it becomes law.



# SENATE BILL 1130: No Smoking in Prisons

## BILL ANALYSIS

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<b>Committee:</b>	Senate State and Local Government	<b>Date:</b>	May 25, 2005
<b>Introduced by:</b>	Sen. Albertson	<b>Summary by:</b>	Hal Pell
<b>Version:</b>	PCS to First Edition S1130-CSRK-CSRU-41		Committee Co-Counsel

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**SUMMARY:** *This bill would prohibit the possession or use of tobacco products by inmates in custody of the Department of Correction. The Department would be authorized to adopt rules to implement the law. These provisions would be effective January 1, 2006. Provisions to implement a pilot ban on smoking and to create smoking cessation programs would be effective when the bill becomes law.*

### BILL ANALYSIS:

**Section 1:** State law currently authorizes non-smoking areas in State facilities. However, if non-smoking areas are designated, then at least twenty percent (20%) of the interior space of equal quality to that of the nonsmoking area must be designated as a smoking area, unless physically impracticable. Section 1 would amend the current laws to add State correctional facilities to the list of those facilities that are not subject to regulatory provisions.

**Section 2:** This new statutory provision would prohibit smoking inside State correctional facilities, except for religious purposes. The Department of Correction is authorized to adopt rules to implement the provisions of the section. The section provides the following penalties for those who violate the section:

- Inmates – Departmental discipline, including potential loss of sentence credits.
- Employees – Departmental discipline.
- Visitors – Subject to removal from the facility and loss of visitation privileges.

**Section 3:** The Department of Correction is directed to conduct pilot programs that would ban smoking both inside and outside of facilities. The bill also directs the Department to administer smoking cessation programs. The programs are to be paid for by currently available funds, be available to both employees and inmates, and are to be on a volunteer basis. The Department is directed to report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on or before April 1, 2006.

**Section 4:** The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee is directed to study and make legislative recommendations on the feasibility and implementation of a two-year phase in program that would ban smoking in all State correctional institution buildings and on all grounds. The Committee is to report to the General Assembly on its study prior to the 2006 Session of the 2005 General Assembly.

**EFFECTIVE DATE:** Section 1 and 2 are effective January 1, 2006. Sections 3 and 4 are effective when the bill becomes law.

S1130e1-SMRK-CSRU-41

## VISITOR REGISTRATION SHEET

State and Local Government

May 25, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Pam Seaman	NC Alliance for Health
Lisa Martin	NC Home Builders
Gabe Alston	Duplin City Comm.
Stephanie Buehler	GA Office
Margaret Brooks	NCPDC
Jessica Ayre	NC FPC
Phil Jell	Phar. News
Kevin Leonard	WCSR
Kelly Danks	Capitol Group
Leanne Winner	NCSBx
Lynda Ann	Am Heart Ass

## VISITOR REGISTRATION SHEET

## State and Local Government

Name of Committee

May 25, 2005

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE**  
**CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Harry Lloyd

NCLH

**Senate State and Local Government Committee**

**Wednesday, July 6, 2005, 12:00 Noon  
1124 LB**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

HB 829      Display of Official Government Flags.

Representative Capps  
Representative Crawford, Jr.  
Representative Langdon, Jr.  
Representative Owens, Jr.

**Other Business**

**Adjournment**

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**  
**Wednesday, July 6, 2005 at 12:00 Noon**  
**Room 1124, Legislative Building**

**MINUTES**

The Senate State and Local Government Committee met at 12:00 Noon on July 6, 2005, in Room 1124 of the Legislative Building. Sixteen members of the committee were present. Senator Don W. East presided.

Senator East introduced the six pages in attendance: Shana Simpson, sponsored by Senator Dorsett; Hunter Barrett, sponsored by Senator Stevens; Tom Moore, sponsored by Senator Horton; Justin Davis, sponsored by Senator Swindell; Michael Wright sponsored by Senator Dalton; and Michael McMillian, sponsored by Senator Atwater.

**HB 829, Display of Official Government Flags**, sponsored by Representatives Russell Capps, Bill Owens, Jim Crawford, and James Langdon, was heard in committee on June 23, 2005. Amendment H829ALE-37 was presented by Senator Horton and adopted. HB 829 remained in committee with no action taken.

