2007-2008

SENATE
STATE & LOCAL
GOVERNMENT
COMMITTEE

MINUTES



SENATE
STATE & LOCAL
GOVERNMENT
2007

State and Local Government Committee

2007 Membership

SENATOR	CLERK	ROOM	PHONE
Senator Don East, Co-Chair	Anne Misenheimer	1120 LB	3-5743
Senator Malcolm Graham, Co-Chair	Anita Flintall	620 LOB	3-5650
Senator Katie Dorsett, Vice Chair	Phyllis Cameron	2106 LB	5-3042
Senator Charles W. Albertson	Cindy Davis	525 LOB	3-5705
Senator Tom Apodaca	Airen Blaine	1127 LB	3-5745
Senator Phil Berger	Barbara Eldridge	1026 LB	3-5708
	Sara Clapp Cody Hand Darrell Malcolm		
Senator Harris Blake	Anna Kidd	517 LOB	3-4809
Senator Julia Boseman	Laura Holt-Kabel Karen Campbell Dot Waugaman	309 LOB	5-2525
Senator Pete Brunstetter	Genie Clark	1419 LB	3-7850
Senator Daniel Clodfelter	Wanda Joyner	408 LOB	5-8331
Senator Fletcher Hartsell, Jr.	Gerry Johnson	518 LOB	3-7223
Senator Ed Jones	Irma Avent-Hurst Alexis Pugh	623 LOB	3-3032
Senator Vernon Malone	Bonnie McNeil Claudette Howell	313 LOB	3-5880
Senator Floyd McKissick	Bernie David-Yerumo	621 LOB	3-4599
Senator Joe Sam Queen	Sarah Wilson	1117 LB	3-3460
Senator Fred Smith	Blair Keen	520 LOB	
Sen. R.C. Soles, Jr.	Janet Blalock Mona Fitzgerald Joan Leatherman	2022 LB	3-5963
Sen. Richard Stevens	Kleist Rhodes	406 LOB	3-5653
Staff:			
Barbara Riley, Counsel		545 LOB	3-2578
Hal Pell, Counsel		201CC	3-2578
Theresa Matula, Legislative Analyst		545 LOB	3-2578
Joe Moore Research Analyst		500 LOB	3-9390
Sara Kamprath Research			
Committee Assistants	Anne Misenheimer Anita Flintall	1120 LB 620 LOB	3-5743 3-5650

Anne Misenheimer

ATTENDANCE

Committee: State and Local Government 2007

DATES / NAMES	2-21-07	3-6-07	3-20-07	3-27-07	4-3-07	4-10-07	4-17-07	4-24-07	5-1-07	5-8-07	5-15-07	5-22-07	6-5-07	6-12-07	6-19-07	6-26-07
Sen. Don East, Co-Chair	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Sen. Malcolm Graham, Co-Chair	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓
Sen. Katie Dorsett, Vice Chair		✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Sen. Charley Albertson	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓
Sen. Tom Apodaca	✓	✓	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓	
Sen. Phil Berger			✓		✓				✓	✓						
Sen. Harris Blake		✓	✓	✓	EXC			✓	✓	✓	✓	✓	✓	✓	.	✓
Sen. Julia Boseman	✓				✓	✓			✓		✓	✓		✓	✓	✓
Sen. Pete Brunstetter	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sen. Dan Clodfelter	✓		✓					✓	✓	✓	✓	✓	✓	.	✓	✓
Sen. Fletcher Hartsell									✓	✓					✓	
Sen. Ed Jones			✓		✓	✓	✓		✓	✓	✓	✓		✓	✓	
Sen. Floyd McKissick								✓	✓	✓	✓	✓	✓	✓		
Sen. Vernon Malone	✓				✓				✓	✓	✓	✓	✓	✓	✓	
Sen. Joe Sam Queen		✓	✓		✓	✓				✓				✓		
Sen Fred Smith				✓	✓	✓			✓		✓	✓			✓	✓
Sen R. C. Soles	✓	✓	✓	✓					✓	✓	✓	✓			✓	✓
Sen. Richard Stevens	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
Staff																
Theresa Matula, Legislative Analyst																
Joe Moore, Research Assistant																
Hal Pell, Counsel																
Barbara Riley, Counsel																
Sara Kamprath																
Anita Flintall, Committee Assistant																
Anne Misenheimer, Com. Assistant																

ATTENDANCE

Committee: State and Local Government 2007

DATES / NAMES	7-3-07	7-10-07	7-17-07	7-24-07												
Sen. Don East, Co-Chair	✓	✓	✓	✓												
Sen. Malcolm Graham, Co-Chair		✓		✓												
Sen. Katie Dorsett, Vice Chair	✓		✓	✓												
Sen. Charley Albertson			✓													
Sen. Tom Apodaca		✓		✓												
Sen. Phil Berger		✓		✓												
Sen. Harris Blake	✓		✓	✓												
Sen. Julia Boseman	✓	✓		✓												
Sen. Pete Brunstetter	✓	✓	✓	✓												
Sen. Dan Clodfelter	✓	✓	✓													
Sen. Fletcher Hartsell	✓															
Sen. Ed Jones	✓	✓	✓	✓												
Sen. Floyd McKissick	✓	✓	✓	✓												
Sen. Vernon Malone		✓		✓												
Sen. Joe Sam Queen		✓														
Sen Fred Smith				✓												
Sen R. C. Soles	✓	✓		✓												
Sen. Richard Stevens	✓	✓	✓	✓												
Staff																
Theresa Matula, Legislative Analyst																
Joe Moore, Research Assistant																
Hal Pell, Counsel																
Barbara Riley, Counsel																
Sara Kamprath																
Anita Flintall, Committee Assistant																
Anne Misenheimer, Com. Assistant																

State and Local Government Committee
2007-2008
Seating Chart
Room 1027

Clerk – Anne Misenheimer, Chair-Sen. East, Chair-Sen. Graham, Barbara Riley

Sen. Dorsett

Sen. Malone

Sen. Soles

Sen. Clodfelter

Sen Albertson

Sen. Ed Jones

Sen. Boseman

Sen. Joe Sam Queen

Theresa Matula

Hal Pell

Joe Moore

Sarah Kamprath

Sen. P. Berger

Sen. T. Apodaca

Sen. Blake

Sen. Smith

Sen. Stevens

Sen. Brunstetter

CORRECTED NOTICE

Principal Clerk ____
Reading Clerk ____

SB 115, SB 149 AND SB 185 HAVE BEEN ADDED TO THE AGENDA

SB 146 HAS BEEN REMOVED

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	February 21, 2007	12:00 Noon	1027

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 15	Topsail Beach ATV Use.	Senator Soles, Jr.
SB 16	Wheel Locks/Boiling Springs.	Senator Dalton
SB 22	Archdale Elections.	Senator Tillman
SB 50	Reciprocity of Disabled Hunting Licenses.	Senator Albertson
SB 74	ATV Use in the City of Albemarle.	Senator Purcell
SB 143	Navassa Zoning Jurisdiction.	Senator Soles, Jr.
SB 185	Town of Burgaw ATV Use.	Senator Soles, Jr.
SB 149	Apex Condemnation Sunset/Amendments.	Senator Stevens
SB 115	Cherokee School Board Terms.	Senator Snow

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Wednesday, February 21, 2007, 12:00 Noon
1027 LB

AGENDA

Senator East, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 15	Topsail Beach ATV Use.	Senator Soles, Jr.
SB 16	Wheel Locks/Boiling Springs.	Senator Dalton
SB 22	Archdale Elections.	Senator Tillman
SB 50	Reciprocity of Disabled Hunting Licenses.	Senator Albertson
SB 74	ATV Use in the City of Albemarle.	Senator Purcell
SB 115	Cherokee School Board Terms.	Senator Snow
SB 143	Navassa Zoning Jurisdiction.	Senator Soles, Jr.
SB 149	Apex Condemnation Sunset/Amendments.	Senator Stevens
SB 185	Town of Burgaw ATV Use.	Senator Soles, Jr.

Other Business

Adjournment

SENATE BILL 15:
Topsail Beach ATV Use

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	February 20, 2007
Introduced by:	Sen. Soles	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: ***Senate Bill 15 allows Topsail Beach law enforcement officers and employees to operate all-terrain vehicles on highways with speed limits of 35 miles per hour or less.***

CURRENT LAW:
See reverse side for sections G.S. 20-114.2 and G.S. 114.3 added under S.L. 2004-108 and pertaining to the use of all-terrain vehicles by law enforcement and municipal employees.

G.S. 14-159.3 pertains to trespassing on land while operating a motorized all terrain vehicle. For purposes of the section, G.S. 14-159.3(b) defines a "motorized all terrain vehicle" as a two or more wheeled vehicle designed for recreational off-road use.

BILL ANALYSIS:
Senate Bill 15 amends Section 3 of S.L. 2004-108, rewritten by S.L. 2005-305, S.L. 2006-25, and S.L. 2006-116 to add the Town of Topsail Beach to the list of municipalities where law enforcement officers and municipal employees are authorized to operate all-terrain vehicles on highways with speed limits of 35 miles per hour or less. This bill will become effective when it becomes law.

BACKGROUND:
S.L. 2004-108, rewritten by S.L. 2005-305, S.L. 2006-25, and S.L. 2006-116 permits the following:

Law enforcement officers to use all-terrain vehicles (ATVs) in the following municipalities:

CITIES:
- Albemarle

TOWNS:
- Beaufort
- Highlands
- Southern Shores
- Mint Hill

Law enforcement officers AND municipal employees to use all-terrain vehicles (ATVs) in the following municipalities:

TOWNS:
- Cramerton
- Dallas
- Duck
- Kill Devil Hills
- Kitty Hawk
- Nags Head
- Ocean Isle Beach
- Surf City
- Stanley

CITIES:
- Belmont
- Cherryville
- Gastonia
- Kings Mountain
- Mount Holly

COUNTIES:
- Cleveland
- Currituck
- Gaston
- Surry
- Wilkes

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

SESSION LAW 2004-108

HOUSE BILL 1422

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

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

"**§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-114.3. Law enforcement and municipal employee all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State and municipal employees may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 3. Section 1 of this act applies to the Town of Mint Hill only. Section 2 of this act applies to the City of Kings Mountain only.

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

In the General Assembly read three times and ratified this the 16th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 15

Short Title:	Topsail Beach ATV Use.	(Local)
Sponsors:	Senator Soles.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO ADD TOPSAIL BEACH TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2004-108, as rewritten by S.L. 2005-305, S.L. 2006-25, and S.L. 2006-116, reads as rewritten:

"**SECTION 3.** Section 1 of this act applies to the City of Albemarle and the Towns of Beaufort, Highlands, Southern Shores, and Mint Hill only. Section 2 of this act applies to the Towns of Cramerton, Dallas, Duck, Kill Devil Hills, Kitty Hawk, Nags Head, Ocean Isle Beach, Surf City, Topsail Beach, and Stanley, the Cities of Belmont, Cherryville, Gastonia, Kings Mountain and Mount Holly, and the Counties of Cleveland, Currituck, Gaston, Surry, and Wilkes only. The term 'municipal employee' shall include employees of a county."

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. _____ DATE 2-21-07

S. B. No. 15 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
Sen.) Boseman

moves to amend the bill on page 1, lines 11-12

( ) WHICH CHANGES THE TITLE

by Rewritting the lines to read

" applies to the Towns of Carolina Beach, Cramerton, Dallas, Duck, Kure Beach, Kill Devil Hills, Kitty Hawk, Nags Head, Ocean Isle Beach, Surf City, Topsail Beach ~~and~~ Stanley, and Wrightsville Beach, the Cities of Belmont, "

SIGNED _____

ADOPTED N East FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

SENATE BILL 16:
Wheel Locks/Boiling Springs

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	February 20, 2007
Introduced by:	Sen. Dalton	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 16 allows the Town of Boiling Springs council to adopt an ordinance permitting wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets issued on at least three separate days.

[As introduced, this bill was identical to H89, as introduced by Reps. Moore, Clary, which is currently in House Local Government II.]

CURRENT LAW:

Section 1 of S.L. 2003-240 allows a council of a city to provide, by ordinance, for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets issued on at least three separate days. The ordinance must provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars, and charges for towing and storage. It further provides that the city is not responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle.

Section 3 of S.L. 2003-240 provided that Section 1 of the act applied to the Towns of Carolina Beach and Wrightsvile Beach.

BILL ANALYSIS:

Senate Bill 16 amends Section 3 of S.L. 2003-240 to add the Town of Boiling Springs to other municipalities that are authorized to adopt a wheel lock ordinance in accordance with Section 1 of S.L. 2003-240.

This bill will become effective when it becomes law.

S0016e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 16

Short Title:	Wheel Locks/Boiling Springs.	(Local)
Sponsors:	Senator Dalton.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2003-240 reads as rewritten:

"**SECTION 3.** Section 1 of this act applies to the Towns of Boiling Springs, Carolina Beach and Wrightsville Beach only."

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

SENATE BILL 22: Archdale Elections

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	February 20, 2007
Introduced by:	Sen. Tillman	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: This act provides for municipal elections in Archdale in even-numbered years, and extends the terms of the mayor and town council members until the next election in 2008. The act is effective when it becomes law.

BILL ANALYSIS: The act provides that Archdale will have municipal elections, using the nonpartisan plurality election method, on even numbered years, commencing in 2008.

- No election will be held in 2007.
- The terms of the mayor (elected in 2005) and town council members (elected in 2003) will be extended until the organizational meeting after the 2008 regular municipal election.
- The terms of the members elected in 2005 are extended until the organizational meeting after the 2010 regular municipal election.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 22

Short Title:	Archdale Elections.	(Local)
Sponsors:	Senator Tillman.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED YEARS, AND TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE.

The General Assembly of North Carolina enacts:

SECTION 1. Regular municipal elections shall be held in the City of Archdale biennially in even-numbered years, but shall otherwise be conducted in accordance with general law governing municipal elections. The mayor and members of the council shall be elected by the nonpartisan plurality election method provided for in G.S. 163-292.

SECTION 2. No regular election shall be conducted in the City of Archdale in 2007. The term of the mayor elected in 2005 is extended until the organizational meeting after the 2008 regular municipal election held in accordance with Section 1 of this act. The terms of the council members elected in 2003 are extended until the organizational meeting after the 2008 regular municipal election held in accordance with Section 1 of this act. The terms of the council members elected in 2005 are extended until the organizational meeting after the 2010 regular municipal election held in accordance with Section 1 of this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 50*

Short Title:	Reciprocity of Disabled Hunting Licenses.	(Public)
Sponsors:	Senator Albertson.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO INVESTIGATE THE POTENTIAL FOR AGREEMENTS WITH OTHER STATES FOR THE RECIPROCAL HONORING OF HUNTING AND FISHING LICENSES FOR THE DISABLED.

The General Assembly of North Carolina enacts:

SECTION 1. The Wildlife Resources Commission shall, pursuant to its authority under G.S. 113-275(a), investigate the potential for agreements with other jurisdictions for the reciprocal honoring of hunting and fishing licenses for the disabled.

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

SENATE BILL 74:
ATV Use in the City of Albemarle

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	February 20, 2007
Introduced by:	Sen. Purcell	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: ***Senate Bill 74 allows City of Albemarle law enforcement officers and employees to operate all-terrain vehicles on highways with speed limits of 35 miles per hour or less. Currently, only law enforcement officers in the City of Albemarle can operate all-terrain vehicle under these conditions.***

CURRENT LAW:
See reverse side for sections G.S. 20-114.2 and G.S. 114.3 added under S.L. 2004-108 and pertaining to the use of all-terrain vehicles by law enforcement and municipal employees.

G.S. 14-159.3 pertains to trespassing on land while operating a motorized all terrain vehicle. For purposes of the section, G.S. 14-159.3(b) defines a "motorized all terrain vehicle" as a two or more wheeled vehicle designed for recreational off-road use.

BILL ANALYSIS:
Senate Bill 74 amends Section 3 of S.L. 2004-108, rewritten by S.L. 2005-305, S.L. 2006-25, and S.L. 2006-116 by deleting the City of Albemarle from the list of municipalities where *only law enforcement* officers are authorized to operate all-terrain vehicles, and adds the City of Albemarle to the list of municipalities where law *enforcement officers and municipal employees* are authorized to operate all-terrain vehicles on highways with speed limits of 35 miles per hour or less. This bill will become effective when it becomes law.

BACKGROUND:
S.L. 2004-108, rewritten by S.L. 2005-305, S.L. 2006-25, and S.L. 2006-116 permits the following:

Law enforcement officers to use all-terrain vehicles (ATVs) in the following municipalities:

CITIES:
Albemarle (which is being removed under this bill)

TOWNS:
- Beaufort
- Highlands
- Southern Shores
- Mint Hill

Law enforcement officers AND municipal employees to use all-terrain vehicles (ATVs) in the following municipalities:

TOWNS:
- Cramerton
- Dallas
- Duck
- Kill Devil Hills
- Kitty Hawk
- Nags Head
- Ocean Isle Beach
- Surf City
- Stanley

CITIES:
- Belmont
- Cherryville
- Gastonia
- Kings Mountain
- Mount Holly

COUNTIES:
- Cleveland
- Currituck
- Gaston
- Surry
- Wilkes

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

SESSION LAW 2004-108

HOUSE BILL 1422

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

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

"**§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-114.3. Law enforcement and municipal employee all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State and municipal employees may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 3. Section 1 of this act applies to the Town of Mint Hill only. Section 2 of this act applies to the City of Kings Mountain only.

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

In the General Assembly read three times and ratified this the 16th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 74

Short Title:	ATV Use in the City of Albemarle.	(Local)
Sponsors:	Senator Purcell.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO ADD THE CITY OF ALBEMARLE TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2004-108, as rewritten by S.L. 2005-305, S.L. 2006-25, and S.L. 2006-116, reads as rewritten:

"**SECTION 3.** Section 1 of this act applies to the ~~City of Albemarle and the~~ Towns of Beaufort, Highlands, Southern Shores, and Mint Hill only. Section 2 of this act applies to the Towns of Cramerton, Dallas, Duck, Kill Devil Hills, Kitty Hawk, Nags Head, Ocean Isle Beach, Surf City, and Stanley, the Cities of Albemarle, Belmont, Cherryville, Gastonia, Kings Mountain and Mount Holly, and the Counties of Cleveland, Currituck, Gaston, Surry, and Wilkes only. The term 'municipal employee' shall include employees of a county."

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

SENATE BILL 115:
Cherokee School Board Terms

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	February 20, 2007
Introduced by:	Sen. Snow	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: This act amends the law to decrease the term length of future members of the Cherokee County Board of Education from six years to four years, with elections for specified district seats every two years, commencing in 2012. The act is effective when it becomes law.

CURRENT LAW: Members of the Cherokee County Board of Education are elected for six year terms. The elections of the members are staggered by district, with elections held every two years.

BILL ANALYSIS: This bill provides for the staging in of elections and terms so that

- Two members from District No. 1, and one member from District No. 2, are elected in 2012.
- One member from District No. 2, two members from District No. 3, and one member from the county at large, are elected in 2014.
- All members, starting with the elections in 2012, are elected for four year terms.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 115*

Short Title:	Cherokee School Board Terms.	(Local)
Sponsors:	Senator Snow.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE TERM OF OFFICE FOR FUTURE ELECTED MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION FROM SIX YEARS TO FOUR YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of Chapter 502 of the 1975 Session Laws reads as rewritten:

"**Sec. 7.** All members of the Cherokee County Board of Education elected under the provisions of this act shall serve for terms of ~~six~~ four years each and until their successors are elected and qualified. As the term of each member expires, his successor shall be elected for a term of ~~six~~ four years."

SECTION 2. Sections 4 through 6 of Chapter 502 of the 1975 Session Laws read as rewritten:

"**Sec. 4.** In the year of ~~1976, there shall be elected,~~ 2006, there were elected for six-year terms, and in the year 2012 and quadrennially thereafter, there shall be elected for four-year terms, as hereinafter provided, two members of the county board of education from District No. 1 and one member from District No. 2, all of whom shall be residents of the district which they are elected to represent.

"**Sec. 5.** In the year of ~~1978,~~ 2008, there shall be ~~elected,~~ elected for six-year terms, as hereinafter provided, one member of the county board of education from District No. 2, and one member from the county at large. The member from District No. 2 shall be a resident of the district which he is elected to represent. The member at large shall not be required to reside in or represent any one particular district.

"**Sec. 6.** In the year of ~~1980,~~ 2010, there shall be ~~elected,~~ elected for four-year terms, as hereinafter provided, two members of the county board of education from District No. 3, which members shall be residents of the district which they are elected to represent."

SECTION 3. Chapter 502 of the 1975 Session Laws is amended by adding a new section to read:

"Sec. 5.1. In the year of 2014 and quadrennially thereafter, there shall be elected for four-year terms, as hereinafter provided, one member of the county board of education from District No. 2, two members from District No. 3, and one member from the county at large. The members from Districts No. 2 and No. 3 shall be residents of the district that member is elected to represent. The member at large shall not be required to reside in or represent any one particular district."