Senator Doug Burger requested to send forth a Proposed Committee Substitute [v.2] to remove the amendment. Senator Dorsett moved to adopt. After discussion of parliamentary rules and procedures and suspending the rules, the Staff concluded we have a motion to suspend the rules. After discussion, Hal Pell read the rules, and a motion was asked for to suspend the rule. A division of the vote was called after a call for ayes and nos. A raise of hands was 8 for the ayes and 8 for the nos. Vote fails without a majority. PCS was out of order.

Discussion was called for on HB-829 as amended and Representative Capps explained the bill and asked for a favorable report. After discussion, Senator East asked for The League of Municipalities to speak on the bill. Mr. Andy Romanet, Jr., General Counsel for the NC League of Municipalities spoke and wanted the bill to make it absolutely clear that local governments had the authority to move monuments for constructions and road projects. He was still unclear as to who had the authority to do that after reading the amendment.

The staff was asked about the display of a Christian flag. Representative Capps stated that it only covered the flags in the bill and any restrictions by cities on other items would remain. HB 829 did not address the issue of Christian flags. Senator Dorsett brought up flag controversy in SC. Satanic flags are not included in the bill.

Senator Horton addressed the amendment to HB 829 stating that it provided for the preservation to the monuments of our past. The bill is supported by the Vietnam Veterans, Inc., by the American Legion, by the Veterans of Foreign Wars, by the United Daughters of the Confederacy, by Disabled American Veterans, and by the Daughters of the American Revolution.

Senator Horton introduced two people who wanted to speak in favor of the bill. Mr. Thomas M. Smith, Raleigh, member of the Triangle Historical Preservation, Chairman of the Oakwood Cemetery Restoration Committee. See handout attached. Dr. Timothy Wyatt, Defense Contractor, also spoke in support of the monument protection language in the bill.

Senator Horton stated the DOT would put monuments back as near as they can after any removal for road construction. Temporary exhibits are not part of the bill. The affect of it is to simply change the penalty to A1 misdemeanor from a Class 2 misdemeanor. Instead of 30 days of community service they might get 60 days and if it is a repeated offense some active punishment. Senator Horton commended the amended bill.

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**  
**Wednesday, July 6, 2005 at 12:00 Noon**  
**Room 1124, Legislative Building**

**MINUTES**

Page 2

Senator Horton answered questions from committee members – change present law from one penalty to another and not have to pass a new bill. Statute that addresses such things as graveyards but new bill provides not just for enhanced penalty but says how you can alter or move these things and that it can be done with the two-thirds approval of the General Assembly or the Historical Commission or upon the authority of public or private body responsible for it. Without that all you have is another graveyard bill.

Staff addressed questions on cemetery laws, if a penalty was being increased or were we creating a new penalty, how current statute affected cities.

Senator Doug Burger requested permission to send forth an amendment. Senator Burger spoke on the amendment that would empower the governor and the NC Human Relations Commission to make decisions on flag removal.

After questions and answers on the amendment to Senator D. Burger, Senator Horton urged the committee to defeat the amendment. Senator Phil Burger raised the question of the work “majority vote” in the amendment and Senator D. Burger agreed for consistency purposes to change it to two-thirds vote. Representative Capps asked that the committee not approve the amendment.

Senator Fred Smith was recognized for a substitute motion to delete number 6 from Senator Burger’s amendment. After discussion Senator East called for a vote. Aye’s and No’s were a division. Hand count aye’s were 8 and no’s were 8. Motion failed.

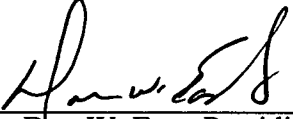
Senator Burger’s amendment (with the change of “two-thirds vote”) was voice voted and the Chair’s prerogative was that the No’s prevailed. Division was called. Hand vote was 8 for and 8 against. The amendment failed.

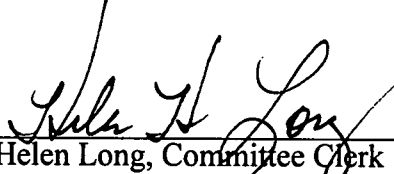
The committee was back to the bill as amended. Senator Soles moved that Senate Rule 28 in questions be divided and that Section 1 and 2 be voted on separate from Section ? Senator East stated that Senator Soles’ request had to be in writing and ruled Senator Soles’ motion out of order.