SECTION 4. This act is effective when it becomes law and applies to members elected in 2010 and thereafter, but does not affect the term of office of members elected in 2002, 2004, 2006, or 2008.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 143

Short Title:	Navassa Zoning Jurisdiction.	(Local)
Sponsors:	Senator Soles.	
Referred to:	State & Local Government.	

February 14, 2007

A BILL TO BE ENTITLED

AN ACT TO DIVEST PLANNING JURISDICTION OVER CERTAIN PROPERTY FROM THE TOWN OF NAVASSA AND VEST IT IN THE COUNTY OF BRUNSWICK.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 77 of the Session Laws of 1977, being the Charter of the Town of Navassa, is amended by adding a new section to read:

"Sec. 6.1. Notwithstanding any other provisions of this Charter or the provisions of general law, the provisions of Article 19 of Chapter 160A of the General Statutes do not apply to the following described property, and jurisdiction under Article 18 of Chapter 153A of the General Statutes is vested in the County of Brunswick as if the area was not in the corporate limits of the Town of Navassa:

That property annexed by Annexation Ordinance No. 03-001 of the Town of Navassa, adopted October 9, 2003."

SECTION 2. This act becomes effective when the County of Brunswick has adopted in accordance with Article 18 of Chapter 153A of the General Statutes such ordinances as are necessary under that Article. This act expires June 30, 2010, but the Town of Navassa may, on or after January 1, 2010, adopt in accordance with Article 19 of Chapter 160A of the General Statutes such ordinances as are necessary under that Article, to become effective July 1, 2010.

Anne Misenheimer (Sen. East)

From: Barbara Riley (Research)
Sent: Tuesday, February 20, 2007 5:01 PM
To: Anne Misenheimer (Sen. East); Sen. Don East
Subject: Sb 143, Navassa Zoning Jurisdiction

Senator East, I thought that you might be interested in the background for SB 143. Apparently the bill would shift planning authority for the proposed landfill in Navassa from the town to the county. The county commissioners are opposed to the landfill so the transfer of planning authority would kill the project. Below is a link to a news article on the subject.

http://www.recyclingtoday.com/news/news.asp?ID=11003

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 149*

Short Title:	Apex Condemnation Sunset/Amendments.	(Local)
Sponsors:	Senator Stevens.	
Referred to:	State & Local Government.	

February 14, 2007

A BILL TO BE ENTITLED

AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2003-88 reads as rewritten:

"**SECTION 3.** This act is effective when it becomes law. ~~Section 1 of this act expires on December 31, 2008, but civil actions or special proceedings instituted pursuant to that section on or before December 31, 2008, shall be completed under the provisions of that section as if it had not expired.~~"

SECTION 2. Section 6.5 of the Charter of the Town of Apex, being Chapter 356 of the 1985 Session Laws, as added by Chapter 70 of the 1987 Session Laws, and as rewritten by Section 1 of S.L. 2003-88, reads as rewritten:

"Sec. 6.5. Additional Eminent Domain Powers. Notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property interests (including, without limitation, fee simple title, rights-of-way, and easements) to be used for (i) water lines and treatment ~~facilities and~~ facilities, (ii) sewer lines and treatment facilities, (iii) electric distribution and transmission facilities, and (iv) opening, widening, extending, or improving public streets and roads, the town may use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided further, that whenever therein the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to include the 'Town Manager', and whenever therein the word 'highway' appears, it is deemed to include 'public works' in accordance with this section, provided further that nothing herein shall be construed to enlarge the power of the town to condemn property already devoted to public use. Provided further, just compensation for the acquisition of fee simple title or a perpetual easement pursuant to this section to

be used for street or road right-of-way shall be no less than (i) one dollar ($1.00) per square foot of real property taken, or (ii) the prorated ad valorem tax value of the parent tract, whichever is less. The powers granted by this section are in addition to and supplementary to those powers granted by any local or general law."

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

SENATE BILL 185:
Town of Burgaw ATV Use

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	February 20, 2007
Introduced by:	Sen. Soles	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: ***Senate Bill 185 allows Town of Burgaw law enforcement officers and employees to operate all-terrain vehicles on highways with speed limits of 35 miles per hour or less.***

CURRENT LAW:
See reverse side for sections G.S. 20-114.2 and G.S. 114.3 added under S.L. 2004-108 and pertaining to the use of all-terrain vehicles by law enforcement and municipal employees.

G.S. 14-159.3 pertains to trespassing on land while operating a motorized all terrain vehicle. For purposes of the section, G.S. 14-159.3(b) defines a "motorized all terrain vehicle" as a two or more wheeled vehicle designed for recreational off-road use.

BILL ANALYSIS:
Senate Bill 185 amends Section 3 of S.L. 2004-108, rewritten by S.L. 2005-305, S.L. 2006-25, and S.L. 2006-116 to add the Town of Burgaw to the list of municipalities where law enforcement officers and municipal employees are authorized to operate all-terrain vehicles on highways with speed limits of 35 miles per hour or less. This bill will become effective when it becomes law.

BACKGROUND:
S.L. 2004-108, rewritten by S.L. 2005-305, S.L. 2006-25, and S.L. 2006-116 permits the following:

Law enforcement officers to use all-terrain vehicles (ATVs) in the following municipalities:

CITIES:
- Albemarle

TOWNS:
- Beaufort
- Highlands
- Southern Shores
- Mint Hill

Law enforcement officers AND municipal employees to use all-terrain vehicles (ATVs) in the following municipalities:

TOWNS:
- Cramerton
- Dallas
- Duck
- Kill Devil Hills
- Kitty Hawk
- Nags Head
- Ocean Isle Beach
- Surf City
- Stanley

CITIES:
- Belmont
- Cherryville
- Gastonia
- Kings Mountain
- Mount Holly

COUNTIES:
- Cleveland
- Currituck
- Gaston
- Surry
- Wilkes

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

SESSION LAW 2004-108

HOUSE BILL 1422

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

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

"**§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-114.3. Law enforcement and municipal employee all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State and municipal employees may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 3. Section 1 of this act applies to the Town of Mint Hill only. Section 2 of this act applies to the City of Kings Mountain only.

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

In the General Assembly read three times and ratified this the 16th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 185

Short Title:	Town of Burgaw ATV Use.	(Local)
Sponsors:	Senator Soles.	
Referred to:	State & Local Government.	

February 15, 2007

A BILL TO BE ENTITLED

AN ACT TO ADD THE TOWN OF BURGAW TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2004-108, as rewritten by S.L. 2005-305, S.L. 2006-25, and S.L. 2006-116, reads as rewritten:

"**SECTION 3.** Section 1 of this act applies to the City of Albemarle and the Towns of Beaufort, Highlands, Southern Shores, and Mint Hill only. Section 2 of this act applies to the Towns of Burgaw, Cramerton, Dallas, Duck, Kill Devil Hills, Kitty Hawk, Nags Head, Ocean Isle Beach, Surf City, and Stanley, the Cities of Belmont, Cherryville, Gastonia, Kings Mountain and Mount Holly, and the Counties of Cleveland, Currituck, Gaston, Surry, and Wilkes only. The term 'municipal employee' shall include employees of a county."

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, February 21, 2007

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

FAVORABLE

S.B. **50** Reciprocity of Disabled Hunting Licenses.
Sequential Referral: None
Recommended Referral: None

S.B. **74** ATV Use in the City of Albemarle.
Sequential Referral: None
Recommended Referral: None

S.B. **115** Cherokee School Board Terms.
Sequential Referral: None
Recommended Referral: None

S.B. **143** Navassa Zoning Jurisdiction.
Sequential Referral: None
Recommended Referral: None

S.B. **149** Apex Condemnation Sunset/Amendments.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 5

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, February 28, 2007

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

FAVORABLE

S.B. **185** Town of Burgaw ATV Use.

Sequential Referral:	None
Recommended Referral:	None

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

S.B. **15** Topsail Beach ATV Use.

Draft Number:	PCS75104
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Wednesday, February 21, 2007 at 12:00 Noon
Room 1027, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on February 21, 2007 in Room 1027 of the LB. Ten members of the committee were present. Senator Don East was the presiding Chair.

The first order of business was the introduction of the pages in attendance, after which, Senator Albertson's bill SB 50 (Reciprocity of Disabled Hunting) was heard. On the motion of Senator Malone the bill received a favorable report.

SB 74 (ATV Use in the City of Albemarle) was introduced and received a favorable report upon the motion of Senator Albertson. Senator Snow introduced SB 115 (Cherokee School Board Terms) and Senator Brunstetter moved that SB 115 receive a favorable report.

The next bill, SB 15 (Town of Topsail Beach ATV Use) was presented by Senator Soles. Senator Boseman moved to amend the bill on page 1, lines 11-12 rewriting the lines to read "applies to the towns of Carolina Beach, Cramerton, Dallas, Duck, Kure Beach, Kill Devil Hills, Kitty Hawk, Nags Head, Ocean Isle Beach, Surf City, Topsoil Beach, Stanley, and Wrightsville Beach, the Cities of Belmont. The amendment was adopted and SB 15 was reported out Unfavorable as to Bill, But Favorable to Senate Committee Sub. Bill. SB 185 (Town of Burgaw ATV Use) introduced by Senator Soles received a favorable report.

Senate Bill 143 (Navassa Zoning Jurisdiction) was presented by Senator Soles and Senator Boseman moved for a favorable report. A favorable report was also given to SB 149 (Apex Condemnation Sunset/Amendments) presented by Senator Stevens.

Senator East announced that SB 16 and SB 22, that were on the agenda, would be heard at a later date.

With no further business, the meeting was adjourned at 12:45 PM

Senator Don East, Presiding

Anne Misenheimer, Committee Clerk

VISITOR REGISTRATION SHEET

State and Local Government — 02-21-07

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Price	Beason Government
Elizabeth Self	DENR
Jessica MacDonald	Sen. Boseman
Rebecca Wood	Sen. Purcell
Gordon Myers	NCWRC
John Bowdish	Pulliam
Cam Cover	BPMHC
Lu-Ann C Perryman	NCPA
July McConnell	IOG
MARTHA HARRIS	DAILY BULLETIN
Drew Moretz	RALEIGH CHAMBER

Erin Kinney

Joan Troy

David Cobb

Christa Wagner

With support -

NC Conservation Network

Sierra

NC Family Policy Council

NC WRC

NCLCV

NC Sierra Club

Senate State & Local Government Committee
Tuesday, March 6, 2007, 12:00 Noon
1027 LB

AGENDA

Senator Graham - Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 16	Wheel Locks/Boiling Springs.	Senator Dalton
SB 22	Archdale Elections.	Senator Tillman
SB 166	Catawba County Force Account Limit.	Senator Allran
SB 193	Gaston and Lincoln Boundaries.	Senator Hoyle
SB 231	Transylvania Tax Collector Appointive.	Senator Snow
SB 255	Polk Annexations.	Senator Apodaca
SB 258	Adopt Salute to Flag.	Senator Dorsett
SB 377	Lewisville Advisory Referendum.	Senator Brunstetter
SB 403	Charlotte/Water & Sewer Facilities.	Senator Clodfelter

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 193
PROPOSED COMMITTEE SUBSTITUTE S193-CSRJ-2 [v.1]

3/1/2007 2:47:47 PM

Short Title: Gaston and Lincoln Boundaries. (Local)

Sponsors:

Referred to:

February 19, 2007

A BILL TO BE ENTITLED

AN ACT TO ASSIST GASTON AND LINCOLN COUNTIES IN RESOLVING THEIR COMMON BOUNDARY BY ALLOWING THEM TO VARY FROM THE LINE ESTABLISHED BY THE 1963 GENERAL ASSEMBLY TO RECOGNIZE HISTORICAL PRACTICE.

Whereas, the General Assembly, by passage of Chapter 596 of the 1963 Session Laws, established the official county line of Gaston County; and

Whereas, that act provided for the map to be recorded in Gaston County and the contiguous counties, and constituted the official county line; and

Whereas, the map was never recorded or implemented, but was recently discovered as Gaston and Lincoln Counties worked to establish their common boundaries, which were recognized by more modern mapping and surveying to be inaccurate; and

Whereas, historical patterns of recognition of the county line have grown up, recognized by tax offices, school systems, and boards of election; and

Whereas, the two counties feel hamstrung by the 1963 local act and by the current procedures in G.S. 153A-18 for settling boundary disputes; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 596 of the 1963 Session Laws reads as rewritten:

"Section 1. (a) The official county lines of Gaston County, and the official township lines of the various townships in said county shall be as indicated on that certain map entitled "Gaston County, N. C., map of county and township lines, dated April, 1963, surveyed by Findlay, Witheres, McConnoughey, Inc., Registered Surveyors.

(b) Notwithstanding subsection (a) of this section, the Counties of Gaston and Lincoln shall establish in accordance with G.S. 153A-18 the line between those two counties as provided on that map, but respecting to the extent practicable the line as it has been observed in practice, provided that the line does not make any territory in one

county noncontiguous to the remainder of the county. In any case where the tax treatment of a parcel has in practice been divided in some proportion between the two counties without drawing of an actual line, the two counties may divide the properties proportionally between the two counties. Until the line has been established in accordance with this subsection, the line shall continue to be administered as it has been in practice, rather than as provided by subsection (a) of this section. This subsection does not have any affect on the action of the Board of Commissioners of Gaston County in 1979 to alter the boundary between Gastonia and Southpoint Townships."

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

SENATE BILL 193:
Gaston and Lincoln Boundaries

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 6, 2007
Introduced by:	Sen. Hoyle	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition S193-CSRJ-2[v.1]		Committee Analyst

SUMMARY: The Proposed Committee Substitute for Senate Bill 193 would allow Lincoln and Gaston Counties to resolve their common boundary by allowing them to vary from the official county line established by the General Assembly in 1963 for Gaston County and to recognize the line as it has been observed in practice. The Proposed Committee Substitute adds a sentence at the end of the bill providing that the new subsection will not have any effect on the 1979 action of the Board of Commissioners of Gaston County to alter the boundary between Gastonia and Southpoint Townships.

[As introduced, this bill was identical to H390, as introduced by Reps. Clary, Kiser, Current, Neumann, which is currently in House Local Government I.]

BILL ANALYSIS: The Proposed Committee Substitute (PCS) for Senate Bill 193 would allow Gaston and Lincoln Counties to establish, in accordance with G.S. 153A-18, the line between those two counties as provided in 1963 but respecting to the extent practicable the line as it has been observed in practice provided that the line does not make territory in one county noncontiguous to the remainder of the county. In any case where the tax treatment of a parcel has in practice been divided in some proportion between the two counties without the drawing of an actual line, the two counties may divide the properties proportionally between the two counties. Until the line has been established in accordance with the subsection, the line shall be administered as it has been in practice, rather than as in subsection (a) of Section 1 of Chapter 596 of the 1963 Session Laws. The PCS would not have any effect on the action of the Board of Commissioners of Gaston County in 1979 to alter the boundary between Gastonia and Southpoint Townships.

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

S0193e1-SMRJ-CSRJ-2[v.1]

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 16

Short Title:	Wheel Locks/Boiling Springs.	(Local)
Sponsors:	Senator Dalton.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2003-240 reads as rewritten:

"**SECTION 3.** Section 1 of this act applies to the Towns of Boiling Springs, Carolina Beach and Wrightsville Beach only."

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

SENATE BILL 16:
Wheel Locks/Boiling Springs

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 5, 2007
Introduced by:	Sen. Dalton	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 16 allows the Town of Boiling Springs council to adopt an ordinance permitting wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets issued on at least three separate days.

[As introduced, this bill was identical to H89, as introduced by Reps. Moore, Clary, which is currently in House Local Government II.]

CURRENT LAW:

Section 1 of S.L. 2003-240 allows a council of a city to provide, by ordinance, for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets issued on at least three separate days. The ordinance must provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars, and charges for towing and storage. It further provides that the city is not responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle.

Section 3 of S.L. 2003-240 provided that Section 1 of the act applied to the Towns of Carolina Beach and Wrightsvile Beach.

BILL ANALYSIS:

Senate Bill 16 amends Section 3 of S.L. 2003-240 to add the Town of Boiling Springs to other municipalities that are authorized to adopt a wheel lock ordinance in accordance with Section 1 of S.L. 2003-240.

This bill will become effective when it becomes law.

S0016e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 22

Short Title:	Archdale Elections.	(Local)
Sponsors:	Senator Tillman.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED YEARS, AND TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE.

The General Assembly of North Carolina enacts:

SECTION 1. Regular municipal elections shall be held in the City of Archdale biennially in even-numbered years, but shall otherwise be conducted in accordance with general law governing municipal elections. The mayor and members of the council shall be elected by the nonpartisan plurality election method provided for in G.S. 163-292.

SECTION 2. No regular election shall be conducted in the City of Archdale in 2007. The term of the mayor elected in 2005 is extended until the organizational meeting after the 2008 regular municipal election held in accordance with Section 1 of this act. The terms of the council members elected in 2003 are extended until the organizational meeting after the 2008 regular municipal election held in accordance with Section 1 of this act. The terms of the council members elected in 2005 are extended until the organizational meeting after the 2010 regular municipal election held in accordance with Section 1 of this act.

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

SENATE BILL 22: Archdale Elections

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 5, 2007
Introduced by:	Sen. Tillman	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 22 requires that regular municipal elections in the City of Archdale be conducted in even-numbered years and extends the terms of the current officers to the new election schedule.

CURRENT LAW:

Chapter 667 of the 1969 Session Laws authorized an election on the question of incorporating the City of Archdale-Trinity in Randolph County and repealed the Charters of the Towns of Archdale and Trinity. Section 3 of the act provided that if the election to incorporate the city of Archdale-Trinity was not successful, then the City of Archdale was incorporated effective July 8, 1969 and Section 6 of the Act constituted the charter for the City of Archdale. The City of Archdale was divided into three wards and the City Council consists of six members, two of whom shall reside in each ward. Articles III and IV of Section 6 outline the elections for the mayor and city council which provides that the Mayor shall serve for a term of two (2) years and the City Council shall serve for terms of four (4) years. Following the initial election, regular municipal elections are required on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1971.

G.S. 163-292 provides that in conducting nonpartisan elections and using the plurality method, elections shall be determined in accordance with the following rules:

1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared elected.
2) When more persons are seeking election to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest number of votes, equal in number to the number of offices to be filled, shall be declared elected.
3) If two or more candidates receiving the highest number of votes each receive the same number of votes, the board of elections shall determine the winner by lot.

BILL ANALYSIS:

Senate Bill 22 requires that regular municipal elections be held in the City of Archdale biennially in even-numbered years. Under this bill, the mayor and members of the council are elected by the nonpartisan plurality election method provided for in G.S. 163-292. The bill provides that no regular election will be conducted in the City of Archdale in 2007.

Senate Bill 22:

- extends the term of the mayor elected in 2005 until the organizational meeting after the 2008 regular municipal election;
- provides that the terms of council members elected in 2003 are extended until the organizational meeting after the 2008 regular municipal election; and
- extends the terms of members elected in 2005 until the organizational meeting after the 2010 regular municipal election.

This bill becomes effective when it becomes law.

S0022e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 166

Short Title:	Catawba County Force Account Limit.	(Local)
Sponsors:	Senator Allran.	
Referred to:	State & Local Government.	

February 14, 2007

A BILL TO BE ENTITLED

AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR CATAWBA COUNTY AS TO THE CONSTRUCTION OF CERTAIN LANDFILLS IN THAT COUNTY.

The General Assembly of North Carolina enacts:

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

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

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars ($125,000) or the total cost of labor on the project does not exceed fifty thousand dollars ($50,000).~~ eight hundred thousand dollars ($800,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

SECTION 2. This act applies only to the construction of the Catawba County Blackburn Landfill Construction and Demolition Landfill Unit 2.

SECTION 3. This act is effective when it becomes law and expires 18 months after ratification.

SENATE BILL 166:
Catawba County Force Account Limit

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	February 26, 2007
Introduced by:	Sen. Allran	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

SUMMARY: This local bill authorizes Catawba County to use its own employees, known as "force account" labor, to construct the Catawba County Blackburn Landfill Construction and Demolition Landfill Unit 2, without the requirement for bids. The authorization is for up to a maximum project cost of $800,000. The bill is effective when it becomes law and expires 18 months after ratification.

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

BILL ANALYSIS: Senate Bill 166 amends the current general law to authorize Catawba County to use force account labor to construct the Catawba County Blackburn Landfill Construction and Demolition Landfill Unit 2, without the requirement for bids, for up to a maximum project cost of $800,000.

EFFECTIVE DATE: Senate Bill 166 would become effective when it becomes law and expires 18 months after ratification.

S0166e1-SMRJ

Report As House Bill

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H 2

HOUSE BILL 33
Committee Substitute Favorable 2/28/07

Short Title: Catawba County Force Account. (Local)

Sponsors:

Referred to:

January 30, 2007

A BILL TO BE ENTITLED

AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR CATAWBA COUNTY AS TO THE CONSTRUCTION OF CERTAIN LANDFILLS IN THAT COUNTY.

The General Assembly of North Carolina enacts:

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

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

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars ($125,000) or the total cost of labor on the project does not exceed fifty thousand dollars ($50,000).~~ eight hundred thousand dollars ($800,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

SECTION 2. This act applies only to the construction of the Catawba County Blackburn Landfill Construction and Demolition Landfill Unit 2.