The question has been called on the bill as amended. All in favor say aye, opposed no. Division has been called. Hand vote – 8 for, 8 against.

The bill stays in committee.

The meeting was adjourned at 12:55 p.m.

  
\_\_\_\_\_  
Senator Don W. East, Presiding

  
\_\_\_\_\_  
Helen Long, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

S. B. No. \_\_\_\_\_

COMMITTEE SUBSTITUTE \_\_\_\_\_

DATE 6 July 05

Amendment No. \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep.) D. Berger  
Sen.)

Amendment 1

1 moves to amend the bill on page 2, between lines 8 and 9,

2 ( ) WHICH CHANGES THE TITLE

3 by inserting the following:

4 "(5) with the approval of the Governor.

5  
6  
7 (6) with the approval by a majority  
8 of the members of the ~~Human~~  
9 ~~Relations Commission~~ North Carolina  
10 ~~Human Relations Commission.~~

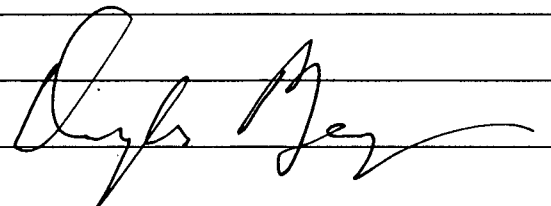
11  
12 (6) With the approval of the  
13 North Carolina Human Relations  
14 Commission by a <sup>2/3</sup> majority vote  
15 of the members voting at  
16 a regularly scheduled meeting."

17

18

19

SIGNED



ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

D

HOUSE BILL 829  
Committee Substitute Favorable 6/1/05  
PROPOSED SENATE COMMITTEE SUBSTITUTE H829-CSRF-36 [v.2]

7/6/2005 10:07:18 AM

Short Title: Display of Official Governmental Flags.

(Public)

Sponsors:

Referred to:

March 22, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL  
3 FLAGS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 144 of the General Statutes is amended by adding a  
6 new section to read:

7 "§ 144-7.1. Display of official governmental flags; public restrictions.

8 (a) A county, city, consolidated city-county, or unified government shall not  
9 prohibit an official governmental flag from being flown or displayed if the official  
10 governmental flag is flown or displayed:

11 (1) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10,  
12 as amended; and

13 (2) Upon private or public property with the consent of either the owner of  
14 the property or of any person having lawful control of the property.

15 (b) Notwithstanding subsection (a) of this section, for the purpose of protecting  
16 the public health, safety, and welfare, reasonable restrictions on flag size, number of  
17 flags, location, and height of flagpoles are not prohibited, provided that such restrictions  
18 shall not discriminate against any official governmental flag in any manner.

19 (c) For purposes of this section, an 'official governmental flag' shall mean any of  
20 the following:

21 (1) The flag of the United States of America.

22 (2) The flag of nations recognized by the United States of America.

23 (3) The flag of the State of North Carolina.

24 (4) The flag of any state or territory of the United States.

25 (5) The flag of a political subdivision of any state or territory of the United  
26 States."

**SECTION 2.** The title of Chapter 144 of the General Statutes reads as rewritten:

**"Chapter 144.**

**State Flag, Official Governmental Flags, Motto-Motto, And Colors.**

**SECTION 3.** This act becomes effective October 1, 2005, and applies to the construction of ordinances adopted before the effective date and to ordinances adopted on or after the effective date.



# HOUSE BILL 829: Display of Official Governmental Flags

## BILL ANALYSIS

<b>Committee:</b>	Senate State and Local Government	<b>Date:</b>	July 6, 2005
<b>Introduced by:</b>	Reps. Capps, Owens, Crawford, Langdon	<b>Summary by:</b>	Theresa Matula
<b>Version:</b>	Second Edition		Committee Staff
	Amendment H829-ALE-37[v.3]		

**SUMMARY:** *House Bill 829 provides that no unit of local government may prohibit the display of an official governmental flag if it is displayed in accordance with federal law and with appropriate consent; it also provides that reasonable restrictions are allowed to protect the public's health, safety, and welfare; it defines "official governmental flag;" and the bill amends the title of Chapter 144 of the General Statutes.*

*Amendment H829-ALE-37 amends the title of the bill to provide that the act also pertains to the "PRESERVATION OF HISTORIC MONUMENTS," it adds a new section to Chapter 121 regarding the protection of North Carolina historic monuments and memorials, and it establishes an effective date for this section of December 1, 2005 which applies to offenses committed on or after that date.*

## BILL ANALYSIS:

Section 1 of House Bill 829 creates a new section in Chapter 144, G.S. 144-7.1, **Display of official governmental flags; public restrictions**. This provision prohibits local governments from prohibiting an official governmental flag from being flown or displayed if it is done in accordance with the federal statutes and done with the consent of the person who has lawful control of the property.