SECTION 3. This act becomes effective June 1, 2007, and expires December 1, 2008.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 231*

Short Title:	Transylvania Tax Collector Appointive.	(Local)
Sponsors:	Senator Snow.	
Referred to:	State & Local Government.	

February 21, 2007

A BILL TO BE ENTITLED

AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN TRANSYLVANIA COUNTY APPOINTIVE.

The General Assembly of North Carolina enacts:

SECTION 1. The provisions of Section 4 of Chapter 399, Public-Local Laws of 1941, that make elective the office of tax collector of Transylvania County are repealed.

SECTION 2. A Tax Collector shall be appointed by the Transylvania County Board of Commissioners under G.S. 105-349.

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

SENATE BILL 231:
Transylvania Tax Collector Appointive

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 6, 2007
Introduced by:	Sen. Snow	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***This act would amend the laws to allow the Transylvania County Board of Commissioners to appoint the Tax Collector for the county. The act is effective when it becomes law.***

[As introduced, this bill was identical to H280, as introduced by Rep. Walend, which is currently in House Election Law and Campaign Finance Reform.]

CURRENT LAW: In 1941, the General Assembly passed legislation that made the Tax Collector in Transylvania County an elected office.

BILL ANALYSIS: This bill would repeal the 1941 law, and the office would be an appointed one, as is currently provided by state statute.

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

S0231e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 255*

Short Title:	Polk Annexations.	(Local)
Sponsors:	Senator Apodaca.	
Referred to:	State & Local Government.	

February 22, 2007

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, no incorporated city, town, or village outside of Polk County may annex any territory within Polk County or extend its extraterritorial planning jurisdiction into Polk County.

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 3/6/07

S. B. No. 255 Amendment No. _____

(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
Sen.) Apodaca

moves to amend the bill on page 1, line 6

( ) WHICH CHANGES THE TITLE

by inserting the following between the words "law," and "NO":

"NO county OR".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S 1

SENATE BILL 258

Short Title:	Adopt Salute to Flag.	(Public)
Sponsors:	Senators Dorsett; Jones and Preston.	
Referred to:	State & Local Government.	

February 22, 2007

A BILL TO BE ENTITLED

AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG.

Whereas, an official State flag was first recognized in 1861, with a new design adopted in 1885; and

Whereas, in 1907 the General Assembly enacted legislation requiring the flag to be displayed at all State institutions, public buildings, and courthouses; and

Whereas, many organizations and groups use the salute to the North Carolina flag at their meetings and conventions; and

Whereas, there is no record of an official pledge to the State flag having been adopted; and

Whereas, for the purpose of promoting greater loyalty and respect to the State of North Carolina and inasmuch as a special act of the legislature adopted an emblem of our government known as the North Carolina flag; Now, therefore,

The General Assembly of North Carolina enacts:

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

"**§ 144-8. State salute to the North Carolina flag.**

The phrase "I salute the flag of North Carolina and pledge to the Old North State love, loyalty, and faith." is adopted as the official salute to the North Carolina flag."

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

SENATE BILL 258:
Adopt Salute to Flag

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	February 26, 2007
Introduced by:	Sen. Dorsett	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY:

Senate Bill 258 amends Chapter 144 of the General Statutes which provides for the State Flag, Official Governmental Flags, Motto, and Colors. The bill creates a new section in Chapter 144 establishing an official salute to the State flag. That salute would be

"I salute the flag of North Carolina and pledge to the Old North State love, loyalty, and faith."

The act is effective when it becomes law. (As introduced, this bill is identical to H351, introduced by Reps. Goodwin and Howard, which has not yet been assigned to committee.)]

S0258e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 377

Short Title:	Lewisville Advisory Referendum.	(Local)
Sponsors:	Senators Brunstetter; and Garrou.	
Referred to:	State & Local Government.	

February 28, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF LEWISVILLE TO CONDUCT AN ADVISORY REFERENDUM ON ACQUIRING LAND TO BE USED FOR PARK AND RECREATIONAL PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. The Lewisville Town Council may, by resolution, direct the Forsyth County Board of Elections to conduct an advisory referendum on whether the Town should acquire certain properties to be used for park and recreational purposes. The form of the question to be presented on a ballot for such a referendum shall be:

"[ ] FOR [ ] AGAINST

The acquisition of land to be used for parks and/or recreational purposes, provided that adequate funding is available from any source that is legally available for the Town's use, including property taxes."

The referendum shall be conducted in accordance with Chapter 163 of the General Statutes.

SECTION 2. This act is effective when it becomes law but expires December 31, 2007.

SENATE BILL 377:
Lewisville Advisory Referendum

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 5, 2007
Introduced by:	Sen. Brunstetter	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

SUMMARY: ***Senate Bill 377 authorizes the Town of Lewisville to conduct an advisory referendum on the acquisition of certain properties for park and recreational purposes. The Lewisville Town Council may, by resolution, direct the Forsyth County Board of Elections to conduct the advisory referendum. The bill provides for the form of the question to be presented on a ballot for such referendum.***

EFFECTIVE DATE: The bill is effective when it becomes law and expires December 31, 2007.

S0377e1-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 403

Short Title:	Charlotte/Water & Sewer Facilities.	(Local)
Sponsors:	Senator Clodfelter.	
Referred to:	State & Local Government.	

February 28, 2007

A BILL TO BE ENTITLED

AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF CHARLOTTE THAT RELATES TO SLUDGE MANAGEMENT FACILITIES AND AUTHORIZING THE CITY TO USE THE DESIGN-BUILD AND DESIGN-BUILD-OPERATE METHODS OF CONSTRUCTION TO BUILD WATER AND SEWER FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 8.85 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended, is repealed.

SECTION 2. Article III of Chapter 8 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended, is amended by adding the following new section to read:

"Section 8.90. **Construction, Design, and Operation of Water and Sewer Facilities.**

(a) Unless a different meaning is required by the context, the following definitions shall apply in this section:

(1) City. – The City of Charlotte.

(2) Person. – An individual, corporation, company, association, partnership, unit of local government, State agency, federal agency, or other legal entity.

(3) Water and sewer facilities. – One or more water supply and distribution systems and one or more wastewater collection, treatment, and disposal systems of all types. The term also includes all or any part of a water and sewer facility.

(b) To acknowledge the desirability of a single point of responsibility for the development of water and sewer facilities, and the economic and technical utility of contracts for water and sewer facilities that include in their scope combinations of design, construction, operation, management, and maintenance responsibilities over prolonged periods of time and that in some instances it may be beneficial to the City to

award a contract on the basis of factors other than cost alone, including, but not limited to, facility design, operational experience, system reliability, long-term operational costs, compatibility with sludge management and other water and sewer facilities, environmental impact, and operation guarantees, this section establishes special procedures for the construction and design or the construction, design, and operation of water and sewer facilities. Accordingly, and notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, or any general, special, or local law, a contract entered into between the City and any person pursuant to this section may be awarded in accordance with the following provisions for the award of a contract based upon an evaluation of proposals submitted in response to a request for proposals prepared by or for the City. Nothing in this section shall be construed to exempt the City from the provisions of G.S. 143-128.2.

The City shall give notice that it is requesting proposals as follows: proposals shall be invited by advertisement at least one week before the time specified for the opening of the proposals in a newspaper having general circulation in the City. The advertisement shall state the time and place where the request for proposals may be had, and the time and place for opening of the proposals, and shall reserve to the City the right to reject any or all proposals. All proposals shall be opened in public. Proposals shall be sealed if the invitation to propose so specifies. Nothing in this paragraph limits the City from publicizing the request for proposals by other means or from directly soliciting proposals.

(c) The City shall require in its request for proposals that each proposal to be submitted shall include all of the following:

(1) Information relating to the experience of the proposer on the basis of which the proposer purports to be qualified to carry out all work required by a proposed contract; the ability of the proposer to secure adequate financing; and proposals for project staffing, implementation of work tasks, and the carrying out of all responsibilities required by a proposed contract.

(2) A proposal clearly identifying and specifying all elements of cost that would become charges to the City, in whatever form, in return for the fulfillment by the proposer of all tasks and responsibilities established by the request for the proposal for the full lifetime of a proposed contract, including, as appropriate, but not limited to, the cost of planning, design, construction, operation, management, and/or maintenance of any facility; provided that the City may prescribe the form and content of the proposal and that, in any event, the proposer must submit sufficiently detailed information to permit a fair and equitable evaluation of the proposal.

(3) Any other information the City may determine to have a material bearing on its ability to evaluate any proposal in accordance with this section.

(d) Proposals received in response to the request for proposals may be evaluated on the basis of a technical analysis of facility design, operational experience of the

technology to be utilized in the proposed facility, system reliability and availability, efficiency, environmental impact and protection, required staffing level during operation, projection of anticipated revenues from the materials produced by the facility, net cost to the City for operation and maintenance of the facility for the duration of time to be established in the request for proposals, and any other factors and information set forth in the request for proposals that the City determined to have a material bearing on its ability to evaluate any proposal.

(e) The City may make a contract award to any responsible proposer selected pursuant to this section based upon a determination that the selected proposal is more responsive to the request for proposals and may thereupon negotiate a contract with the proposer for the performance of the services set forth in the request for proposals and the response thereto. The determination shall be deemed to be conclusive. Notwithstanding other provisions of Article 8 of Chapter 143 of the General Statutes, or any other general, local, or special law, a contract may be negotiated and entered into between the City and any person selected as a responsible proposer hereunder that may provide for, but not be limited to, the following:

(1) A contract, lease, rental, license, permit, or other authorization to design, construct, operate, and/or maintain a water and sewer facility, upon whatever terms and conditions, consideration, and term or duration, not to exceed 40 years, that may be agreed upon by the City and the person.

(2) An obligation on the part of the City to deliver or cause to be delivered to a water and sewer facility guaranteed quantities of water and/or wastewater.

(f) The construction work for any facility or structure that is ancillary to the water and sewer facility and that can be constructed efficiently and without substantial interference with the construction of the water and sewer facility, as determined by the City, shall be procured through competitive bidding procedures as described in Article 8 of Chapter 143 of the General Statutes. The ancillary facilities shall include, but shall not necessarily be limited to, the following: road and administration buildings."

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

SENATE BILL 403:
Charlotte/Water & Sewer Facilities

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 5, 2007
Introduced by:	Sen. Clodfelter	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY: Senate Bill 403 adds a new section to the Charlotte charter authorizing the City to enter into contracts for the design, construction and operation of water and sewer facilities. The bill also repeals the section of the City's charter authorizing such contracts for sludge management facilities.

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes sets out the provisions for the bidding and award of contracts by State and local governments. Such contracts generally are bid separately for each subdivision of work (See Background, below). G.S. 143-129.2 was amended in 2005 to allow local governments to enter into contracts for the design, construction, and operation of sludge facilities. S.L 2005-176.

BILL ANALYSIS: Senate Bill 403 adds a new section to the Charlotte charter authorizing the City to enter into contracts for the design, construction, and operation of water and sewer facilities. Water and sewer facilities are defined as one or more water supply and distribution systems and one or more wastewater collection, treatment, and disposal systems of all types, and all or any part of a water or sewer facility. The bill also repeals the provision in the Charter authorizing the City to use this method of contracting for sludge facilities as this was included in the General Statutes in 2005.

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

BACKGROUND: In general, contracts entered into or awarded by the State, local governments, and or other public bodies require that the bids be prepared to allow for separate and independent bidding for each subdivision of work, including design stages (architectural and engineering), building stages (heating, ventilating, and air conditioning; plumbing; electrical; and general contracting), and in some cases the operation of the facility. The contracts are normally awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and time specified in the bids for performance of the contract. The advantages of traditional contracting are that it seeks to identify the lowest cost provision of services for government projects, promote accountability, and bring legitimacy to governmental decisions. In certain contracting situations, the General Assembly has authorized exemptions from the competitive bidding requirements, including emergency situations, change order work, guaranteed energy savings contracts, construction management at risk, Previously bid or "piggybacking" contracts, use of unit's own permanent work force (force account work), and purchases of goods and services from nonprofit work centers for the blind and severely disabled.[1] The General Assembly has also authorized the limited issuance of design-build contracts for the Board of Transportation, certain local school construction projects, and other specific public construction projects (airports, convention centers, etc.).

Under the design, build, and operate approach, a single contract is awarded for the design, construction, *and operation* of a capital improvement. Advantages to the design/build/operate approach are that it seeks to create a single point of responsibility for design, construction, and operation; expedite project completion by facilitating the overlap of the design and construction phases of the project; and promote cost efficiencies through economies of scale, time savings, and innovative design.

S0403e1-SMRF

[1] Bluestein, Frayda. *A Legal Guide to Purchasing and Contracting for North Carolina Local Governments.* School of Government, UNC Chapel Hill (2004).

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, March 06, 2007

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

FAVORABLE

S.B.	**22**	Archdale Elections.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**231**	Transylvania Tax Collector Appointive.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**258**	Adopt Salute to Flag.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**377**	Lewisville Advisory Referendum.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**33**	Catawba County Force Account.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 5

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, March 07, 2007

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

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

S.B. **16** Wheel Locks/Boiling Springs.

Draft Number:	PCS85132
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **193** Gaston and Lincoln Boundaries.

Draft Number:	PCS65106
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **255** Polk Annexations.

Draft Number:	PCS75186
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, March 6, 2007 at 12:00 Noon
Room 1027, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on March 6, 2007, in Room 1027 of the Legislative Building. Nine members of the committee were present. Senator Malcolm Graham presided.

The first order of business was the introduction of the pages in attendance, after which Senator Graham announced that the agenda would be altered and that SB 193 (Gaston land Lincoln Boundaries.) would be the first bill to be heard. Senator Graham called for a motion to wave Rule 45.1 in order that the Proposed Committee Substitute could be heard for immediate consideration. The motion was made by Senator Dorsett and seconded by Senator Apodoca. Senator Hoyle introduced SB 193, Senator Apodoca moved that The PCS receive a favorable report, and his motion was seconded.

Senate Bill 22 (Archdale Elections) was introduced by Senator Tillman. The bill received a favorable Report. The next bill, SB 377 (Lewisville Advisory Referendum) sponsored by Senator Brunstetter was heard. Senator Apodoca made a motion that SB 377 receive a favorable report and was seconded by Senator Soles. Senator Dorsette's SB 258 (Adopt Salute to Flag) received a favorable report on the motion of Senator Blake, and was seconded by Senator Apodoca.

Senator Graham informed the committee that the agenda would be followed for the remainder of the meeting and Rule 45.1 was again waived so the PCS for SB 16 (Wheel Locks/Boiling Springs) could be heard for immediate consideration. Senator Dalton explained the bill and Senator Queen moved for a favorable report for the Proposed Committee Substitute which had a technical change that changed the long title in the original bill. The motion was seconded by Senator Stevens. The next Bill to be heard was SB 166 (Catawba County Force Account Limit) sponsored by Senator Allran. The Senator informed the committee that SB 166 had a companion bill, HB 33 (Catawba County Force Account) that had already passed the House. The ruling from staff was that it would make more sense to take up HB 33 since it had already passed in the house. The question was posed: "Had it been referred to the Senate State and Local Government?" The bill was temporary displaced to confirm that HB 33 had been referred to this committee.

Senator Snow introduced SB (Transylvania Tax Collector Appointive). Senator Stevens moved for a favorable report and Senator Blake seconded. Next on the agenda was Senator Apodoca's SB 255 with an amendment which changed line six inserting the following between the words "law", and "no": <u>"No County Or"</u>. Senator Queen moved to adopt the substitution in the amendment, and Senator Blake Seconded the motion. The amendment was rolled into the PCS. The PCS received a favorable report by the committee.

SB 166 was again before the committee. It was determined that HB 33 was in this committee and would be considered rather than SB 166. Senator Stevens moved that HB (CS #1) 33 receive

a favorable report and it was seconded by Senator Apodoca. Senator Graham displaced SB 403 until the next meeting.

With no further business, the meeting was adjourned at 12:25.

Senator Malcolm Graham, Presiding

Anne Misenheimer, Committee Clerk

VISITOR REGISTRATION SHEET

Lor Gov — 03.06.07

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Munn	REBIC
State Hall	DENR
Anita Watkins	NCLM

Anne Misenheimer (Sen. East)

From: Anne Misenheimer (Sen. East)
Sent: Thursday, March 15, 2007 11:55 AM
To: Sen. Jerry W. Tillman; Sen. Eddie Goodall; Sen. Edward Jones; Sen. Ellie Kinnaird; Sen. Janet Cowell; Sen. Richard Stevens; Rep. Thom Tillis; Rep. Beverly Earle; Rep. Drew Saunders
Subject: Committee Notice 3-20-07.State and Local Government

Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 20, 2007	12:00 Noon	1027 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 79	Extend Deer Seasons.	Senator Tillman
~~SB 221~~	~~Charlotte Finance Investment Authority~~.	~~Senator Goodall~~ Removed
SB 274	Amend Meherrin Tribe Name.	Senator Jones
SB 335	Carrboro Special Elections.	Senator Kinnaird
SB 349	Cary Closing-Out Sales.	Senator Cowell
SB 350	Apex/Garner Electronic Notices.	Senator Stevens
HB 217	Cornelius/Davidson Public Nuisance Ordinance.	Representative Earle Representative Saunders Representative Tillis

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, March 20, 2007, 12:00 Noon
1027 LB

AGENDA

Senator East - Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 217	Cornelius/Davidson Public Nuisance Ordinance.	Representative Earle Representative Saunders Representative Tillis
SB 79	Extend Deer Seasons.	Senator Tillman
SB 274	Amend Meherrin Tribe Name.	Senator Jones
SB 335	Carrboro Special Elections.	Senator Kinnaird
SB 349	Cary Closing-Out Sales.	Senator Cowell
SB 350	Apex/Garner Electronic Notices.	Senator Stevens

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 217

Short Title:	Cornelius/Davidson Public Nuisance Ordinance.	(Local)
Sponsors:	Representatives Tillis, Earle, and Saunders (Primary Sponsors).	
Referred to:	Local Government II.	

February 15, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWNS OF CORNELIUS AND DAVIDSON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2005-44 reads as rewritten:

"**SECTION 2.** This act applies to the ~~Town of~~ Towns of Cornelius, Davidson, and Matthews only."

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

HOUSE BILL 217:
Cornelius/Davidson Public Nuisance Ordinance

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 19, 2007
Introduced by:	Reps. Tillis, Earle, Saunders	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***House Bill 217 adds the Towns of Cornelius and Davidson to the legislation that authorized 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. This act is effective when it becomes law.***

CURRENT LAW: G.S. 160A-193 grants cities the authority to summarily 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 217 provides the Towns of Cornelius and Davidson the authority to notify a chronic violator of the towns' public nuisance ordinances that, if the violator's property is found to be in violation of the ordinance, the town shall, without further notice in the calendar year in which 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.

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

BACKGROUND: The N.C. Court of Appeals has held that a city had violated a homeowner's due process rights by demolishing her house without giving her notice. The court held that the city failed to show that the home was an immediate threat to the public. The General Statutes provide that if a city desires to exercise their police powers by ordering the closure of demolition of property, then any ordinance adopted for that purpose must contain procedures that must be followed—including notice to the owner, a hearing, and a reasonable opportunity to bring the dwelling into building code conformity.

Summary contribution by Barbara Riley, Staff Attorney.

H0217e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 79

Short Title:	Extend Deer Seasons.	(Public)
Sponsors:	Senators Tillman; Apodaca, Atwater, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Pittenger, and Weinstein.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE DEER SEASONS AND REMOVE BAG LIMITS ON DEER IN ORDER TO REDUCE THE DEER POPULATION IN THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 113-291.2 or any other provision of law, beginning with the 2007 hunting seasons, the Wildlife Resources Commission shall extend each of the seasons for taking deer with guns by opening the season one week earlier and closing it one week later than previously established by rule of the Commission. The Commission may adjust the bow and arrow and muzzle-loading seasons in its discretion in order to accommodate for the lengthening of the gun seasons.

SECTION 2. Notwithstanding the provisions of G.S. 113-291.2 or any other provision of law, there shall be no bag limits during any deer season established by the Wildlife Resources Commission.

SECTION 3. This act is effective when it becomes law and expires January 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 79
PROPOSED COMMITTEE SUBSTITUTE S79-PCS75254-LL-3

Short Title: Extend Deer Seasons. (Public)

Sponsors:

Referred to:

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE DEER SEASONS AND REMOVE BAG LIMITS ON ANTLERLESS DEER IN ORDER TO REDUCE THE DEER POPULATION IN THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 113-291.2 or any other provision of law, beginning with the 2007 hunting seasons, the Wildlife Resources Commission shall extend each of the seasons for taking deer with guns by closing the season one week later than previously established by rule of the Commission.

SECTION 2. Notwithstanding the provisions of G.S. 113-291.2 or any other provision of law, there shall be no bag limits on antlerless deer during any deer season established by the Wildlife Resources Commission.

SECTION 3. This act is effective when it becomes law and expires January 1, 2009.