G.S. 144-7.1(b) specifies that reasonable restrictions on flag size, number of flags, location, and height of flagpoles are allowed for the purposes of protecting the public's health, safety, and welfare as long as the restrictions do not discriminate against the flag.

G.S. 144-7.1 (c) defines an "official governmental flag" to include the flag of:

- the Unites States of America.
- nations recognized by the Unites States of America.
- the State of North Carolina.
- any state or territory of the Unites States.
- political subdivision of any state or territory of the United States.

Section 2 of House Bill 829 amends the title of Chapter 144 of the General Statutes

from: **State Flag, Motto and Colors.**

to: **State Flag, Official Governmental Flags, Motto, and Colors.**

## AMENDMENT ANALYSIS:

The amendment adds a section to Chapter 121 of the General Statutes (Archives and History) to prohibit the relocation, removal, disturbance, alteration, or defacement of a monument, memorial, plaque, marker, or historic flag display commemorating events, veterans, or persons of North Carolina history on public property of the State or any of its political subdivisions.

Monuments, memorials, plaques, markers, and historic flag displays may be removed, relocated, or altered by one of the following actions:

- approval by a two-thirds vote of the members voting in each house of the General Assembly;

# House Bill 829

Page 2

- approval by a two-thirds vote of the members voting at a regularly scheduled meeting of the North Carolina Historical Commission (G.S. 121-12);
- upon the authority of the public or private body responsible for the protection, preservation, upkeep, or care of the monuments, memorials, plaques, markers or historic flag displays, however, those removed for protection, preservation, upkeep or care must be returned to the original location or to a close proximity;
- removal, relocation, or alteration of an exhibit not intended to be permanent, including without limitation, temporary exhibits in museums.

A person who willfully violates the provisions contained in this amendment would be guilty of a Class A1 misdemeanor.

## EFFECTIVE DATE:

The amendment amends the effective date so that the provisions pertaining to historical monuments become effective December 1, 2005 and apply to offenses committed on or after that date. The remainder of the act becomes effective October 1, 2005 and applies to the construction of instruments and ordinances adopted or registered prior to that date.

## CURRENT LAW ON THE AMENDMENT:

The Department of Cultural Resources is charged with receiving, maintaining and administering historic property and objects. Subject to the approval of the Historical Commission, the Department may dispose of records and artifacts it determines to have no further use or value. The Department is also charged with selecting suitable sites around the State for the placement of historic markers calling attention to nearby historic sites.

There are numerous laws creating criminal penalties for the removal, alteration, destruction or desecration of public records, public property, and flags. The penalties range from Class H felonies to Class 3 misdemeanors. The following is a list of some of the offenses:

- G.S. 14-72 (Larceny) makes it a Class H felony to steal property valued at \$1,000 or more or any record or paper in the custody of the North Carolina State Archives, and a Class 1 misdemeanor to steal property valued at less than \$1,000.
- G.S. 14-76.1 makes it a Class 1 misdemeanor to deface or alter records or papers in the North Carolina State Archives.
- G.S. 14-132 makes it a Class 2 misdemeanor to deface or injure the walls of any public building, statute or monument.
- G.S. 14-160 makes it a Class 2 misdemeanor to willfully injure personal property where the damage is \$200 or less, and a Class 1 misdemeanor where the damage is more than \$200.
- G.S. 14-381 makes it a Class 2 misdemeanor to desecrate the U.S. or N.C. flag.
- G.S. 14-398 makes it a Class H felony to steal, deface, or destroy property (valued over \$50) of public libraries or museums, and a Class 1 misdemeanor if the property is valued at \$50 or less.
- G.S. 121-5(b) makes it Class 3 misdemeanor to unlawfully remove, alter or destroy a public record from the office where it is normally kept without the consent of the Department of Cultural Resources.