SENATE BILL 79:
Extend Deer Seasons

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 19, 2007
Introduced by:	Sen. Tillman	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 79 requires the Wildlife Resources Commission to extend the seasons for taking deer with guns by opening the season one week earlier and closing it one week later, allows the Commission to adjust the bow and arrow and muzzle-loading seasons, and eliminates the bag limits during deer season. The act would become effective when it becomes law and expires January 1, 2009.

CURRENT LAW:

G.S. 113-291.2 allows the Wildlife Resources Commission to fix seasons and bag limits upon wild animals and birds authorized to be taken. The law allows different seasons and bag limits to be set in differing areas and early or extended seasons and different or unlimited bag limits may be authorized on controlled shooting preserves, game lands, and public hunting grounds.

According to the Wildlife Resources Commission, the current bag limit on deer is 6 and Deer Season dates are set by location and type of season. Below are the dates for 2006-07:

Location	Bow & Arrow	Muzzle-loading	Gun
Eastern	Sept 9 - Oct 6, 2006	Oct 7 - Oct 13, 2006	Oct 14 - Jan 1, 2007
Central	Sept. 9 - Nov 3, 2006	Nov 4 - Nov 10, 2006	Nov 11 - Jan 1, 2007
Northwestern	Sept. 9 - Nov 10, 2006	Nov 11 - Nov 17, 2006	Nov 18 - Dec 16, 2006
Western	Sept 11 - Oct 7 and Oct 16 - Nov 18, 2006	Oct 9 - Oct 14, 2006	Nov 20 - Dec 9, 2006

BILL ANALYSIS:

Senate Bill 79 would require the Wildlife Resources Commission, beginning with the 2007 hunting season, to extend each of the seasons for taking deer with guns by opening the season one week earlier and closing it one week later than previously established by rule of the Commission. It also allows the Commission to adjust the bow and arrow and muzzle loading seasons in its discretion in order to accommodate for the lengthening of the gun seasons. The bill also specifies that there shall be no bag limits during any deer season established by the Wildlife Resources Commission.

The act would become effective when it becomes law and expires January 1, 2009.

S0079e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 274

Short Title:	Amend Meherrin Tribe Name.	(Public)
Sponsors:	Senator Jones.	
Referred to:	State & Local Government.	

February 22, 2007

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE STATE-RECOGNIZED NAME OF THE MEHERRIN TRIBE TO THE MEHERRIN-CHOWANOKE NATION, IN ORDER TO RECOGNIZE THE HISTORIC MERGER OF MEMBERS OF THE CHOWANOKE TRIBE INTO THE MEHERRIN COMMUNITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 71A-7.1 reads as rewritten:

"**§ 71A-7.1. ~~Meherrin Tribe~~ Meherrin-Chowanoke Nation of North Carolina; rights, privileges, immunities, obligations and duties.**

The Indians now residing in small communities in Hertford, Bertie, Gates, and Northampton Counties, who in 1726 were granted reservational lands at the mouth of the Meherrin River in the vicinity of present-day Parker's Ferry near Winton in Hertford County, and who are of the same linguistic stock as the Cherokee, Tuscarora, and other tribes of the Iroquois Confederacy of New York and Canada, shall, from and after July 20, 1971, be designated and officially recognized as the ~~Meherrin Tribe~~ Meherrin-Chowanoke Nation of North Carolina, and shall continue to enjoy all their rights, privileges, and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law."

SECTION 2. G.S. 115C-210.1 reads as rewritten:

"**§ 115C-210.1. Membership – How appointed.**

The Council shall consist of 15 members, as follows:

...

(5) Indian members of the Council shall be broadly representative of North Carolina Indian tribes and organizations, specifically, the Eastern Band of Cherokee, Lumbee, Coharie, Waccamaw-Siouan, Haliwa Saponi, ~~Meherrin,~~ Meherrin-Chowanoke Nation, Person County Indians, Cumberland County Association for Indian People, the Guilford Native American Association, the Metrolina Native

American Association, and any other Indian tribe gaining State recognition in the future."

SECTION 3. G.S. 143B-407(a) reads as rewritten:

"(a) The State Commission of Indian Affairs shall consist of two persons appointed by the General Assembly, the Secretary of Health and Human Services, the Director of the State Employment Security Commission, the Secretary of Administration, the Secretary of Environment and Natural Resources, the Commissioner of Labor or their designees and 21 representatives of the Indian community. These Indian members shall be selected by tribal or community consent from the Indian groups that are recognized by the State of North Carolina and are principally geographically located as follows: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa Saponi of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke and Scotland Counties; the ~~Meherrin~~ Meherrin-Chowanoke Nation of Hertford County; the Waccamaw-Siouan from Columbus and Bladen Counties; the Sappony; the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties, and the Native Americans located in Cumberland, Guilford, Johnston, Mecklenburg, Orange, and Wake Counties. The Coharie shall have two members; the Eastern Band of Cherokees, two; the Haliwa Saponi, two; the Lumbees, three; the ~~Meherrin,~~ Meherrin-Chowanoke Nation, one; the Waccamaw-Siouan, two; the Sappony, one; the Cumberland County Association for Indian People, two; the Guilford Native Americans, two; the Metrolina Native Americans, two; the Occaneechi Band of the Saponi Nation, one, the Triangle Native American Society, one. Of the two appointments made by the General Assembly, one shall be made upon the recommendation of the Speaker, and one shall be made upon recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121 and vacancies shall be filled in accordance with G.S. 120-122."

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

SENATE BILL 274:
Amend Meherrin Tribe Name

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 19, 2007
Introduced by:	Sen. Jones	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 274 changes the State-recognized name of the "Meherrin" tribe to the "Meherrin-Chowanoke Nation."

CURRENT LAW:

- **G.S. 71A-7.1**, enacted by S.L. 2003-54, refers to the Meherrin Tribe as the Indians now residing in small communities in Hertford, Bertie, Gates, and Northampton Counties, who in 1726 were granted reservational lands at the mouth of the Meherrin River in the vicinity of present-day Parker's Ferry near Winton in Hertford County.
- **G.S. 115C-210.1** outlines the membership of the State Advisory Council on Indian Education, which is an advisory council to the State Board of Education. G.S. 115C-210.1 (5) provides that Indian members of the Council shall be broadly representative of the North Carolina Indian tribes and organizations and specifically refers to the Meherrin, among others.
- **G.S. 143B-407** defines the membership of the North Carolina State Commission of Indian Affairs and references the Meherrin tribe.

BILL ANALYSIS:

Senate Bill 274 makes amendments to the above statutes (G.S. 71A-7.1, G.S. 115C-210.1, and G.S. 143B-407) to change the name of the "Meherrin Tribe" to the "Meherrin-Chowanoke Nation."

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

BACKGROUND:

According to the NC Commission of Indian Affairs, this bill is supported by the Commission. The Meherrin Tribe expressed an interest in the name change because their research indicates ties to the Chowanoke Indians.

It is not uncommon for Indian tribes to discover historical information and data that necessitates a name change. Several such name changes have been enacted by the General Assembly in the past.

S0274e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 335*

Short Title:	Carrboro Special Elections.	(Local)
Sponsors:	Senator Kinnaird.	
Referred to:	State & Local Government.	

February 26, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED THROUGH A SPECIAL ELECTION PROCESS IN SOME CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2-2 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, reads as rewritten:

"**Section 2-2. Election of Mayor and Aldermen.** (a) The mayor and the aldermen shall be elected by the voters of the entire town. The mayor shall be elected for a term of two years and the aldermen shall be elected for staggered terms of four years.

(b) The municipal elections in the Town of Carrboro shall be nonpartisan and decided by a simple plurality. No primary elections shall be held. The municipal elections shall be conducted pursuant to the applicable provisions of Chapter 163 of the North Carolina General Statutes, particularly Articles 23 and 24 thereof.

(c) In the municipal elections to be held in 1987, and every two years thereafter, the mayor shall be elected for a term of two years. In the 1987 election (and the municipal elections held every four years thereafter), three aldermen shall be elected to fill the seats of the aldermen whose terms expire in 1987 (and every four years thereafter). In the municipal elections to be held in 1989 (and every four years thereafter), three aldermen shall be elected to fill the seats of the aldermen whose terms expire in 1989 (and every four years thereafter).

(d) In the general municipal election the candidate receiving the highest number of votes for mayor shall be elected. The three candidates in such election receiving the highest number of votes for the office of alderman shall be elected for full four-year terms. ~~If it is also necessary to elect one or more aldermen to fill the unexpired terms of one or more aldermen whose offices were vacated, the person receiving the fourth highest number of votes for aldermen (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for the unexpired term or terms.~~

(e) Vacancies that occur in the office of mayor shall be filled by appointment of the board of aldermen in accordance with the provisions of G.S. 160A-63.

(f) Notwithstanding the first four sentences of G.S. 160A-63, but subject to this subsection and subsection (g) of this section, whenever a seat on the board of aldermen (other than that of the mayor) becomes vacant at a time when one year or more of the term of office of that seat remains unexpired, such seat shall be filled by a special election. Such special election shall be called by the board of aldermen by the adoption of a resolution pursuant to G.S. 163-287 at the next regular or special meeting of the board held after the vacancy occurs. Such resolution shall not schedule an election during the time period beginning on the first Monday in July and ending on the last Monday in August in any calendar year. Vacancies that occur in the office of alderman at a time when less than one year of that alderman's term of office remains unexpired shall be filled by appointment of the board of aldermen in accordance with G.S. 160A-63.

(g) If the board of aldermen adopts a resolution calling for a special election to fill one or more vacant board seats as provided in subsection (f) of this section, and the resolution sets as the date of such election the same date as a regular municipal election, then (i) the resolution shall provide that the same filing period, filing fee, and absentee voting period that are applicable to the three seats on the board whose terms are expiring shall also apply to the special election for the vacant seat or seats; (ii) candidates who seek to fill either the expiring seats or the vacant seats shall file and appear on the ballot simply as candidates for election to the board of aldermen (i.e. they shall not be allowed to file or appear on the ballot as a candidate for either a particular vacant seat or an expiring seat); and (iii) the three candidates receiving the highest number of votes for the office of alderman shall be elected to full four-year terms, and the person receiving the fourth highest number of votes for aldermen (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for the remaining two years of the unexpired term of the vacant seat or seats."

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

SENATE BILL 335:
Carrboro Special Elections

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 16, 2007
Introduced by:	Sen. Kinnaird	**Summary by:**	Sara Kamprath
Version:	First Edition		Legislative Analyst

SUMMARY: Senate Bill 335 amends Section 2-2 of the Charter of the Town of Carrboro to provide for a special election to fill vacancies on the board of alderman, other than the mayor, that become vacant when one year or more of the term of that office remains unexpired. The bill sets out the process to be used for the special election.

[As introduced, this bill was identical to H361, as introduced by Rep. Insko, which is currently in House Election Law and Campaign Finance Reform.]

CURRENT LAW: Currently, the Charter of the Town of Carrboro, in Section 2-2(d) of Chapter 476 of the 1987 Session Laws, provides that when it is necessary to elect one or more aldermen to fill the unexpired terms of one or more aldermen, the person receiving the fourth highest number of votes for aldermen "(and, if necessary, the fifth and sixth highest number of votes) shall be elected for the unexpired term or terms".

BILL ANALYSIS: Senate Bill 335 would provide that a vacancy in the office of mayor shall be filled by appointment of the board of aldermen in accordance with G.S. 160A-63. Also vacancies that occur when there is less than one year of that alderman's term of office shall be filled by appointment of the board of aldermen in accordance with G.S. 160A-63.

Senate Bill 335 describes the process for the special election to fill a seat on the board of aldermen, other than the mayor, when one year or more of the term of office of that seat remains unexpired.

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

S0335e1-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 349

Short Title:	Cary Closing-Out Sales.	(Local)
Sponsors:	Senators Cowell and Stevens.	
Referred to:	State & Local Government.	

February 27, 2007

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2002-33, as rewritten by S.L. 2005-12, reads as rewritten:

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

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

SENATE BILL 349:
Cary Closing-Out Sales

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 16, 2007
Introduced by:	Sen. Cowell	**Summary by:**	Sara Kamprath
Version:	First Edition		Legislative Analyst

SUMMARY: Senate Bill 349 allows the Town of Cary to designate an officer of the Town, other than the City Clerk, to issue a license to advertise or conduct a close out or distress sale.

[As introduced, this bill was identical to H366, as introduced by Reps. Dollar, Weiss, T. Harrell.]

CURRENT LAW:

G.S.66-77 requires a license for those persons who wish to advertise or conduct a sale of merchandise under the description of a close out sale or a distress sale. The statutes provide that the city clerk, or an officer designated by the County Commissioners, is to issue the license. If the city clerk or county officer is satisfied that the sale is what it is described to be, the clerk/officer shall issue a license on the payment of a $50 fee and a bond for $500 payable to the city/county conditioned on compliance with the statutes. The license is good for 30 days. If the sale is not complete within that time the person shall apply for a new permit (upon payment of $50 fee) which shall be good for another 30 days. No additional bond shall be required in for one or more extensions. The clerk/officer must be satisfied that the sale is a bona fide closing out or distress sale and may not grant an extension if the applicant conducted another distress sale immediately preceeding the current sale for which the extension is applied for and the period of the new extension, when added to the time of the preceeding sale plus the time for the current sale will exceed 120 days. If a merchant has been conducting business at the same location where the sale is to be held for more than one year, or has been in business in one location for at least a year but must hold the sale elsewhere because they lost the lease or the building has become untenable, then the merchant is exempt from the payment of the fees and the bond.

BILL ANALYSIS:

Senate Bill 349 allows the Town of Cary to designate an officer of the Town, other than the City Clerk, to issue a license to advertise or conduct a close out or distress sale. The same authority has been provided to the Cities of Charlotte and Greensboro.

EFFECTIVE DATE:

The act is effective when it becomes law.

Barbara Riley contributed significantly to this summary.

S0349e1-SMRJ

SESSION LAW 202-33
HOUSE BILL 1654

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

The General Assembly of North Carolina enacts:

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

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

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

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

(c) Every city or town or county to whom application is made shall endorse upon such application the date of its filing, and shall preserve the same as a record of his office, and shall

make an abstract of the facts set forth in such application, and shall indicate whether the license was granted or refused.

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

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

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

SESSION LAW 2005-12
SENATE BILL 332

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

The General Assembly of North Carolina enacts:

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

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

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

In the General Assembly read three times and ratified this the 21st day of April, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 350

Short Title:	Apex/Garner Electronic Notices.	(Local)
Sponsors:	Senators Stevens and Malone.	
Referred to:	State & Local Government.	

February 27, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWNS OF APEX AND GARNER TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

The General Assembly of North Carolina enacts:

SECTION 1. The governing body of a city or town may adopt ordinances providing that notice of public hearings may be given through electronic means, including, but not limited to, the Town's Internet site. Ordinances adopted pursuant to this section shall not supersede any State law that requires notice by mail to certain classes of people or the posting of signs on certain property and shall not alter the publication schedule for any public notice.

SECTION 2. This act applies only to the Towns of Apex and Garner.

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

SENATE BILL 350:
Apex/Garner Electronic Notices

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 19, 2007
Introduced by:	Sen. Stevens	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY:

Senate Bill 350 would authorize the Towns of Apex and Garner to provide notice of public hearings through electronic means, including the Towns' websites. Any ordinance adopted providing for notice by electronic means shall not supercede any State law requiring notice by mail to certain classes of people or posting signs on property and shall not affect the publication schedule for any public notice.

CURRENT LAW:

The General Statutes spell out various methods of giving notice for public hearings. For example, in an annexation proceeding, a pubic informational hearing must be held on the municipality's intent to annex. The notice of that hearing is to be published in a newspaper of general circulation in the area once a week for at least two weeks. Also, notice is to be mailed to the owners of property in the area to be annexed by first class mail. See G.S. 160A-37 and G.S. 160A-49. Under the provisions of Senate Bill 350, Apex and Garner would not have to publish notice in the newspaper, but could place the notice on the internet. The towns would, however, be required to send the notice by mail to property owners of record in the area.

EFFECTIVE DATE:

The act is effective when it becomes law.

BACKGROUND:

Similar legislation was passed for the City of Raleigh and Lake Waccamaw in 2003.

S0350e1-SMRF

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, March 20, 2007

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

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

S.B. **79** Extend Deer Seasons.

Draft Number:	PCS75254
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, March 20, 2007

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

FAVORABLE

S.B. **274** Amend Meherrin Tribe Name.
Sequential Referral: None
Recommended Referral: None

S.B. **335** Carrboro Special Elections.
Sequential Referral: None
Recommended Referral: None

S.B. **349** Cary Closing-Out Sales.
Sequential Referral: None
Recommended Referral: None

S.B. **350** Apex/Garner Electronic Notices.
Sequential Referral: None
Recommended Referral: None

H.B. **217** Cornelius/Davidson Public Nuisance Ordinance.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 5

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, March 20, 2007 at 12:00 Noon
Room 1027, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on March 20, 2007 in Room 1027 of the Legislative Building. Eleven members of the committee were present. Senator Don East presided.

Proposed Committee Substitute SB 79 (Extend Deer Seasons) was introduced to the committee by Senator Tillman. A motion was made to wave rule 45.1. Dick Hamilton with the Wildlife Resource Commission also spoke on the bill. Senator Berger moved for a favorable report. Nine members voted for the motion and two opposed. The bill was reported out of committee Unfavorable as to the Bill but Favorable as to the Committee Substitute.

SB 274 (Amend Meherrin Tribe Name) was presented by Senator Jones and the bill received a Favorable Report. Senator Kinnaird's Senate Bill 335 (Carrboro Special Elections) received a Favorable Report on the motion of Senator Apodaca and Senator Berger seconded the motion. Mayor Mark Chilton of Carrboro spoke to the committee about the Bill and answered questions from Senators Apodaca and Berger. SB 349 (Cary Closing-Out Sales) Presented by Senator Cowell, and SB 350 (Apex/Garner Electronic Notices) presented by Senator Stevens both received Favorable Reports from the committee. Representative Tillis introduced House Bill 217 (Cornelius/Davidson Public Nuisance Ordinance) and on the motion by Senator Brunstetter received a Favorable Report.

The meeting adjourned at 12:45.

Senator East, Presiding

Anne Misenheimer, Committee Clerk

VISITOR REGISTRATION SHEET

State & Local Government — 3-21-07

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bruce Radford	Town of Apex, NC
Joe McClees	McClees Consulting
DICK HAMILTON	WILDLIFE
GORDON MYERS	"
Durwood Laughinghouse	NS
Mark Chilton	Town of Carrboro
Susan Vaden	Nationwide
DANIEL BLUM	KENNEDY COVINGTON
Andy Munn	REBIC
Andy Romanet	NCCM
Nick Tosco	Sen Clodfelter

Principal Clerk ____
Reading Clerk ____

REVISED NOTICE
SB 166 HAS BEEN REMOVED

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	March 27, 2007	12:00 Noon	1027 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 363	Ashe/Trapping of Raccoons.	Senator Goss
SB 364	Ashe/Trapping of Foxes.	Senator Goss
SB 394	New Bern Historic Preservation.	Senator Preston
SB 381	Chadbourn Mayor Four-Year Term.	Senator Soles, Jr.

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, March 27, 2007, 12:00 Noon
1027 LB

AGENDA

Senator Malcolm Graham, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 363	Ashe/Trapping of Raccoons.	Senator Goss
SB 364	Ashe/Trapping of Foxes.	Senator Goss
SB 381	Chadbourn Mayor Four-Year Term.	Senator Soles, Jr.
SB 394	New Bern Historic Preservation.	Senator Preston

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 363
PROPOSED COMMITTEE SUBSTITUTE S363-CSRF-12 [v.1]

3/27/2007 10:35:19 AM

Short Title: Ashe/Trapping of Raccoons. (Local)

Sponsors:

Referred to:

February 28, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TAKING OF RACCOONS BY TRAPPING IN ASHE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking raccoons by trapping from November 7, 2007, through February 12, 2008, and each year thereafter as established by the Wildlife Resources Commission. During this season, all leghold traps set on dry land with solid anchor shall have at least three swivels in the trap chain, and no leghold traps larger than size one and one-half may be used.

SECTION 2. A season bag limit of 20 applies in the aggregate to all raccoons taken during the trapping season established in this act.

SECTION 3. This act applies only to Ashe County.

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

SENATE BILL 363:
Ashe/Trapping of Raccoons

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 27, 2007
Introduced by:	Sen. Goss	**Summary by:**	Barbara Riley
Version:	PCS to First Edition S363-CSRF-12		Committee Counsel

SUMMARY:

The proposed committee substitute for Senate Bill 363 sets a season for trapping raccoons in Ashe County from November 7, 2007 through February 12, 2008. The dates reflect the current trapping season for animals in Ashe County. The Wildlife Resources Commission is to establish a season for trapping raccoons in Ashe County in the following years.

Leghold traps set on dry land with a solid anchor are required to have at least 3 swivels and may not be larger than size 1½. There is a season bag limit of 20 raccoons.

BACKGROUND:

Under the WRC rules, trapping raccoons currently is unlawful in Ashe County.

EFFECTIVE DATE:

The act is effective when it becomes law.

S0363e1-SMRF-CSRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 364
PROPOSED COMMITTEE SUBSTITUTE S364-CSRF-13 [v.2]

3/27/2007 11:15:24 AM

Short Title: Ashe/Trapping of Foxes. (Local)

Sponsors:

Referred to:

February 28, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TRAPPING AND SALE OF FOXES IN ASHE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking foxes by trapping from November 7 through February 12 of each year. During this season, all leghold traps set on dry land with solid anchor shall have at least three swivels in the trap chain and no leghold traps larger than size one and one-half may be used.

SECTION 2. A season bag limit of 10 applies in the aggregate to all foxes taken during the trapping season established in this act.

SECTION 3. The Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act and pursuant to former G.S. 113-111, as retained to the extent of its application to Ashe County pursuant to G.S. 113-133.1(e).

SECTION 4. This act applies only to Ashe County.

SECTION 5. This act becomes effective October 1, 2007, and expires on September 30, 2010.

SENATE BILL 364:
Ashe/Trapping of Foxes

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 27, 2007
Introduced by:	Sen. Goss	**Summary by:**	Barbara Riley
Version:	PCS to First Edition S364-CSRF-13		Committee Counsel

SUMMARY:

The proposed committee substitute for Senate Bill 364 authorizes an open season for taking fox in Ashe County from November 7 through February 12 of each year. All leghold traps set on dry land shall have at least 3 swivels in the trap chain and shall not be larger than size 1½. The season bag limit for fox taken under this act is 10. The WRC shall provide for the sale of foxes taken under the act.

CURRENT LAW:

G.S. 113-111, repealed but retained for Ashe County, prohibited taking or killing foxes in a number of counties, including Ashe.

EFFECTIVE DATE:

The act becomes effective October 1, 2007 and expires on September 30, 2010.

S0364e1-SMRF-CSRF-13

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 381
PROPOSED COMMITTEE SUBSTITUTE S381-CSSH-11 [v.1]

3/26/2007 4:31:59 PM

Short Title: Chadbourn Mayor Four-Year Term. (Local)

Sponsors:

Referred to:

February 28, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBOURN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2.3 of the Charter of the Town of Chadbourn, being Chapter 895, Session Laws of 1989, reads as rewritten:

"Sec. 2.3. Mayor; Term of Office; Duties. ~~The~~ In 2007 and quadrennially thereafter, the Mayor shall be elected by all the qualified voters of the Town for a term of ~~two~~ four years or until his or her successor is elected and qualified; shall be the official head of the Town government and preside at meetings of the Council; shall have the right to vote only when there is an equal division on any question or matter before the Council; and shall exercise the powers and duties conferred by law or as directed by the Council."

SECTION 2. Section 3.3 of the Charter of the Town of Chadbourn, being Chapter 895, Session Laws of 1989, reads as rewritten:

"Sec. 3.3. Election of Mayor. A Mayor shall be elected in ~~each~~ a regular municipal election."

SECTION 3. This act is effective upon the certification of the 2007 municipal election for the Mayor of the Town of Chadbourn.

SENATE BILL 381:
Chadbourn Mayor Four-Year Term

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 26, 2007
Introduced by:	Sen. Soles	**Summary by:**	Theresa Matula Committee Staff
Version:	PCS to First Edition S381-CSSH-11		

SUMMARY: Senate Bill 381 amends the Charter for the Town of Chadbourn to provide a four-year term for the mayor.

The Proposed Committee Substitute clarifies the effective date in Section 3 to provide that the act becomes effective upon the certification of the 2007 municipal election for the Mayor.

CURRENT LAW:

Article II of the Charter of the Town of Chadbourn pertains to the governing body of the Town. Section 2.2 of the Charter provides that the Town Council is composed of five members and is elected by all the qualified voters for staggered terms of four years or until their successors are elected and qualified. Section 2.3 provides that the Mayor is elected by all the qualified voters of the Town for a term of two years or until his or her successor is elected and qualified.

Article III of the Charter of the Town of Chadbourn pertains to elections. Section 3.1 provides that regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Section 3.2 provides that two or three council members are elected in each regular municipal election, as the respective terms expire. Section 3.1 provides that a Mayor shall be elected in each regular municipal election.

BILL ANALYSIS:

Senate Bill 381 amends Sections 2.3 and 3.3 of the Charter of the Town of Chadbourn, contained in Chapter 895 of the 1989 Session Laws, to change the term of the Mayor from a two-year term to a four-year term beginning in 2007.

EFFECTIVE DATE:

The Proposed Committee Substitute for Senate Bill 381 clarifies the effective date to provide that the act becomes effective upon the certification of the 2007 municipal election for the Mayor of the Town of Chadbourn.

S0381e1-SMSH-CSSH-11

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 394*

Short Title:	New Bern Historic Preservation.	(Local)
Sponsors:	Senator Preston.	
Referred to:	State & Local Government.	

February 28, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT.

Whereas, New Bern was North Carolina's first permanent State capital; and

Whereas, New Bern is the home of the restored Tryon Palace Complex, where legislators first governed; and

Whereas, New Bern contains over 1,100 original 18th, 19th, and early 20th century contributing structures which complement and enhance the Palace Complex and the historic character and integrity of the City; and

Whereas, historic preservation contributes to the economic, social, and cultural well-being of New Bern and the State of North Carolina; and

Whereas, protecting New Bern from the loss of its historic architectural resources is of statewide importance; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of G.S. 160A-400.14, a municipality may adopt an ordinance providing that no contributing structure within a locally designated historic district in the municipality may be demolished without a permit.

SECTION 1.(b) The municipality may adopt, modify, and revise such ordinances as are necessary to implement this section and to further its intent.

SECTION 2. This act applies to the City of New Bern only.

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

SENATE BILL 394:
New Bern Historic Preservation

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 26, 2007
Introduced by:	Sen. Preston	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: Senate Bill 394 authorizes the City of New Bern to adopt ordinances prohibiting the demolition of a contributing structure within a locally designated historical district without a permit.

[As introduced, this bill was identical to H303, as introduced by Reps. Underhill, Wainwright, which is currently in Senate State & Local Government.]

CURRENT LAW:

A certificate of appropriateness authorizing the relocation or demolition of an historical building may not be denied. It may be delayed for up to 365 days to allow the preservation commission time to negotiate with the owner in an effort to find a way to preserve the property.

An application relating to a building or landmark determined by the State Historic Preservation Officer as having statewide significance may be denied, except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return due to the denial.

BILL ANALYSIS:

Senate Bill 394 would allow the City of New Bern to adopt an ordinance providing that no contributing structure within a historic district could be demolished without a permit. The City is further authorized to adopt and modify such ordinances as necessary to implement this section and further the intent to protect New Bern from the loss of its historic architectural resources.

The act applies to the City of New Bern only.

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

Summary contribution by Barbara Riley, Staff Attorney.

S0394e1-SMRK

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, March 27, 2007 at 12:00 Noon
Room 1027, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on March 27, 2007, in Room 1027 of the Legislative Building. Nine members of the committee were present. Senator Graham, presided.

Senator Graham called the committee to order, introduced the pages, and then recognized Senator Soles to introduce Senate Bill 381, Chadbourn Mayor Four-Year Term. Senator Graham called for a motion to accept the Proposed Committee Substitute and that rule 45.1 be waived. The PCS was taken up for immediate consideration and received a favorable report from the committee. Next on the agenda was Senate Bill 363, Ashe/Trapping of Raccoons, explained by Senator Goss. Rule 45.1 was waived and a Proposed Committee Substitute was properly before the committee. The PCS received a favorable report, unfavorable to the original bill on the motion of Senator Dorsett, seconded by Senator Albertson. Senator Goss's Senate Bill 364, Ash trapping of Foxes, was the next bill to be heard by the committee. Senator Graham asked for a motion to waive rule 45.1 so that a PCS could be before the committee for immediate consideration. The motion was made by Senator Stevens and seconded by Senator Dorsett. The proposed committee substitute received a favorable report on the motion of Senator East and seconded by Senator Dorsett. The last Bill before the committee was Senate Bill 394, New Bern Historic Preservation, presented by Senator Preston. Senator Smith moved for a favorable report and Senator Dorsett Seconded the motion.

With no further, Senator Graham adjourned the meeting at 12:20 pm

Senator Malcolm Graham, Presiding

Anne Misenheimer, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, March 28, 2007

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

FAVORABLE

S.B. **394** New Bern Historic Preservation.
Sequential Referral: None
Recommended Referral: None

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

S.B. **363** Ashe/Trapping of Raccoons.
Draft Number: PCS55407
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

S.B. **364** Ashe/Trapping of Foxes.
Draft Number: PCS55408
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

S.B. **381** Chadbourn Mayor Four-Year Term.
Draft Number: PCS55406
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate State & Local Government Committee — March 27, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joan Troy	NC WRC
[illegible]	NC FB
Michael Thompson	Dominion
Suzanne Ashbury	NCGA

Senate State & Local Government Committee
Tuesday, April 3, 2007, 12:00 Noon
1027 LB

AGENDA

Senator Don East, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 571	Moore County Fox and Coyote Trapping.	Representative Boylan
SB 255	Polk Annexations.	Senator Apodaca
SB 354	Wilmington Eminent Domain.	Senator Boseman
SB 519	Burke Co. Local Agreement.	Senator Jacumin
SB 535	Mecklenburg County Real Property Disposition.	Senator Dannelly
SB 595	Charlotte Mecklenburg Library Board.	Senator Graham
SB 872	Thalian Assoc./NC Community Theatre.	Senator Boseman

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 3

HOUSE BILL 571
Committee Substitute Favorable 3/19/07
Third Edition Engrossed 3/20/07

Short Title: Moore County Fox and Coyote Trapping. (Local)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE TAKING OF FOXES AND COYOTES BY TRAPPING IN CUMBERLAND, HARNETT, AND MOORE COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking foxes and coyotes by trapping from October 1 through January 31 of each year. This section applies only to Moore County.

SECTION 1.1. Notwithstanding any other provision of law, there is an open season for taking foxes and coyotes by trapping from December 1 through January 31 of each year. This section applies only to Cumberland and Harnett Counties.

SECTION 2. A season bag limit of 10 applies in the aggregate to all foxes taken during the trapping season established in this act. No bag limit applies to coyotes taken under this act.

SECTION 3. The Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.

SECTION 4. This act applies only to Cumberland, Harnett, and Moore Counties.

SECTION 5. This act becomes effective October 1, 2007, and expires on September 30, 2010.

HOUSE BILL 571:
Moore County Fox and Coyote Trapping

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 30, 2007
Introduced by:	Rep. Boylan	**Summary by:**	Barbara Riley Committee Counsel
Version:	Third Edition		

SUMMARY:

House Bill 517 provides for an open season for taking foxes and coyotes by trapping from October 1 through January 31 each year for Moore County. It also provides a season for trapping foxes and coyote for Cumberland and Harnett Counties running from December 1 through January 31. There is a season bag limit of 10 foxes for the trapping season. No bag limit is set for coyote. The Wildlife Resources Commission is to provide for the sale of foxes taken pursuant to the act.

EFFECTIVE DATE:

The act becomes effective October 1, 2007 and expires September 30, 2010.

H0571e3-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 2

SENATE BILL 255*

State & Local Government Committee Substitute Adopted 3/7/07

Short Title: Polk Annexations. (Local)

Sponsors:

Referred to:

February 22, 2007

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, no county or no incorporated city, town, or village outside of Polk County may annex any territory within Polk County or extend its extraterritorial planning jurisdiction into Polk County.

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

SENATE BILL 255:
Polk Annexations

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	March 6, 2007
Introduced by:	Sen. Apodaca	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***This act would prohibit any governmental entity from annexing any land in Polk County, or extending its extraterritorial jurisdiction into Polk County. The act is effective when it becomes law.***

CURRENT LAW: The general statutes provide procedures for local government entities to both annex land, and to extend their extraterritorial jurisdiction, across adjacent county lines.

BILL ANALYSIS: This act would prevent any city, town, or village that is outside of Polk County from annexing Polk County land, or extending its extraterritorial jurisdiction into Polk County.

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

S0255e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 354
PROPOSED COMMITTEE SUBSTITUTE S354-CSRF-16 [v.1]

4/2/2007 4:36:27 PM

Short Title: Wilmington Eminent Domain. (Local)

Sponsors:

Referred to:

February 27, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER AND SEWER.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, is amended by adding a new Article to read:

"ARTICLE XVIIIA.

"Additional Eminent Domain Powers.

"Sec. 18A.1. Additional Eminent Domain Powers. Notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property interests (including, without limitation, fee simple title, rights-of-way, and easements) to be used for:

(1) Waterlines and treatment facilities.

(2) Sewer lines and treatment facilities,

the city may use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided further, that whenever therein the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to include the 'City Manager'; 'Manager', and whenever therein the word 'highway' appears, it is deemed to include projects in accordance with this section, provided further that nothing herein shall be construed to enlarge the power of the town to condemn property already devoted to public use. The powers granted by this section are in addition to and supplementary to those powers granted by any local or general law."

SECTION 2. This act is effective when it becomes law but only applies to proceedings initiated on or before December 1, 2008.

SENATE BILL 354:
Wilmington Eminent Domain

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 2, 2007
Introduced by:	Sen. Boseman	**Summary by:**	Barbara Riley Committee Counsel
Version:	First Edition		

SUMMARY:

Senate Bill 354 would authorize the City of Wilmington to use the "quick take" method of condemnation set forth in Article 9 of Chapter 136 for the acquisition of property for water and sewer lines and treatment facilities

CURRENT LAW:

Under current law, a municipality must use the eminent domain provisions in Chapter 40A for acquisition of property for purposes of water and sewer facilities. Notice of intent to institute an action to condemn property must be given to the landowner at least 30 days prior to the filing of a complaint to condemn the property. The measure of damages is the fair market value of the property immediately prior to condemnation unless it is a partial taking, in which case the measure is the difference in value before and after the taking. Title to the property passes to the condemnor either upon filing of the complaint and depositing of the estimated value or at a later stage of the proceedings, depending on the purpose of the condemnation.

Under the "quick take" method used by the Department of Transportation pursuant to Article 9, Chapter 136, the title vests in the condemnor upon filing the action and depositing the estimated value of the property. The measure of damages is the fair market value for the entire tract at the time of taking. If it is a partial taking, the measure is the difference in value before and after the taking, with allowance for benefits to the property because of the construction of the public improvement.

BILL ANALYSIS:

Senate Bill 354 would allow the City of Wilmington to use the "quick take" method pursuant to Article 9, Chapter 136 of the General Statutes to acquire property for water and sewer lines and treatment facilities. As such, the City will no longer need to give 30 days notice to the landowner of its intent to file a complaint to condemn property for those purposes.

EFFECTIVE DATE:

The act is effective when it becomes law but applies only to condemnation proceedings begun on or before December 1, 2008.

BACKGROUND:

S0354e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 519*
PROPOSED COMMITTEE SUBSTITUTE S519-CSRK-9 [v.1]

4/2/2007 9:55:49 AM

Short Title: Burke Co. Local Agreement. (Local)

Sponsors:

Referred to:

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of G.S. 115D-15.1(c), G.S. 143-341(3)a., or any other provision of law pertaining to capital improvements, Western Piedmont Community College may enter into an agreement with Burke County to jointly renovate a building owned by Burke County that is located at 2128 South Sterling Street in Morganton. Western Piedmont Community College may use State grant funds for the renovation of the building. The renovated facility shall be known as the Foothills Allied Health and Sciences Higher Education Center.

Burke County shall lease a portion of the facility consisting of college classrooms, office space, and laboratories to Western Piedmont Community College for a period of 40 years. The remainder of the facility consisting of multipurpose space shall be maintained and operated by Burke County.

If at any time Burke County terminates the lease, the county shall reimburse to Western Piedmont Community College a prorated amount of the State grant funds used for the renovation.

SECTION 1.(b) Except for G.S. 143-128.2 and G.S. 143-128.3, the provisions of Article 8 of Chapter 143 of the General Statutes shall not apply to the renovation of the facility.

SECTION 2. This act is effective when it becomes law and expires December 31, 2011.

SENATE BILL 519:
Burke Co. Local Agreement

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 2, 2007
Introduced by:	Sen. Jacumin	**Summary by:**	Hal Pell Committee Co-Counsel
Version:	PCS to First Edition S519-CSRK		

SUMMARY: ***Senate Bill 519 authorizes Burke County and the Western Piedmont Community College to enter into an agreement to jointly renovate a building owned by Burke County. The act is effective when it becomes law, and expires December 31, 2011.***

[As introduced, this bill was identical to H506, as introduced by Rep. Church. A PCS for the House Bill was adopted and is on the House Calendar for April 2. This PCS is identical to the H506, 2nd Ed.]

CURRENT LAW:

G.S. 115D-15.1(c) provides for the acquisition and construction of property by community colleges.

G.S. 143-341(3)a. authorizes the Department of Administration to approve all plans and specification for the construction and renovation of State buildings, including community college buildings.

Chapter 143, Article 8, sets out the requirements for building contracts and the bidding procedures for public contracts.

BILL ANALYSIS:

- This act would authorize Burke County and Western Piedmont Community College to jointly renovate a building owned by Burke County, and exempt the process from public contract requirements.
- The County would lease part of the space to the Community College for use as classrooms, office space, and laboratories for a period of 40 years. The remainder of the building will be used by the County as multipurpose space.
- Western Piedmont may use State grant funds for the renovation of the building. If Burke County should terminate the lease, the County shall reimburse the Community College a prorated portion of the grant funds used in the renovation.
- The original bill exempted the parties from all public contract requirements. The proposed committee substitute adds back the requirement for minority business participation goals and administration.

EFFECTIVE DATE:

The act is effective when it becomes law, and expires December 31, 2011.

Summary contribution by Barbara Riley, Staff Attorney.

S0519e1-SMRK-CSRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 535*

Short Title:	Mecklenburg County Real Property Disposition.	(Local)
Sponsors:	Senators Dannelly; Clodfelter, Dorsett, Goodall, Graham, and Malone.	
Referred to:	State & Local Government.	

March 7, 2007

A BILL TO BE ENTITLED

AN ACT RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN PROPERTY BY PRIVATE NEGOTIATED SALE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2000-65, as reenacted by Section 1 of S.L. 2003-49, and as rewritten by Section 2 of S.L. 2005-158, reads as rewritten:

"**Section 2**. This act shall apply to Mecklenburg County only and only with respect to ~~the following parcels of land, all of which are owned by Mecklenburg County: (i) parcels with frontage on North College Street that are Mecklenburg County Tax Parcels (as of January 1, 2000) 080-031-01, 080-032-04, 080-032-05, 080-041-01, and 080-041-02; (ii) Mecklenburg County Tax Parcels (as of January 1, 2005) 073-161-01, 073-161-03, 073-161-06, 073-162-02, and 073-162-01; (iii) that portion of Mecklenburg County Tax Parcel 073-161-04 (as of January 1, 2005) which is immediately adjacent to and parallel to West Second Street, approximately 100 feet wide and running from South Mint Street to South Graham Street; (iv) that portion of Mecklenburg County Tax Parcel 073-112-05 (as of January 1, 2005) which is occupied by and including the old Virginia Paper Company Building, and such areas immediately adjacent to the old Virginia Paper Company Building as might be necessary for ingress, egress, and regress to and from said Building and such other areas immediately adjacent to said Building as might be necessary for uses such as outdoor patios or terraces, or other outdoor uses which are compatible with and accessory to the interior uses of the adaptive re-use of the old Virginia Paper Company Building; and (v) subsurface portions of Mecklenburg County Tax Parcels 073-111-04 and 073-112-05 (as of January 1, 2005) for parking uses.~~ property owned by Mecklenburg County."

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

SENATE BILL 535:
Mecklenburg County Real Property Disposition

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 1, 2007
Introduced by:	Sen. Dannelly	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

SUMMARY: Senate Bill 535 would permit Mecklenburg County to convey property owned by the County by private sale. The bill becomes effective when it becomes law.

[As introduced, this bill was identical to H525, as introduced by Rep. Earle, which is currently in House Local Government II.]

CURRENT LAW: S.L. 2000-65, as amended by S.L. 2001-102, reenacted by S.L. 2003-49 and amended by S.L. 2005-158, provides that Mecklenburg County has authority to sell or dispose of specific property when the board of commissioners determines that it will "advance or further any county or municipality-adopted economic development, transportation, urban revitalization, community development, or land-use plan or policy." The county may attach to the transfer and to the interest conveyed such covenants, conditions, or restrictions the county deems necessary. As a result, the consideration, if any, for such conveyance may reflect the restricted use of the property. An interest in property pursuant to this subsection may only be conveyed pursuant to resolution of the board of commissioners. Notice of the proposed transaction shall be given at least 10 days prior to adoption of the resolution by publication in a newspaper of general circulation.

BILL ANALYSIS: Senate Bill 535 removes the description of the specific property that Mecklenburg County has authority to convey by private sale and would permit Mecklenburg County to convey any property owned by the County by private sale.

S0535e1-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 595

Short Title:	Charlotte Mecklenburg Library Board.	(Local)
Sponsors:	Senators Graham; Clodfelter, Dannelly, Goodall, and Pittenger.	
Referred to:	State & Local Government.	