*H0829e2 as amended-SMSH*

Erika Churchill and Kory Goldsmith contributed to this summary.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 829

H829-ALE-37 [v.3]

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

Page 1 of 2

Date \_\_\_\_\_, 2005

Comm. Sub. [YES]  
Amends Title [YES]  
Second Edition

Senator \_\_\_\_\_

1 moves to amend the bill on page 1, line 3, by adding before the period at the end of the  
2 line the following:

3 "AND TO THE PRESERVATION OF HISTORIC MONUMENTS";

4  
5 and further moves to amend the bill on page 2, lines 2-3 by deleting the lines and  
6 substituting the following:

7 "SECTION 3. Article 1 of Chapter 121 of the General Statutes is amended  
8 by adding a new section to read:

9 **'§ 121-13.3. Protection of North Carolina historic monuments and memorials.**

10 (a) Except as provided by subsection (b) of this section, no monument, memorial,  
11 plaque, marker, or historic flag display commemorating events, veterans, or persons of  
12 North Carolina history on public property of the State or any of its political subdivisions  
13 may be relocated, removed, disturbed, altered, or defaced.

14 (b) Monuments, memorials, plaques, markers, and historic flag displays set forth  
15 in subsection (a) of this section may be removed, relocated, or altered by one of the  
16 following actions:

17 (1) With the approval of the General Assembly by a two-thirds vote of the  
18 members voting in each house.

19 (2) With the approval of the North Carolina Historical Commission by a  
20 two-thirds vote of the members voting at a regularly scheduled  
21 meeting.

22 (3) Upon the authority of the public or private body responsible for the  
23 protection, preservation, upkeep, or care of the monuments,  
24 memorials, plaques, markers, or historic flag displays. Any monument,  
25 memorial, plaque, marker, or historic flag display removed for



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 829

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

H829-ALE-37 [v.3]

Page 2 of 2

1 protection, preservation, upkeep, or care must be returned to its  
2 original location when the activity is completed or, if the activity  
3 involves construction or roadwork that makes return to the original  
4 location impossible, to an approximate location close to the original  
5 location.

6 (4) Removal, relocation, or alteration of an exhibit not intended to be  
7 permanent, including, without limitation, temporary exhibits in  
8 museums.

9 (c) A person who willfully violates the provisions of this section shall be guilty  
10 of a Class A1 misdemeanor.'

11 **SECTION 4.** Section 3 of this act becomes effective December 1, 2005, and  
12 applies to offenses committed on or after that date. The remainder of this act becomes  
13 effective October 1, 2005, but it applies to the construction of ordinances adopted or  
14 registered prior to its effective date."  
15  
16

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

2

HOUSE BILL 829  
Committee Substitute Favorable 6/1/05

Short Title: Display of Official Governmental Flags.

(Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED  
AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL  
FLAGS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 144 of the General Statutes is amended by adding a  
new section to read:

**"§ 144-7.1. Display of official governmental flags; public restrictions.**

(a) A county, city, consolidated city-county, or unified government shall not prohibit an official governmental flag from being flown or displayed if the official governmental flag is flown or displayed:

(1) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended; and

(2) Upon private or public property with the consent of either the owner of the property or of any person having lawful control of the property.

(b) Notwithstanding subsection (a) of this section, for the purpose of protecting the public health, safety, and welfare, reasonable restrictions on flag size, number of flags, location, and height of flagpoles are not prohibited provided that such restrictions shall not discriminate against any official governmental flag in any manner.

(c) For purposes of this section, an 'official governmental flag' shall mean any of the following:

(1) The flag of the United States of America.

(2) The flag of nations recognized by the United States of America.

(3) The flag of the State of North Carolina.

(4) The flag of any state or territory of the United States.

(5) The flag of political subdivision of any state or territory of the United States."

SECTION 2. The title of Chapter 144 of the General Statutes reads as  
rewritten:

**"Chapter 144.**

**State Flag, Official Governmental Flags, Motto-Motto, And Colors."**

**SECTION 3.** This act becomes effective October 1, 2005, but it applies to the construction of ordinances adopted or registered prior to its effective date.