March 12, 2007

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE APPOINTMENT PROCESS FOR TRUSTEES OF THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (a) of Section 2 of Chapter 710 of the Session Laws of 1965, as rewritten by Section 1 of Chapter 368 of the 1979 Session Laws, reads as rewritten:

"(a) The ~~said~~ Public Library of Charlotte and Mecklenburg County shall be governed by a board of ~~seven~~ 11 trustees. ~~Six~~ Ten trustees shall be appointed by the Board of County Commissioners of Mecklenburg County and one shall be appointed by the Charlotte-Mecklenburg Board of Education. No person shall be eligible to serve as a trustee during the time he holds any elective public office. The ~~four~~ trustees currently in office ~~who were selected by the Chairman of the Board of County Commissioners of Mecklenburg County and the Mayor of the City of Charlotte pursuant to Chapter 710 of the Session Laws of 1965~~ shall serve the remainders of the terms for which they were appointed. ~~Two additional trustees shall be appointed by the board of county commissioners for terms to expire on January 1, 1980, and one additional trustee shall be appointed by the Charlotte-Mecklenburg Board of Education for a term to expire on January 1, 1982.~~ Thereafter, all terms of office for trustees shall be four years, except that an appointment to fill a vacancy of an unexpired term shall be for the remainder of the unexpired term only, and provided that all trustees shall continue in office until their successors are qualified and appointed. Any trustee appointed by the board of county commissioners may be removed with or without cause at any time by a four-fifths vote of the board of county commissioners. The trustee appointed by the Charlotte-Mecklenburg Board of Education may be removed with or without cause at any time by a two-thirds vote of the members of that board. A trustee shall be removed upon missing three consecutive meetings of the board of trustees without good cause. All trustees shall serve without compensation."

SECTION 2. The Mecklenburg County Board of County Commissioners shall appoint two of the additional members authorized by this act within 12 months of the effective date of this act. The remaining two appointments shall be made within 24 months of the effective date of this act.

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

SENATE BILL 595:
Charlotte Mecklenburg Library Board

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 2, 2007
Introduced by:	Sen. Graham	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 595 expands the board of trustees for the Public Library of Charlotte and Mecklenburg County and modifies the appointment process

[As introduced, this bill was identical to H561, as introduced by Rep. Carney, which is currently in Senate State & Local Government.]

CURRENT LAW:

Under current law, there are seven (7) trustees on the board of trustees for the Public Library of Charlotte and Mecklenburg County. Six (6) of the seven (7) trustees for the Public Library of Charlotte and Mecklenburg County are appointed by the Board of County Commissioners of Mecklenburg County. The remaining member is appointed by the Charlotte-Mecklenburg Board of Education.

BILL ANALYSIS:

Senate Bill 595 expands the membership of the board of trustees for the Public Library of Charlotte and Mecklenburg County from seven (7) trustees to eleven (11) trustees. Under the bill, the number of trustees appointed by the Board of County Commissioners of Mecklenburg County is increased from six (6) to ten (10). The remaining trustee is appointed by the Charlotte-Mecklenburg Board of Education, as it is in current law.

The trustees currently in office will serve the remainders of the terms for which they were appointed. Section 2 of the bill specifies that the Mecklenburg County Board of County Commissioners must appoint two of the additional trustees authorized by this act within 12 months of the effective date of this act. The remaining two appointments must be made within 24 months of the effective date of the act.

EFFECTIVE DATE:

The bill becomes effective when it becomes law.

S0595e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 872*
PROPOSED COMMITTEE SUBSTITUTE S872-CSSH-13 [v.3]

4/2/2007 12:56:13 PM

Short Title: Thalian Assoc./NC Community Theater. (Public)

Sponsors:

Referred to:

March 19, 2007

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER OF NORTH CAROLINA.

Whereas, the Thalian Association was organized in 1788 in Wilmington, North Carolina; and

Whereas, the Thalian Association is the oldest community theater in the State of North Carolina; and

Whereas, the Thalian Association was organized for the purpose of providing a foundation for the artistic, cultural, and social development of the Wilmington community; and

Whereas, the Thalian Association participated in the endowment of the Innes Academy, the first public school in Wilmington, and supported that endowment by organizing a community theater company, the proceeds from which supported the public school and the poor of Wilmington; and

Whereas, the Thalian Association was first chartered by the State of North Carolina in 1814 to provide "learning and the promotion of literature" to the people of Wilmington; and

Whereas, the Thalian Association community theater became an enduring tradition in the Wilmington community that has lasted from 1788 to the present day and from its beginning has attracted the support and participation of the most public-spirited of Wilmington citizens; and

Whereas, the Thalian Association contributed in 1851 to the building of the Washington Monument, and its public-spirited generosity is displayed to this day in a memorial stone on Landing 23 that reads "Wilmington, North Carolina, Thalian Association"; and

Whereas, the Thalian Association, championing the need for a large and beautiful public theater, conceived the original idea of a civic union of culture and

government and formed a partnership in 1854 with the City of Wilmington to build a combination theater and City Hall; and

Whereas, the Thalian Association in 1854 sent its president, Robert H. Cowen, to New York City to commission America's premier theater designer, John M. Trimble, to design a theater and City Hall building; and

Whereas, the Thalian Association in 1857 to 1858 supervised the construction of the theater and City Hall building, named Thalian Hall; and

Whereas, the Thalian Association in 1860 gave its ownership interest in Thalian Hall to the City of Wilmington; and

Whereas, the Thalian Association in the Civil War years of 1861 to 1865 committed itself to fund-raising performances in Thalian Hall to help alleviate sufferings from yellow fever and smallpox epidemics; and

Whereas, the Thalian Association in the Reconstruction years of 1865 to 1871 struggled against political partisanship and provided a bridge over the chasm of bitterness; and

Whereas, the Thalian Association in the post-Civil War era supported popular education in a nonpartisan manner despite opposition, continued the tradition of theater despite economic decline and poverty, opened Thalian membership, and allowed onstage participation in the theater for the first time to females; and

Whereas, the Thalian Association maintained through the years of poverty the spirit of culture and provided a focal point for the revival of the performing arts in the early 20th century; and

Whereas, the Thalian Association rescued Thalian Hall from neglect and possible destruction and restored it to its original beauty; and

Whereas, the Thalian Association inaugurated children's theater in Wilmington; and

Whereas, the Thalian Association is fully committed in the present and in the future to the historic and cultural preservation of Wilmington and Southeastern North Carolina in the face of rapid development and irreversible change; and

Whereas, the Thalian Association stages each year five productions of drama and musical theater in the Thalian Hall Center for the Performing Arts, six productions of children's theater in the Hannah Block Historic USO and Community Arts Center, a street fair showcasing locally produced visual art, and a bluegrass musical festival; and

Whereas, for no monetary consideration, the Thalian Association promises to further assist the State of North Carolina in its work of advertising and promoting the educational, cultural, and economic interests of the State, and in attracting and encouraging people from other states and countries to visit the State where so many shrines and historical sites are located; and

Whereas, the General Assembly wishes to recognize the Thalian Association for its contributions to the cultural life of this State over the last 218 years by recognizing it as the official Community Theater of North Carolina; 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:

"**§ 145-27. State community theater.**

The Thalian Association in Wilmington, North Carolina, is adopted as the official community theater of North Carolina."

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

SENATE BILL 872:
Thalian Assoc./NC Community Theatre

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 2, 2007
Introduced by:	Sen. Boseman	**Summary by:**	Theresa Matula Committee Staff
Version:	PCS to First Edition S872-CSSH-13		

SUMMARY: Senate Bill 872 establishes the Thalian Association as the State community theater. The Proposed Committee Substitute makes only technical (spelling and capitalization) changes.

CURRENT LAW:

Chapter 145 of the General Statutes establishes State Symbols and Other Official Adoptions. North Carolina currently has the following State symbols and official adoptions:

§ 145-2. State bird.
§ 145-3. State tree.
§ 145-4. State shell.
§ 145-5. State mammal.
§ 145-6. State saltwater fish.
§ 145-7. State insect.
§ 145-8. State stone.
§ 145-9. State reptile.
§ 145-10. State rock.
§ 145-10.1. State beverage.
§ 145-11. State historical boat.
§ 145-12. State language.
§ 145-13. The State dog.
§ 145-14. The State Military Academy.
§ 145-15. State tartan.
§ 145-16. State Watermelon Festivals.
§ 145-17. State vegetable.
§ 145-18. State fruit and State berries.
§ 145-19. State International Festival.
§ 145-20. State wildflower.
§ 145-21. State Aviation Hall of Fame and Museum and State Museum of Aviation.
§ 145-22. State carnivorous plant.
§ 145-23. State birthplace of traditional pottery.
§ 145-24. Official State dances.

BILL ANALYSIS:

Senate Bill 872 amends Chapter 145 to establish the State community theater as the Thalian Association which is located in Wilmington, North Carolina.

EFFECTIVE DATE: Senate Bill 872 is effective when it becomes law.

S0872e1-SMSH-CSSH-13

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, April 3, 2007 at 12:00 Noon
Room 1027, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on April 3, 2007, in Room 1027 of the Legislative Building. Twelve members of the committee were present. Senator Don East presided

After the introduction of the pages, Senator East recognized Representative Boylan to introduce House Bill 571, Committee Substitute #1, Moore County Fox and Coyote Trapping. Senator Apodaca moved to give the bill a favorable report the motion was seconded and the bill received a favorable report. Senate Bill 354, Wilmington Eminent Domain, was submitted to the Committee by Senator Boseman. Staff announced that there was a Committee Substitute to be passed out. A motion was made by Senator Albertson that the PCS be adopted and the motion carried. The Bill was given an unfavorable report but favorable as to the Proposed Committee Substitute. Senator East waved the rule 45.1 so that the PCS for Senate Bill 872, Thalian Assoc./NC Community Theatre, could be put forth before the Committee by Senator Boseman. Senator Albertson moved that the Proposed Committee Substitute received a favorable report and was seconded by Senator Graham.

The next order of business was Senate Bill 519, Burke County Local Agreement. Senator Albertson moved to adopt a Proposed Committee Substitute to the bill and Senator Graham seconded the motion. Senator Berger moved to give the PCS a favorable report, Senator Smith seconded his motion, and the PCS to Senate Bill 519 received a favorable report. Senator Dannelly introduced Senate Bill 535, Mecklenburg County Real Property Disposition. Senator Brunstetter moved for a favorable report and Senator Graham seconded. Senator Graham introduced Senate Bill 595, Charlotte Mecklenburg Library Board. On the motion of Senator Stevens and seconded by Senator Apodaca, the bill received a favorable report.

The final order of business was to reconsider the PCS to Senate Bill 255. A motion was made by Senator Berger to reconsider and Senator Graham seconded. Senator Apodaca announced to the committee that he wanted to bring up the original bill and take off the amendment that had been added to it at the previous meeting. The committee agreed to reconsider the original bill. The original bill would not be reported because the PCS had been reported out earlier. The bill would have to come back to committee in the original form in a Proposed Committee Substitute #2.

The meeting adjourned at 12:20 pm.

Senator Don East, Presiding

Anne Misenheimer, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

CORRECTED REPORT

Wednesday, April 04, 2007

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

FAVORABLE

S.B. **535** Mecklenburg County Real Property Disposition.
Sequential Referral: None
Recommended Referral: None

S.B. **595** Charlotte Mecklenburg Library Board.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **571** Moore County Fox and Coyote Trapping.
Sequential Referral: None
Recommended Referral: None

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

S.B. **354** Wilmington Eminent Domain.
Draft Number: PCS 75379
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

S.B. **519** Burke Co. Local Agreement.
Draft Number: PCS 75378
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

S.B. **872** Thalian Assoc./NC Community Theatre.
Draft Number: PCS15066
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 6

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate State & Local Government — April 3, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jret Henri McClees	McClees Consulting Inc
Wayne Yelverton	Staff
Bryan Stoddard	KC
Alastair Macaulay	NCHBA
Lisa Marbry	NC HBA
J. McConnell	I 26
Patrick Bafflin	Nelson, Mullins
Rick Zechini	NC ASSN. of REALTORS
Patricia Lawler	Lawler Consulting
Kathy Hawkins	Progress Energy

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

Senator Malcolm Graham, Presiding

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 10, 2007	12:00 Noon	Room 1027 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 116	Ellenboro Staggered Terms.	Senator Dalton
SB 559	Wake Forest/Cary Historic Structures.	Senator Hunt
SB 654	Rutherford Referendum.	Senator Dalton
SB 773	Rename Hickory Nut Gorge State Park.	Senator Dalton

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, April 10, 2007, 12:00 Noon
1027 LB

Senator Malcolm Graham, Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 116	Ellenboro Staggered Terms.	Senator Dalton
SB 559	Wake Forest/Cary Historic Structures.	Senator Hunt
SB 654	Rutherford Referendum.	Senator Dalton
SB 773	Rename Hickory Nut Gorge State Park.	Senator Dalton

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 116

Short Title:	Ellenboro Staggered Terms.	(Local)
Sponsors:	Senator Dalton.	
Referred to:	State & Local Government.	

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE ELLENBORO TOWN COUNCIL, AND A FOUR-YEAR TERM FOR MAYOR.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2.2 of the Charter of the Town of Ellenboro, being Chapter 425 of the 1983 Session Laws, reads as rewritten:

"Sec. 2.2. Town Council; Composition; Terms of Office. The Town Council shall be composed of 5 members, each of whom shall be elected for a term of ~~2 years~~ four years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified."

SECTION 2. Section 2.3 of the Charter of the Town of Ellenboro, being Chapter 425 of the 1983 Session Laws, reads as rewritten:

"Sec. 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected in the manner provided by Article III of this Charter to serve for a term of ~~2 years,~~ four years or until his successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Council. He shall have the right to vote only when there are an equal number of votes in the affirmative and the negative on any motion before the Council. The Mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes of North Carolina, by this Charter, and by the ordinances of the Town."

SECTION 3. Section 3.2 of the Charter of the Town of Ellenboro, being Chapter 425 of the 1983 Session Laws, reads as rewritten:

"Sec. 3.2. Election of Council Members. ~~At the regular municipal election in 1983 and biennially thereafter, all~~ All council members shall be nominated and voted upon by the voters of the Town voting at large. At the regular municipal election in 2007, the persons receiving the two highest numbers of votes are elected to four-year terms, and the three persons receiving the next highest numbers of votes are elected to two-year terms. In 2009 and quadrennially thereafter, three members are elected for four-year

terms. In 2011 and quadrennially thereafter, two members are elected for four-year terms."

SECTION 4. Section 3.3 of the Charter of the Town of Ellenboro, being Chapter 425 of the 1983 Session Laws, reads as rewritten:

"Sec. 3.3. Election of the Mayor. At the regular municipal election in ~~1983, and biennially~~ 2007, and quadrennially thereafter, there shall be elected a Mayor to serve a term of ~~two~~ four years. The Mayor shall be elected by the voters of the Town voting at large."

SECTION 5. This act does not affect the terms of office of those elected in 2005.

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

SENATE BILL 116:
Ellenboro Staggered Terms

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 9, 2007
Introduced by:	Sen. Dalton	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 116 amends the Charter for the Town of Ellenboro to change the terms of office for the Mayor and Town Council from two-year to four-year terms and to establish staggered terms for the Council members beginning with the 2007 regular municipal election.

CURRENT LAW:

The Charter for the Town of Ellenboro was revised and consolidated in Chapter 425 of the 1983 Session Laws.

Article II of the Charter of the Town of Ellenboro pertains to the Mayor and Town Council.

- Section 2.2 of the Charter provides that the Town Council be composed of 5 members, each of who are elected for a term of 2 years.
- Section 2.3 of the Charter provides that the Mayor be elected to serve for a term of 2 years.

Both the Mayor and the Town Council are elected in the manner provided by Article III.

- Section 3.1 of the Charter requires that regular municipal elections be held in the Town every two years in odd numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the Council are elected according to the nonpartisan plurality method of election.
- Section 3.2 of the Charter requires that beginning in 1983 and biennially thereafter, the council members shall be nominated and voted upon by the voters of the Town voting at large.
- Section 3.3 requires that beginning at the regular municipal election in 1983 and biennially thereafter, the Mayor shall be elected by the voters of the Town voting at large and to serve a term of two years.

BILL ANALYSIS:

Sections 1 and 2 of Senate Bill 116 amend Sections 2.2 and 2:3 of the Charter of the Town of Ellenboro to change the term for town council members from two (2) years to four (4) years and to change the term for the Mayor from two (2) years to four (4) years.

Section 3 amends Section 3.2 of the Charter to provide for staggered terms for the town council beginning with the regular municipal election in 2007. The bill provides that the persons receiving the two highest numbers of votes are elected to four-year terms and the three persons receiving the next highest numbers are elected to two-year terms. Beginning in 2009 and quadrennially thereafter, three members are elected for four-year terms and beginning in 2011 and quadrennially thereafter, two members are elected for four-year terms.

Section 4 amends the language in Section 3.3 of the Charter pertaining to elections of the Mayor so that it conforms to the term change to four-years.

Section 5 provides that the act does not affect the terms of office of those elected in 2005.

This act is effective when it becomes law.

S 116e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 559*

Short Title:	Wake Forest/Cary Historic Structures.	(Local)
Sponsors:	Senators Hunt, Stevens and Cowell.	
Referred to:	State & Local Government.	

March 7, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) In order to preserve and enhance one of the most valuable and unique natural resources of the community, and to preserve the property values and promote the general welfare of its citizens, a municipality may adopt ordinances to regulate the demolition of historic structures within its municipal corporate limits and extraterritorial jurisdiction. For purposes of this act, the term "historic structures" means:

(1) Any designated local, State, or national landmark; or,

(2) Any structure that is:

a. Individually listed in the National Register of Historic Places;

b. Identified as a contributing structure in a historic district listed in the National Register of Historic Places;

c. Certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

d. Individually listed in the State inventory of historic places;

e. Listed in the county Register of Historic Places; or,

f. Individually listed in a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program (including certified local governments) as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

SECTION 1.(b) Prior to adopting an ordinance under this act, a public hearing shall be held before the governing board of the municipality. Notice of the hearing shall be given in accordance with G.S. 160A-364. An ordinance adopted under this act may not prohibit the demolition of historic structures except in accordance with the provisions of Part 3C of Article 19 of Chapter 160A of the General Statutes.

SECTION 2. This act applies to the Towns of Cary and Wake Forest only.

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

SENATE BILL 559:
Wake Forest/Cary Historic Structures

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 9, 2007
Introduced by:	Sen. Hunt	**Summary by:**	Barbara Riley Committee Counsel
Version:	First Edition		

SUMMARY:

Senate Bill 559 would allow the towns of Cary and Wake Forest to adopt ordinances regulating the demolition of historic structures within their corporate limits and their extraterritorial jurisdiction.

[As introduced, this bill was identical to H827, as introduced by Reps. Avila, Dollar, Weiss, T. Harrell, which is currently in House Local Government II.]

CURRENT LAW:

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

The statutes also provide that an application for a certificate of appropriateness to relocate, demolish or destroy a designated landmark may not be denied unless the structure has statewide significance as defined in the criteria of the National Register of Historic Places, as determined by the State Historic Preservation Officer.[1] However the effective date of the certificate may be delayed up to 365 days to allow for negotiations with the owner to try to find a way to preserve the structure.

BILL ANALYSIS:

Senate Bill 559 would allow the Towns of Cary and Wake Forest to regulate the demolition of historic structures located in its zoning jurisdiction without having to meet the procedural requirements of Part 3C. An ordinance adopted pursuant to this act may not prohibit the demolition of historic structures of Statewide significance unless the property owner would suffer extreme hardship or be permanently deprived of any beneficial use of the property.

EFFECTIVE DATE:

The act is effective when it becomes law.

BACKGROUND:

Similar legislation was enacted for the Town of Apex in 2003. S.L. 2003-88.

Cindy Avrette, counsel to the Senate Finance Committee, substantially contributed to this summary.

S0559e1-SMRF

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 654

Short Title:	Rutherford Referendum.	(Local)
Sponsors:	Senator Dalton.	
Referred to:	State & Local Government.	

March 12, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING RUTHERFORD COUNTY TO CONDUCT AN ADVISORY REFERENDUM ON A HIGH IMPACT LAND-USE ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. The board of commissioners of a county may direct the board of elections of that county to conduct an advisory referendum on a high impact land-use ordinance.

SECTION 2. The board of commissioners shall decide the form and content of the issue on the ballot and define the area that will be voting.

SECTION 3. Any referendum under this act must be conducted during 2007.

SECTION 4. This section applies to Rutherford County only.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 773

Short Title:	Rename Hickory Nut Gorge State Park.	(Public)
Sponsors:	Senator Dalton.	
Referred to:	State & Local Government.	

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO RENAME HICKORY NUT GORGE STATE PARK AS CHIMNEY ROCK STATE PARK IN THE EVENT THE STATE ACQUIRES THE PRIVATELY-OWNED LAND IN WHICH CHIMNEY ROCK IS LOCATED THAT IS ADJACENT TO HICKORY NUT GORGE STATE PARK.

The General Assembly of North Carolina enacts:

SECTION 1. In the event the State acquires the privately-owned parcel of property in which Chimney Rock and the area encompassing Chimney Rock are located that is adjacent to Hickory Nut Gorge State Park, the General Assembly authorizes the Department of Environment and Natural Resources, upon its acquisition, to rename the State Park as Chimney Rock State Park.

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

SENATE BILL 773:
Rename Hickory Nut Gorge State Park

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 9, 2007
Introduced by:	Sen. Dalton	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

SUMMARY: ***Senate Bill 773 authorizes the Department of Environment and Natural Resources to rename the Hickory Nut Gorge State Park as Chimney Rock State Park. The park will be renamed if the State acquires the privately-owned Chimney Rock and surrounding property that is adjacent to the Hickory Nut Gorge State Park.***

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

BACKGROUND: G.S. 113-44.14(b) provides that the Department of Environment and Natural Resources (DENR) may add a State park, State natural area, State recreation area, State trail, State river, or State lake to the State Parks System upon authorization by an act of the General Assembly. In 2005, the General Assembly enacted legislation authorizing the Department to add a "State Park unit in the Hickory Nut Gorge/Chimney Rock area to the State Parks System".

The State had already acquired 2,264 acres on both sides of Hickory Nut Gorge for the new park that is slated to open in 2008. On January 29, 2007, Governor Easley announced that the State had agreed to purchase Chimney Rock Park for $24 million. On April 3, 2007, the Council of State gave final approval to the purchase of the 996-acre Chimney Rock State Park from the Chimney Rock Company.

S0773e1-SMRJ

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, April 10, 2007

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

FAVORABLE

S.B.	**116**	Ellenboro Staggered Terms.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**559**	Wake Forest/Cary Historic Structures.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**654**	Rutherford Referendum.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**773**	Rename Hickory Nut Gorge State Park.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 4

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, April 10, 2007 at 12:00 Noon
Room 1027, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on April 10, 2007 in Room 1027 of the Legislative Building. Ten members of the committee were present. Senator Don East presided for Senator Malcolm Graham who was in another meeting.

The first order of business was the introduction of the pages and sergeant at arms in attendance after which Senator East announced the SB116 (Ellenboro Staggered Terms.) would be the first bill to be heard by Sen. Dalton. A favorable motion was made by Senator Dorsett and seconded by Senator Jones.

The agenda was altered to allow Senator Dalton's second bill SB654 (Rutherford Referendum.) to be heard next. Senator Brunstetter moved for a favorable motion, seconded by Senator Stevens. SB773 (Rename Hickory Nut Gorge State Park.) Senator Dalton's bill was next on the agenda. Senator Albertson motioned for a favorable report and seconded by Senator Dorsett.

SB559 (Wake Forest/Cary Historic Structures.) Senator Hunt's bill was last to be heard. Senator Stevens motioned for a favorable report and seconded by Senator Albertson.

Senator Graham adjourned the committee meeting at 12:17.

Senator Don East, Presiding

Anita Flintall, Committee Assistant

VISITOR REGISTRATION SHEET

Senate State and Local Government — April 10, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Romanet	NCLM
Lisa Martin	NC Home Builders
Sharon Goodson	NCCAA
Helen McInnis	NC Rural Center

Principal Clerk ____
Reading Clerk ____

Corrected:

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 17, 2007	12:00 Noon	1027 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 221	Charlotte Finance Investment Authority.	Senator Goodall
SB 255	Polk Annexations.	Senator Apodaca
SB 383	Wake School Board Elections.	Senator Hunt
SB 386	Warren School Board Election.	Senator Berger
SB 387	Adopt State Collard Festival.	Senator Jenkins
SB 607	Durham Unfit Dwellings.	Senator Atwater
SB 608	Durham/Refuse & Debris Ordinance.	Senator Atwater
SB 617	Mecklenburg County Carpooling Exemption.	Senator Goodall
HB 366	Cary/Hendersonville Closing-Out Sales.	Representative Weiss Representative Dollar Representative Harrell
HB 867	Salemburg Property Conveyance.	Representative Bell

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, April 17, 2007, 12:00 Noon
1027 LB

AGENDA

Senator Malcolm Graham, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 221	Charlotte Finance Investment Authority.	Senator Goodall
SB 255	Polk Annexations.	Senator Apodaca
SB 386	Warren School Board Election.	Senator Berger
SB 387	Adopt State Collard Festival.	Senator Jenkins
SB 607	Durham Unfit Dwellings.	Senator Atwater
SB 608	Durham/Refuse & Debris Ordinance.	Senator Atwater
SB 617	Mecklenburg County Carpooling Exemption.	Senator Goodall
HB 366	Cary/Hendersonville Closing-Out Sales.	Representative Weiss Representative Dollar Representative Harrell
HB 867	Salemburg Property Conveyance.	Representative Bell

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 221
PROPOSED COMMITTEE SUBSTITUTE S221-CSRK-17 [v.1]

4/16/2007 1:06:50 PM

Short Title: Charlotte Finance Investment Authority. (Local)

Sponsors:

Referred to:

February 21, 2007

A BILL TO BE ENTITLED

AN ACT CONCERNING INVESTMENTS OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 8 of the Charter of the City of Charlotte, being S.L. 2000-26 as amended, is amended by adding a new article to read:

"ARTICLE VII.

INVESTMENT AUTHORITY."

"Section 8.141. **Certain investments.** In addition to the authority granted in G.S. 159-30, the City may invest and reinvest any of the City's employee benefit funds, risk reserve funds, cemetery perpetual care funds and capital reserves, as designated from time to time by the City Council, in one or more of the following listed securities or investments that are authorized by State law for the State Treasurer: G.S. 147-69.2(b)(1) through G.S. 147-69.2(b)(6), and G.S. 147-69.2(b)(8)."

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

SENATE BILL 221:
Charlotte Finance Investment Authority

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 16, 2007
Introduced by:	Sen. Goodall	**Summary by:**	Hal Pell
Version:	PCS to First Edition		Committee Co-Counsel

SUMMARY: ***This act would authorize the City of Charlotte to invest municipal funds in some of the same types of securities or other investments that are currently authorized by State law for the deposit of State funds by the State Treasurer. The act is effective when it becomes law.***

[As introduced, this bill was identical to H304, as introduced by Rep. Saunders, which is currently in House Local Government I.]

CURRENT LAW: Municipalities are authorized to deposit local funds only in the securities specified by statute. [see attachment]. Funds held by the State Treasurer for designated entities may be deposited in various securities, with certain conditions and requirements. For example, following are several of the conditions for investments of money held for several entities, including the Teachers' and State Employees' Retirement System:

(1) Investments cannot exceed sixty-five percent (65%) of the market value of all invested assets of the Retirement Systems.

(2) Up to five percent (5%) of the amount that may be invested under this subdivision may be invested in the stocks or shares of a diversified investment company registered under the "Investment Company Act of 1940" that has total assets of at least fifty million dollars ($50,000,000).

(3) Assets can be invested through individual, common, or collective trust funds of banks, trust companies, and group trust funds of investment advisory companies so long as the investment manager has assets under management of at least one hundred million dollars ($100,000,000).

[The above are only a sample of the conditions and restrictions. See the attachment for the complete statute].

BILL ANALYSIS: This bill allows the City of Charlotte to invest municipal funds in the types of securities or other investments authorized by State law for the State Treasurer in the designated subdivisions of G.S. 147-69.2(b). The only municipal funds that would qualify for the increased authorization would be: employee benefit funds, risk reserve funds, cemetery perpetual care funds, and capital reserves.

State law provides that, for certain investments, the State Treasurer must appoint an Investment Advisory Committee. See G.S. 147-69.2(b1), attached. The committee includes public members, as well as persons experienced in aspects of financial management. The act, as drafted, would not have a requirement for the appointment of an oversight committee.

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

Municipalities § 159-30. Investment of idle funds.

. . .

(c) Moneys may be invested in the following classes of securities, and no others:

(1) Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States.

(2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service.

(3) Obligations of the State of North Carolina.

(4) Bonds and notes of any North Carolina local government or public authority, subject to such restrictions as the secretary may impose.

(5) Savings certificates issued by any savings and loan association organized under the laws of the State of North Carolina or by any federal savings and loan association having its principal office in North Carolina; provided that any principal amount of such certificate in excess of the amount insured by the federal government or any agency thereof, or by a mutual deposit guaranty association authorized by the Commissioner of Banks of the Department of Commerce of the State of North Carolina, be fully collateralized.

(6) Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligation.

(7) Bills of exchange or time drafts drawn on and accepted by a commercial bank and eligible for use as collateral by member banks in borrowing from a federal reserve bank, provided that the accepting bank or its holding company is either (i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.

(8) Participating shares in a mutual fund for local government investment; provided that the investments of the fund are limited to those qualifying for investment under this subsection (c) and that said fund is certified by the Local Government Commission. The Local Government Commission shall have the authority to issue rules and regulations concerning the establishment and qualifications of any mutual fund for local government investment.

(9) A commingled investment pool established and administered by the State Treasurer pursuant to G.S. 147-69.3.

(10) A commingled investment pool established by interlocal agreement by two or more units of local government pursuant to G.S. 160A-460 through G.S. 160A-464, if the investments of the pool are limited to those qualifying for investment under this subsection (c).

(11) Evidences of ownership of, or fractional undivided interests in, future interest and principal payments on either direct obligations of the United States government or obligations the principal of and the interest on which are guaranteed by the United States, which obligations are held by a bank or trust company organized and existing under the laws of the United States or any state in the capacity of custodian.

(12) Repurchase agreements with respect to either direct obligations of the United States or obligations the principal of and the interest on which are guaranteed by the United States if entered into with a broker or dealer, as defined by the Securities Exchange Act of 1934, which is a dealer recognized as a primary dealer by a Federal Reserve Bank, or any

commercial bank, trust company or national banking association, the deposits of which are insured by the Federal Deposit Insurance Corporation or any successor thereof if:

a. Such obligations that are subject to such repurchase agreement are delivered (in physical or in book entry form) to the local government or public authority, or any financial institution serving either as trustee for the local government or public authority or as fiscal agent for the local government or public authority or are supported by a safekeeping receipt issued by a depository satisfactory to the local government or public authority, provided that such repurchase agreement must provide that the value of the underlying obligations shall be maintained at a current market value, calculated at least daily, of not less than one hundred percent (100%) of the repurchase price, and, provided further, that the financial institution serving either as trustee or as fiscal agent for the local government or public authority holding the obligations subject to the repurchase agreement hereunder or the depository issuing the safekeeping receipt shall not be the provider of the repurchase agreement;

b. A valid and perfected first security interest in the obligations which are the subject of such repurchase agreement has been granted to the local government or public authority or its assignee or book entry procedures, conforming, to the extent practicable, with federal regulations and satisfactory to the local government or public authority have been established for the benefit of the local government or public authority or its assignee;

c. Such securities are free and clear of any adverse third party claims; and

d. Such repurchase agreement is in a form satisfactory to the local government or public authority.

(13) In connection with funds held by or on behalf of a local government or public authority, which funds are subject to the arbitrage and rebate provisions of the Internal Revenue Code of 1986, as amended, participating shares in tax-exempt mutual funds, to the extent such participation, in whole or in part, is not subject to such rebate provisions, and taxable mutual funds, to the extent such fund provides services in connection with the calculation of arbitrage rebate requirements under federal income tax law; provided, the investments of any such fund are limited to those bearing one of the two highest ratings of at least one nationally recognized rating service and not bearing a rating below one of the two highest ratings by any nationally recognized rating service which rates the particular fund.

State Treasurer -- Security Investments

(b) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (a) of this section in excess of the amount required to meet the current needs and demands on such funds, selecting from among the following:

(1) Any of the investments authorized by G.S. 147-69.1(c)(1)-(7). [CD's and time deposits].

(2) General obligations of other states of the United States.

(3) General obligations of cities, counties and special districts in North Carolina.

(4) Obligations of any company, other organization or legal entity incorporated or otherwise created or located within or outside the United States if the obligations bear one of the four highest ratings of at least one nationally recognized rating service and do not bear a rating below the four highest by any nationally recognized rating service which rates the particular security.

(5) Repealed by Session Laws 2001-444, s. 2, effective October 1, 2001.

(6) Asset-backed securities (whether considered debt or equity) provided they bear ratings by nationally recognized rating services as provided in G.S. 147-69.2(b)(4) and that they do not

bear a rating below the four highest by any nationally recognized rating service that rates the particular securities.

(7) With respect to Retirement Systems' assets referred to in G.S. 147-69.2(b)(8), (i) insurance contracts that provide for participation in individual or pooled separate accounts of insurance companies, (ii) group trusts, (iii) individual, common, or collective trust funds of banks and trust companies, (iv) real estate investment trusts, and (v) limited partnerships, whether described as limited liability partnerships or limited liability companies; provided the investment manager has assets under management of at least one hundred million dollars ($100,000,000); provided such investment assets are managed primarily for the purpose of investing in or owning real estate or related debt financing located within or outside the United States; and provided that the investment authorized by this subsection shall not exceed ten percent (10%) of the market value of all invested assets of the Retirement Systems.

(8) With respect to assets of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Firemen's and Rescue Workers' Pension Fund, the Local Governmental Employees' Retirement System, the Legislative Retirement System, the North Carolina National Guard Pension Fund (hereinafter referred to collectively as the Retirement Systems), and assets invested pursuant to subdivision (b2) of this section, they may be invested in preferred or common stocks issued by any company incorporated or otherwise created or located within or outside the United States provided the investments meet the conditions of this subdivision.

The investments authorized for the Retirement Systems under this subdivision cannot exceed sixty-five percent (65%) of the market value of all invested assets of the Retirement Systems. Up to five percent (5%) of the amount that may be invested under this subdivision may be invested in the stocks or shares of a diversified investment company registered under the "Investment Company Act of 1940" that has total assets of at least fifty million dollars ($50,000,000).

The assets authorized under this subdivision can be invested through individual, common, or collective trust funds of banks, trust companies, and group trust funds of investment advisory companies so long as the investment manager has assets under management of at least one hundred million dollars ($100,000,000).

The assets authorized under this subdivision can also be invested directly, if all of the following conditions are met:

a. The common stock or preferred stock of such corporation is registered on a national securities exchange as provided in the Federal Securities Exchange Act or quoted through the National Association of Securities Dealers' Automated Quotations (NASDAQ) system.

b. The corporation has paid a cash dividend on its common stock in each year of the 5-year period next preceding the date of investment and the aggregate net earnings available for dividends on the common stock of the corporation for the whole of that period have been at least equal to the amount of the dividends paid.

c. In applying the dividend and earnings test under this section to any issuing, assuming, or guaranteeing corporation, if the corporation acquired its property or any substantial part thereof within a five-year period immediately preceding the date of investment by consolidation, merger, or by the purchase of all or a substantial portion of the property of any other corporation or corporations, or acquired the assets of any unincorporated business enterprise by purchase or otherwise, the dividends and net earnings of the several predecessor or constituent corporations or enterprises shall be consolidated and adjusted so as to ascertain whether or not the applicable requirements of this subdivision have been complied with.

No more than one and one-half percent (1 1/2%) of the market value of the Retirement Systems' assets that may be invested under this subdivision can be invested in the stock of a

single corporation, and the total number of shares in that single corporation cannot exceed eight percent (8%) of the issued and outstanding stock of that corporation.

d. to f. Repealed by Session Laws 2001-444, s. 2, effective October 1, 2001.

g. That investments may be made in securities convertible into common stocks issued by any such company, if such securities bear one of the four highest ratings of at least one nationally recognized rating service and do not bear a rating below the four highest by any nationally recognized rating service which may then rate the particular security.

(9) With respect to Retirement Systems' assets, as defined in subdivision (b)(8) of this subsection, they may be invested in limited partnership interests in a partnership or in interests in a limited liability company if the primary purpose of the partnership or limited liability company is to invest in public or private debt, public or private equity, or corporate buyout transactions, within or outside the United States. The amount invested under this subdivision shall not exceed five percent (5%) of the market value of all invested assets of the Retirement Systems.

(10) Recodified as part of subdivision (b)(9) by Session Laws 2000-160, s. 2.

(11) With respect to assets of the Escheat Fund, obligations of the North Carolina Global TransPark Authority authorized by G.S. 63A-4(a)(22), not to exceed twenty-five million dollars ($25,000,000), that have a final maturity not later than October 1, 2007. The obligations shall bear interest at the rate set by the State Treasurer. No commitment to purchase obligations may be made pursuant to this subdivision after September 1, 1993, and no obligations may be purchased after September 1, 1994. In the event of a loss to the Escheat Fund by reason of an investment made pursuant to this subdivision, it is the intention of the General Assembly to hold the Escheat Fund harmless from the loss by appropriating to the Escheat Fund funds equivalent to the loss.

If any part of the property owned by the North Carolina Global TransPark Authority now or in the future is divested, proceeds of the divestment shall be used to fulfill any unmet obligations on an investment made pursuant to this subdivision.

(12) With respect to assets of the Escheat Fund, in addition to those investments authorized by subdivisions (1) through (6) of this subsection, up to twenty percent (20%) in the investments authorized under subdivisions (7) through (9) of this subsection, notwithstanding the limitations imposed on the retirement funds under those subdivisions.

(b1) With respect to investments authorized by subsections (b)(8) and (b)(9) of this section, the State Treasurer shall appoint an Investment Advisory Committee, which shall consist of five members: the State Treasurer, who shall be chairman ex officio; two members selected from among the members of the boards of trustees of the Retirement Systems; and two members selected from the general public. The two public members must have experience in one or more of the following areas: investment management, real estate investment trusts, real estate development, venture capital investment, or absolute return strategies. The State Treasurer shall also appoint a Secretary of the Investment Advisory Committee who need not be a member of the committee. Members of the committee shall receive for their services the same per diem.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 255*

State & Local Government Committee Substitute Adopted 3/7/07
PROPOSED COMMITTEE SUBSTITUTE S255-CSRK-14 [v.1]

4/11/2007 11:37:33 AM

Short Title: Polk Annexations. (Local)

Sponsors:

Referred to:

February 22, 2007

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, no incorporated city, town, or village outside of Polk County may annex any territory within Polk County or extend its extraterritorial planning jurisdiction into Polk County.

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

SENATE BILL 255:
Polk Annexations

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 17, 2007
Introduced by:	Sen. Apodaca	**Summary by:**	Hal Pell
Version:	PCS to 2nd Ed.		Committee Co-Counsel

SUMMARY: ***This act would prohibit any governmental entity from annexing any land in Polk County, or extending its extraterritorial jurisdiction into Polk County. The act is effective when it becomes law.***

CURRENT LAW: The general statutes provide procedures for local government entities to both annex land, and to extend their extraterritorial jurisdiction, across adjacent county lines.

BILL ANALYSIS: This act would prevent any city, town, or village that is outside of Polk County from annexing Polk County land, or extending its extraterritorial jurisdiction into Polk County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 386
PROPOSED COMMITTEE SUBSTITUTE S386-PCS55411-LB-6

Short Title: Warren School Board Election. (Local)

Sponsors:

Referred to:

February 28, 2007

A BILL TO BE ENTITLED

AN ACT TO CONFIRM THAT WARREN COUNTY BOARD OF EDUCATION MEMBERS ARE TO BE ELECTED FROM TOWNSHIPS AS PROVIDED IN CHAPTER 335 OF THE PUBLIC-LOCAL LAWS OF 1937, AND TO PROVIDE THAT NEWLY ELECTED MEMBERS OF THAT BOARD TAKE OFFICE 30 DAYS AFTER CERTIFICATION OF THE ELECTION RESULTS.

The General Assembly of North Carolina enacts:

SECTION 1. The five members of the Warren County Board of Education shall be elected from townships as provided in Section 1 of Chapter 335, Public-Local Laws of 1937. The five districts for election of board members shall continue to be as follows:

(1) District One: Warrenton Township.
(2) District Two: River, Roanoke, and Six Pound Townships.
(3) District Three: Nutbush, Smith Creek, and Hawtree Townships.
(4) District Four: Sandy Creek, Shocco, and Fork Townships.
(5) District Five: Fishing Creek and Judkins Townships.

SECTION 2. To be eligible for election to the board from a district, a candidate must reside in the district, and to be eligible to serve as a member of the board representing a district, a person must reside in the district. All eligible voters of the county shall vote on the members from all five districts, however.

SECTION 3. If a vacancy occurs on the board, the remaining members of the board shall appoint a person to replace the departing member. The person appointed as the replacement must reside in the district which was served by the departing member.

SECTION 4. Notwithstanding G.S. 115C-37(d), effective beginning with those members elected in 2012, the terms of newly elected members of the board of education begin 30 days after the certification of the results of the election. The term of office of members elected in 2008 expires at that time.

SECTION 5. Except as provided in this act, elections for the Warren County Board of Education shall be conducted according to general law.

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

SENATE BILL 386:
Warren School Board Election

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 16, 2007
Introduced by:	Sen. Berger of Franklin	**Summary by:**	Theresa Matula
Version:	PCS to First Edition S386-PCS55411-LB-6		Committee Staff

SUMMARY: The Proposed Committee Substitute for Senate Bill 386 clarifies that Members of the Warren County Board of Education are elected from townships and provides that newly elected members of the board take office 30 days after certification of the election results.

[As introduced, this bill was identical to H475, as introduced by Rep. Wray, which is currently in House Election Law and Campaign Finance Reform .]