# CONTINUATION PAGE

1. AGENCY STATE CAPITOL POLICE	2. ORI NC0921200	3. CONTINUATION TO: <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Arrest <input type="checkbox"/> Supplementary Inv.	4. OCA FILE NO 01-004980
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AND MANASSAS, BUT AT THIS TIME IT IS UNKNOWN IF THIS IS RELATED. (SEE NEWS ARTICLE ATTACHED). AT THE TIME OF THIS REPORT WE ARE CONTINUING OUR INVESTIGATION BUT HAVE NO SUSPECTS AND THE VALUE OF THE DAMAGE IS UNKNOWN AT THIS TIME BUT IS BEING EVALUATED BY THE CAPITOL STAFF. TURNED OVER TO INVESTIGATIONS FOR FOLLOW UP.

FOLLOWING ITEMS WERE DAMAGED ON 04-24-2001

AYCOCK STATUE (PHOTO 26-22)

CONFEDERACY WOMAN STATUE (PHOTO 21, 20)

WORTH BAGLEY STATUE (PHOTO 19, 18)

CONFEDERATE STATUE (PHOTO 17, 16, 15, 14)

SAMUEL ASHE STATUE (PHOTO 13, 12)

HENRY WYATT STATUE (PHOTO 11, 10)

KOREAN BRASS PLACARD (PHOTO 9)

WORLD WAR II PLACARD (PHOTO 8)

WORLD WAR I PLACARD (PHOTO 7)

MEMORIAL PLACARD (PHOTO 6)

VIETNAM MEMORIAL PLACARD (PHOTO 5)

ANDREW JACKSON STATUE (PHOTO 4, 3, 2, )

VANCE STATUE (PHOTO 1)

Officer Name / ID COYNE, MARK / 095	Officer Signature	Date / Time Submitted	Page 3
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# INCIDENT/INVESTIGATION REPORT

Page 2

OCA  
01-004980

Page 2

Status: L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found																			
DRUGS					Check: up to 3 types of activity for each														
	CI	Status	Quantity	Type Measure	Suspected Type				Possess	Buy	Sale	Mfg.	Importing	Operating					
Offender Used		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk <input type="checkbox"/> N/A		Offender 1				Offender 2				Offender 3				Primary Offender Resident Status <input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input checked="" type="checkbox"/> Unknown			
Alcohol/Drugs		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk <input type="checkbox"/> N/A		Offender 4				Offender 5				Offender 6							
Computer		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk <input type="checkbox"/> N/A		Age: Race: Sex:				Age: Race: Sex:				Age: Race: Sex:							
Name (last, first, middle)					Alias or Nickname					Home Address									
Occupation					Business Address														
DOB / Age				Race	Sex	Height	Weight	Build	Hair Color	Hair Style	Hair Length	Eye Color	Glasses						
Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)																			
Hat	Jacket	Shirt/Blouse	Tie/Scarf	Coat/Suit	Pants/Dress/Skirt	Socks	Shoes												
Was Suspect Armed?				Type of Weapon				Direction of Travel				Mode of Travel							
Yr	Make	Model	Style	Color	Lic/Lis	VIN													
Name (last, first, middle)					DOB / Age			Race	Sex	OCA									
Home Address					Home Phone			Employer			Phone								
Suspect Hate / Bias Motivated: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>																			
Narrative: ON THE ABOVE DATE AND TIME I RESPONDED TO THE CAPITAL SQUARE AREA REFERENCE POSSIBLE VANDALISM. WHEN I ARRIVED I CAME IN CONTACT WITH THE COMPLAINANT WHO STATED THAT SOMEONE HAD SPRAYED SOME TYPE OF AN OIL BASE ON ALL THE STATUES ON THE CAPITAL GROUNDS. WE THEN WALKED AROUND THE CAPITAL AREA AND NOTICED THAT ALL THE STATUES AND SOME OF THE BRASS PLACARDS HAD SOME TYPE OF DAMAGE CAUSED BY THIS UNKNOWN OIL BASE. (SEE PHOTOS). I THEN PROCEEDED TO TAKE INVENTORY OF THE DAMAGED ITEMS (SEE BELOW). I THEN CONTACTED THE GOVERNORS MANSION TO CHECK THE VIDEO TAPES OF THE CAPITAL GROUNDS FOR THE LAST 48 HOURS AND TURNED THEM OVER TO THE INVESTIGATION DIVISION FOR POSSIBLE IDENTIFICATION OF THE SUSPECTS. TALKING WITH MR RAY BECK HE STATED THAT THERE WAS A GROUP OF VANDALS THAT HAD DAMAGED HISTORICAL STATUES IN THE PAST IN SUCH AREAS AS GETTYBERG, ANTIETAM, FREDERICKSBURG,																			

Date/Time Reported		S	M	W	T	F	S
Month	Day	Yr		Time			
4	24	2001		13:11 Hrs.			

Last Known Secure		M I W T F S			
Month	Day	Yr	Time		
4	22	2001	17:00 Hrs.		

### Offense Trac:

Victim Residence Type	
<input type="checkbox"/> Single Family	<input type="checkbox"/> Multi Family

Forcible	Weapon / Tools
<input type="checkbox"/> Yes	N/A
<input checked="" type="checkbox"/> No	98 - Other Weapon

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	Unknown
<input type="checkbox"/>	No	<input type="checkbox"/>	NA

Resident Status  
☐ Resident  
☐ Non-Resident  
☒ Unknown

Home Phone  
(919) 744-4994

Business Phone

Type: ☐ Person ☐ Business ☐ Society ☐ Government ☐ Financial Institute ☐ Religious ☐ L.E. Officer Line Of Duty ☐ Other/Unknown

Race	Sex
W	M

Home Phone  
(919) 496-1181

**Business Phone**  
**(919) 733-4994**

Type: ☐ Person ☐ Business ☐ Society ☒ Government ☐ Financial Institute ☐ Religious ☐ L.E. Officer Line Of Duty ☐ Other/Unknown

Name	Sex
------	-----

Home Phone

Business Phone

[illegible]

0

Supervisor Signature

Case Disposition: ☐ Unfounded ☐ Located ☐ Extradition Declined  
☐ Cleared by Arrest ☐ Refuse to Cooperate  
☐ Cleared by Arrest by Another Agency ☐ Prosecution Declined  
☐ Death of Offender ☐ Prosecution Declined

Page 1

Subj: DOA Secretary  
 Date: 4/28/01 1:18:35 PM Eastern Daylight Time  
 From: andrea.bogart@ncmail.net (Andrea Bogart)  
 To: NCSCVcommander@aol.com (Charles Hawks)

Charles, while I'm thinking about it, let me give you the name & address of the new DOA secretary. Gwynn T. Swinson, 1301 Mail Service Center, Raleigh, NC 27699-1301. I'll give you more information when I have it. Thanks.

Andrea

## North Carolina

4-29-01

### Police hunt for suspects in statue vandalism

FROM STAFF REPORTS

Authorities were still searching Saturday for suspects in connection with the vandalism of virtually every statue on the State Capitol grounds in downtown Raleigh.

From the Korean War Memorial to the likeness of the first North Carolina soldier killed in the Civil War to all three U.S. presidents from North Carolina, vandals poured an oil-based substance on the statues' stone bases and metal plaques, State Capitol Police reported.

The only statues that appeared to have avoided the vandals' oily taint were the likeness of George Washington and the Vietnam War Memorial.

The incident occurred sometime between late April 22 and early April 23, said Sgt. Tony Mele with Capitol Police.

Although officials have not yet determined a damage estimate, Mele said the vandalism appears to be minimal.

"It doesn't seem to be any damage structurally, just appearance-wise," Mele said.



**CAROL C. HENDERSON**  
 Administrator  
 North Carolina State Capitol

N.C. Department of Cultural Resources  
 Division of Archives & History

1 E. Edenton Street, Raleigh, NC 27601  
 Tel: (919) 733-4894; Fax: (919) 715-4014  
 Email: capitol@ncsl.dcr.state.nc.us

**In 2001 monuments on the Capitol grounds were defaced.**

**Viet Nam memorial destroyed.**

**Jefferson Davis Highway**

**Such disrespect for our monuments tears at the very fabric of this state. It's a slap in the face to all of our veterans, past and present. Several states in the last five years have passed similar legislation including, SC, Va., TX, Ok, Florida and so on. It's time that we do as well.**

# Vandals smash Vietnam memorial

1-31-01

BY JOHN SULLIVAN  
STAFF WRITER

**DURHAM** — Jerond L. Belton pushed his green fatigue Army jacket aside and bent over his twice-fallen comrades.

There he sat, trying to piece them together, straining to read their broken names like a medic trying to read the name on a dead soldier's dog tag.

At his feet lay the fractured names of 39 soldiers, shattered Tuesday morning when vandals drove a forklift into the Vietnam War memorial near the Edison Johnson Recreation Center on Murray Avenue.

The vandalism caused an estimated \$70,000 in damage. The forklift knocked down a large black marble slab and smashed into shrapnel-size pieces the names of men from Durham who are missing in action or who died fighting far from home.

Police said they have no suspects.

But there is no harm to the dead, only to the living. Belton, 54, the memorial's creator, sees suspects all around.

"You give and give and give, and people still tear you down," he said. "The war is not over."

ite nearby.

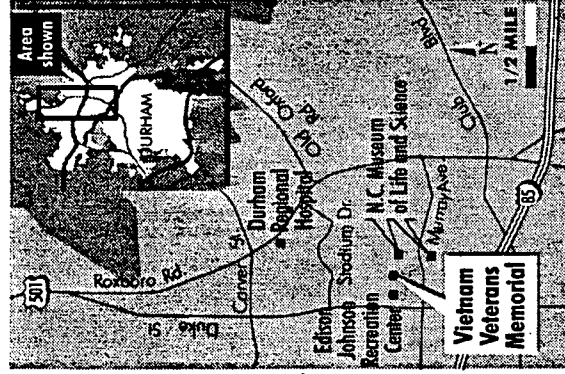
Belton said a jogger on a nearby path found the large yellow forklift smashed into the gray granite and black marble slabs about 8 a.m. Police arrived a short time later.

The forklift was being used by a construction crew nearby to lift heavy materials onto the roof of the Museum of Life and Science. To get to the memorial, someone had to drive the machine down a narrow path in the opposite direction from the construction site.

Belton and 30 other members of the Durham chapter of Vietnam Veterans of America raised the money to build the memorial in 1992. He said the group will meet soon to see what it can do about repairs, but he's not hopeful that money will be available to cover them.

Belton designed the stone tribute, a large slab resembling an open book, surrounded by five benches representing each branch of the service. It sat atop a patio paved with bricks bearing the names of veterans who made it back home alive.

When he saw the names lying among the fragments of the broken black slab, Belton said, he felt



FRANK MEDLIN / The News & Observer

He said the incident shows how quick Americans are to forget the sacrifices soldiers made during the war.

"It's like an ambush all over again," Belton said over the sharp percussion of someone practicing drums at the recreation center.

He pointed toward the names: Dewey Maynard Eubanks. Edward James Farrar. John Milton Harrington. All lay on the ground again, fragments of gran-

the same pang he felt when he saw soldiers in black body bags in Vietnam. It was the same hurt he felt when he returned to the United States and faced angry war protesters nearly 33 years ago.

It's that hurt, he said, coupled with what he saw as a young radio operator, that causes him to suffer post-traumatic stress disorder, a psychological condition marked by recurrent flashbacks, nightmares and anxiety.

"I've been getting treatment since 1990," he said. "But this is a big setback. A big letdown."

Before the forklift rolled over his memories, Belton would spend hours at the memorial looking at the names of those who returned and those who didn't.

Shaded by pungent pines, he would take solace in knowing that as long as the memorial stood, people would be forced to remember those who died.

"They knocked down everything," he said, pointing at the pieces.

"You can't see it now, but that one says, 'Freedom isn't free.'"

Staff writer John Sullivan can be reached at 956-2404 or jsullivan@nando.com

## VISITOR REGISTRATION SHEET

State and Local Government

July 6, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Thomas Smith

(self)

Timothy Wyatt

SELF

Jamie Fitzgerald

N.C. Family Policy Council

Sen. John Snow

R. Paul Wilms

NCHBA

Kathleen Edwards

UNC-CH Institute of Gov't

Daniel M. Blum

ACLU of NC

Carole Payne

Edna Stead Webb

Andy Romenet

NCLM

Coy Privette

Sen. RICHARD STERENS

Rick Zechini

NC Assoc. of Pub. Works

## VISITOR REGISTRATION SHEET

## State and Local Government

July 6, 2005

Name of Committee

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Юнна

DCR