CURRENT LAW:

Chapter 335 of the Public-Local Laws of 1937 divided Warren County into five districts for nomination of members of the Board of Education and the Board of County Commissioners. The five districts are as follows:

District One:	Warrenton Township
District Two:	River, Roanoke, and Six Pound Townships
District Three:	Nutbush, Smith Creek and Hawtree Townships
District Four:	Sandy Creek, Shocco and Fork Townships
District Five:	Fishing Creek and Judkins Townships

Section 2 of the act provides that in all primaries, the voters of the entire county shall nominate one candidate for membership on each of the said boards from each district, the candidate in each district receiving the largest number of votes will be declared the nominee of that district. In all regular elections for the members of the boards, the nominated candidates are voted upon by the voters of the entire county. The act provides that vacancies on either board are filled by the appointment of a qualified person who resides in the district from which the vacancy occurred.

G.S. 115C-37(d) requires each county board of education to hold a meeting in December following an election to administer the oath of office to newly elected members.

BILL ANALYSIS:

Section 1 of the Proposed Committee Substitute for SB 386 requires that the members of the Warren County Board of Education be elected from the same five districts that were established in Chapter 335 of the Public-Local Laws of 1937.

Section 2 requires that a person reside in the district in order to be eligible for election to the board, and to be eligible to serve as a member of the board representing a district. The section also provides that all eligible voters of the county vote on the members from all five districts.

Section 3 pertains to vacancies. The section specifies that the remaining board members appoint a person to replace the departing member and requires that the member appointed to fill a vacancy must reside in the district which was served by the departing member.

Section 4 provides that notwithstanding G.S. 115C-37(d), effective with those members elected in 2012, the terms of the newly elected members of the board of education begin 30 days after certification of the results of the election and the term of the office of members elected in 2008 expire at that time.

Section 5 requires that except for the provision of this bill, election for the Board of Education will be conducted according to general law.

This bill is effective when it becomes law.

S0386e1-SMSH-PCS55411-LB-6

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 387*

Short Title:	Adopt State Collard Festival.	(Public)
Sponsors:	Senator Jenkins.	
Referred to:	State & Local Government.	

February 28, 2007

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE AYDEN COLLARD FESTIVAL AS THE OFFICIAL COLLARD FESTIVAL OF THE STATE OF NORTH CAROLINA.

Whereas, since 1975, the Town of Ayden has held an annual collard festival to bring the community and surrounding areas together in celebration of the Town's farming and agricultural heritage; and

Whereas, the Ayden Collard Festival has grown into a great marketing and promotional tool for the Ayden community, Pitt County, and eastern North Carolina; and

Whereas, the Ayden Collard Festival should be adopted as the official collard festival of the State of North Carolina; 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:

"**§ 145-27. State Collard Festival.**

The Ayden Collard Festival is adopted as the official collard festival of the State of North Carolina."

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

SENATE BILL 387:
Adopt State Collard Festival

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 11, 2007
Introduced by:	Sen. Jenkins	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***This act would make the Ayden Collard Festival the official State collard festival. The act is effective when it becomes law.***

[As introduced, this bill was identical to H406, as introduced by Rep. McLawhorn, which is currently in Senate Agriculture/Environment/Natural Resources.]

Collard greens (also called collards or borekale) are a group of loose-leafed cultivars of Brassica oleracea Acephala Group, grown for their large, dark-colored greens and as a garden ornamental, mainly in Brazil, Portugal, the Southern United States, and in many parts of Africa. They are classified in the same Cultivar Group as kale and spring greens, to which they are extremely similar genetically.

BACKGROUND:[1]

> But I have never tasted meat, nor cabbage, nor corn, nor beans, nor fluid food on half as sweet as that first mess of greens.
>
> *James T. Cotton Now (1869-1953), American writer and poet, from the Loom of Life.*

Collard greens have been cooked and used for centuries. The Southern style of cooking of greens came with the arrival of African slaves to the southern colonies and the need to satisfy their hunger and provide food for their families. Though greens did not originate in Africa, the habit of eating greens that have been cooked down into a low gravy, and drinking the juices from the greens (known as "pot likker") is of African origin. The slaves of the plantations were given the leftover food from the plantation kitchen. Some of this food consisted of the tops of turnips and other greens. Ham hocks and pig's feet were also given to the slaves. Forced to create meals from these leftovers, they created the famous southern greens. The slave diet began to evolve and spread when slaves entered the plantation houses as cooks. Their African dishes, using the foods available in the region they lived in, began to evolve into present-day Southern cooking.

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

S0387e1-SMRK

[1] All background information from the website: What's Cooking America, © copyright 2004 by Linda Stradley - United States Copyright TX 5-900-517- All rights reserved.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 607

Short Title:	Durham Unfit Dwellings.	(Local)
Sponsors:	Senator Atwater.	
Referred to:	State & Local Government.	

March 12, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(b) of S.L. 2004-98 reads as rewritten:

"**SECTION 1.(b)** This section applies to the ~~City~~ Cities of Durham and Winston-Salem only."

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

SENATE BILL 607:
Durham Unfit Dwellings

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 16, 2007
Introduced by:	Sen. Atwater	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY:

Senate Bill 607 would allow the City of Durham to enact an ordinance requiring the repair or demolition of an abandoned dwelling as soon as 6 months after the dwelling has been vacated and closed.

[As introduced, this bill was identical to H1164, as introduced by Rep. Wilkins, which is currently in House Local Government I.]

CURRENT LAW:

Under current law, there is a one year waiting period before Durham may order the repair or demolition of an abandoned building. At the end of the year, the City may enact an ordinance requiring the owner to repair or demolish the building, if the costs of repair would not exceed 50% of the dwelling's value. If the cost of the repairs would exceed 50% of the building's value, the ordinance shall require that the dwelling be demolished. G.S. 160A-443 (5a)

EFFECTIVE DATE:

The act is effective when it becomes law.

BACKGROUND:

Similar authority was granted to Winston-Salem in 2004.

S0607e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 617

Short Title:	Mecklenburg County Carpooling Exemption.	(Local)
Sponsors:	Senator Goodall.	
Referred to:	State & Local Government.	

March 12, 2007

A BILL TO BE ENTITLED

AN ACT EXEMPTING VEHICLES USED FOR CARPOOLING BY MECKLENBURG COUNTY EMPLOYEES AND NONEMPLOYEES FROM THE PROVISIONS OF G.S. 14-247.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-247 reads as rewritten:

"**§ 14-247. Private use of publicly owned vehicle.**

(a) It shall be unlawful for any officer, agent or employee of the State of North Carolina, or of any county or of any institution or agency of the State, to use for any private purpose whatsoever any motor vehicle of any type or description whatsoever belonging to the State, or to any county, or to any institution or agency of the State. It is not a private purpose to drive a permanently assigned state- owned motor vehicle between one's official work station and one's home as provided in G.S. 143-341(8)i7a.

It shall be unlawful for any person to violate a rule or regulation adopted by the Department of Administration and approved by the Governor concerning the control of all state-owned passenger motor vehicles as provided in G.S. 143-341(8)i with the intent to defraud the State of North Carolina.

(b) Notwithstanding the provisions of subsection (a) of this section, county employees and authorized nonemployees may use county vehicles for carpooling lawfully as permitted by the county."

SECTION 2. This act applies to Mecklenburg County only.

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

SENATE BILL 617:
Mecklenburg County Carpooling Exemption

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 16, 2007
Introduced by:	Sen. Goodall	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

SUMMARY: Senate Bill 617 would exempt Mecklenburg County employees and nonemployees from using County vehicles for carpooling as lawfully permitted by the County.

CURRENT LAW: G.S. 14-247 prohibits any officer, agent or employee of the State, or any county from using any State-owned or county-owned motor vehicle for any private purpose. It is not a private purpose to drive a permanently assigned State-owned motor between the employee's official work station and home.

EFFECTIVE DATE: The bill is effective when it becomes law and applies to Mecklenburg County only.

BACKGROUND: Mecklenburg County is interested in creating a program to encourage carpooling and would need this exemption to implement the program.

Potential Air Quality Benefits from Mecklenburg County Carpooling Bill
(Calculated by Mecklenburg County Air Quality)

Currently there are approximately 716 vehicles in the County fleet excluding heavy duty vehicles and police vehicles. These 716 vehicles could potentially be used to transport extra passengers to work and thereby removing trips from the daily commute. If 10% of these vehicles were used to carpool with only one additional passenger, the County would save 1/3 of a ton of nitrogen oxides (the pollutant that controls ozone formation) from being exhausted into our air each year. The table below shows the effect of increasing the number of cars being used for this purpose.

Nitrogen Oxide Pollution Savings from Fleet Carpooling

# of Fleet Cars Used for Carpooling	% of Fleet Used for Carpooling	Annual NOx (lbs) Prevented
36	5	325
72	10	651
107	15	976

Assumptions:

- Passenger cars, SUVs, and smaller pick up trucks are used for commuting, police cars are not.
- NOx emission factor is a composite emission factor for light duty cars and trucks.
- Each of the cars used, picks up one passenger removing one car from the road.
- Carpools happen 240 days per year.
- Average daily commute distance in the region is 25 miles.

There are limited opportunities to reduce ozone at the local level. Any reduction benefits our air quality and demonstrates leadership in the community.

S0617e1-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 366
Committee Substitute Favorable 3/15/07

Short Title: Cary/Hendersonville Closing-Out Sales. (Local)

Sponsors:

Referred to:

February 26, 2007

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE TOWN OF CARY AND THE CITY OF HENDERSONVILLE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2002-33, as rewritten by S.L. 2005-12, reads as rewritten:

"**SECTION 2.** This act applies to the Cities of ~~Charlotte and Greensboro~~ Charlotte, Greensboro, and Hendersonville, and the Town of Cary only."

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

HOUSE BILL 366:
Cary/Hendersonville Closing-Out Sales

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 16, 2007
Introduced by:	Reps. Dollar, Weiss, T. Harrell	**Summary by:**	Theresa Matula
Version:	Second Edition		Committee Staff

SUMMARY: House Bill 366 allows the Town of Cary and the City of Hendersonville to designate an individual other than the town/city clerk to issue a license to advertise or conduct a close out or distress sale.

[As introduced, this bill was identical to S349, as introduced by Sen. Cowell, which is currently in House Local Government II.] Senate State and Local Government heard S 349 pertaining to the Town of Cary on March 20, 2007 and gave the bill a favorable report.

CURRENT LAW:

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

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

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

G.S. 66-77 provides that no person shall advertise or offer for sale a stock of goods, wares or merchandise under the description of a closing-out sale; or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise; or a distress sale; unless a license to conduct such a sale has been obtained. The license may be obtained from the clerk of the city or town in which the sale will be conducted, or the officer designated by the Board of County Commissioners if the sale is conducted in an unincorporated area. The law specifies the requirements for the contents of applications, inventory required, fees, bond, extension of licenses, records, and false statements. If the town/city clerk or county officer is satisfied that the sale is what it is described to be, the clerk/officer shall issue a license on the payment of a $50 fee and a bond for $500 payable to the city/county conditioned on compliance with the statutes. The license is good for 30 days.

BILL ANALYSIS:

House Bill 366 amends Section 2 of S.L. 2002-33, as rewritten by S.L. 2005-12, to allow the Town of Cary and the City of Hendersonville to designate an officer other than the city or town clerk to issue a license to advertise or conduct a close out or distress sale.

The act is effective when it becomes law.

BACKGROUND:

S.L. 2002-33 and S.L. 2005-12 granted similar authority to the Cities of Charlotte and Greensboro. *(See page 2 for S.L. 2002-33.)*

SESSION LAW 2002-33
HOUSE BILL 1654

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

H0366e2-SMSH

HOUSE BILL 867

Short Title:	Salemburg Property Conveyance.	(Local)
Sponsors:	Representative Bell.	
Referred to:	Local Government II.	

March 19, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE BOBBY S. STRICKLAND AND WIFE, PAULINE R. STRICKLAND, AND JOSEPH A. WARREN, JR., AND WIFE, LINDA B. WARREN TO CONVEY CERTAIN LANDS TO THE TOWN OF SALEMBURG.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 14-234, or any other like or similar law prohibiting such contract or agreement or making such action a crime, Bobby S. Strickland and wife, Pauline R. Strickland, and Joseph A. Warren, Jr. and wife, Linda B. Warren may convey to the Town of Salemburg property owned by them adjacent to South Main Street in the Town of Salemburg, described as Tract Four in that certain deed, dated May 5, 2006, and recorded in Book 1628, Page 345, in the Office of the Register of Deeds of Sampson County, as follows:

Commencing at railroad spike found in the centerline of intersection of Main and College Streets and running N. 49 degrees 54' 12"E, 39.80 feet to a right-of-way monument found in the edge of College and Main Streets, and running with the Eastern edge of the right-of-way of Main Street, N. 10 degrees 01' 58" E., 179.89 feet to an iron rod found in sidewalk, the point of beginning, and running from said beginning point, so located, S. 80 degrees 22' 38" E., 96.62 feet to a ½" iron pipe found inside a 3" iron pipe, a joint corner with Richard Harold Keene (Deed Book 1023 at Page 44); thence with the Keene line, S. 11 degrees 37' 50" W., 59.86 feet to an iron rod found, also the Southwesternmost corner of the Keene lot; thence continuing S. 11 degrees 37' 50" W., 11.27 feet to an iron pipe set, a joint corner with Patricia Parker (Estate File No. 75 E 181); thence the Parker line along the party wall between buildings, N. 79 degrees 42' 51" E., 94.65 feet to a drill hole in the sidewalk of Main Street, which drill hole is located 79 degrees 42' 51" E., 24.13 feet from a Man Nail set (tie) in the centerline of Main Street; thence with the edge of the right-of-way of Main Street, N. 10 degrees 01' 58" E., 70.00 feet (passing over a drill hole in sidewalk at 10.00 feet) to the point of beginning, and containing 0.15 of an acre, more or less, as shown on that certain plat entitled "Boundary Survey of Robie & Garnie Butler Property for Bobby Sherrill

Strickland & Others", prepared by Robert L. Johnson, Jr., PLS, under date of April 10, 2006, and recorded in Map Book 57 at Page 22, Sampson County Registry, reference being hereby made to said survey map for a more accurate description of said tract or parcel of land.

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

HOUSE BILL 867:
Salemburg Property Conveyance

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 16, 2007
Introduced by:	Rep. Bell	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: House Bill 867 authorizes four named persons, including members of the Board of Commissioners of Salemburg, to convey a described tract of land to the Town of Salemburg.

CURRENT LAW:

Current general law (G.S. 14-234) prohibits public officers and employees from benefiting from public contracts. A public officer is defined as an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.

BILL ANALYSIS:

House Bill 867 authorizes four named persons to convey a 0.15 acre tract to the Town of Salemburg, notwithstanding the provisions of G.S. 14-234.

EFFECTIVE DATE:

This act is effective when it becomes law.

Giles Perry substantially contributed to this summary.

H0867e1-SMSH

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, April 18, 2007

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

FAVORABLE

S.B. **387** Adopt State Collard Festival.
Sequential Referral: None
Recommended Referral: None

S.B. **607** Durham Unfit Dwellings
Sequential Referral: None
Recommended Referral: None

S.B. **617** Mecklenburg County Carpooling Exemption.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **366** Cary/Hendersonville Closing-Out Sales.
Sequential Referral: None
Recommended Referral: None

H.B. **867** Salemburg Property Conveyance.
Sequential Referral: None
Recommended Referral: None

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

S.B. **221** Charlotte Finance Investment Authority.
Draft Number: PCS 75386
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

S.B. **386** Warren School Board Election.
Draft Number: PCS 55411
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

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

S.B.(CS #1) **255** Polk Annexations.

Draft Number:	PCS 85301
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 8

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, April 17, 2007 at 12:00 Noon
Room 1027, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on April 17, 2007, in Room 1027 of the Legislative Building. Seven members of the committee were present. Senator Malcolm Graham, presided.

Senator Graham celled the Committee on State and Local Government to order and recognized Senator Jenkins to present Senate Bill 387, Adopt State Collard Festival. Senator Albertson moved that the bill receive a favorable report and the motion was seconded by Senator Dorsett. Senate Bill 221, Charlotte Finance Investment Authority, was presented to the committee by Senator Goodall. A motion to adopt a proposed committee substitute was made by Senator Apodaca and seconded by Senator Dorsett. Senator Stevens moved that the PCS receive a favorable Report and Senator Dorsett seconded the motion. Hal Pel, Staff Counsel explained to the committee that Senate Bill 255,Polk Annexations, was back in committee as a proposed committee substitute #1 and a proposed committee substitute #2 must be considered. Senator Apodaca moved that the PCS#2 be adopted and Senator Jones seconded. The proposed committee substitute #2 received a favorable report on the motion of Senator Albertson. Senator Jones seconded. The PCS #2 carried, and was reported out of committee unfavorable as to committee substitute #1 but favorable as to committee substitute #2. Senator Berger introduced Senate Bill 386 which has a PCS that the committee adopted and it received a favorable report, unfavorable as to the original Bill.

After Senator Graham introduced the pages, Senate Bill 607, Durham Unfit Dwellings, was explained to the committee by Senator Atwater and received a favorable report. Senate Bill 617, Mecklenburg County Carpooling Exemption, sponsored by Senator Goodall received a favorable report as did HB 366, Committee Sub. #1, Cary/Hendersonville Closing-Out Sales, sponsored by Senator Stevens. Senator Albertson brought HB 867, Salemburg Property Conveyance, before the committee and it received a favorable report.

The meeting adjourned at 12:20.

Senator Graham, Presiding

Anne Misenheimer, Committee Clerk

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Melissa Crowell	Lawyer, Raleigh
Penny Hupp	School of Gov
Martha Harris	Daily Bulletin
Brad Coulter	City of Charlotte
Edward Lewis	
Michael Report	CMPD
Jack Cozart	Womble
Sean Mills	NC MC
Kelly Parker	Elon Univ - Sch. Learning Sr. Program Mgr
Andrew Meeker	NC AEC
Lisa Martin	NC Hist
Mhairi Macaulay	
Andy Munn	REBIC
Harold Webb	Wake Co Comm.
Jonathan Breitzer	

Principal Clerk ____
Reading Clerk ____

AMENDED NOTICE #2: REMOVE SB651, ADD HB579

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	April 24, 2007	12:00 Noon	1027 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 303	New Bern Historic Preservation.	Representative Underhill Representative Wainwright
HB 1176	Tyrrell County Hunting.	Representative Owens, Jr.
SB 462	Brevard Mayor's Four-Year Term.	Senator Snow
SB 530	Raleigh/Contracts Exemption.	Senator Cowell
SB 531	Regulation of Golf Carts in Morrisville.	Senator Cowell
SB 581	Mecklenburg Building Permit Rebates.	Senator Clodfelter
SB 1313	Study State Cars Fueling at DOT Stations.	Senator Cowell
SB 608	Durham/Refuse & Debris Ordinance.	Senator Atwater
HB 579	Greensboro/Overgrown Vegetation Ordinance.	Representative Adams Representative Jeffus

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, April 24, 2007, 12:00 Noon
Room 1027 LB

Senator Malcolm Graham, Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 303	New Bern Historic Preservation.	Representative Underhill Representative Wainwright
HB 1176	Tyrrell County Hunting.	Representative Owens, Jr.
SB 462	Brevard Mayor's Four-Year Term.	Senator Snow
SB 530	Raleigh/Contracts Exemption.	Senator Cowell
SB 531	Regulation of Golf Carts in Morrisville.	Senator Cowell
SB 581	Mecklenburg Building Permit Rebates.	Senator Clodfelter
SB 608	Durham/Refuse & Debris Ordinance.	Senator Atwater
SB 1313	Study State Cars Fueling at DOT Stations.	Senator Cowell
HB 579	Greensboro/Overgrown Vegetation Ordinance.	Representative Adams Representative Jeffus

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 303

Short Title:	New Bern Historic Preservation.	(Local)
Sponsors:	Representatives Underhill and Wainwright (Primary Sponsors).	
Referred to:	Local Government II.	

February 22, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT.

Whereas, New Bern was North Carolina's first permanent State capital; and

Whereas, New Bern is the home of the restored Tryon Palace Complex, where legislators first governed; and

Whereas, New Bern contains over 1,100 original 18th, 19th, and early 20th century contributing structures which complement and enhance the Palace Complex and the historic character and integrity of the City; and

Whereas, historic preservation contributes to the economic, social, and cultural well-being of New Bern and the State of North Carolina; and

Whereas, protecting New Bern from the loss of its historic architectural resources is of statewide importance; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of G.S. 160A-400.14, a municipality may adopt an ordinance providing that no contributing structure within a locally designated historic district in the municipality may be demolished without a permit.

SECTION 1.(b) The municipality may adopt, modify, and revise such ordinances as are necessary to implement this section and to further its intent.

SECTION 2. This act applies to the City of New Bern only.

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

HOUSE BILL 303:
New Bern Historic Preservation

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 20, 2007
Introduced by:	Reps. Underhill, Wainwright	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: House Bill 303 authorizes the City of New Bern to adopt ordinances prohibiting the demolition of a contributing structure within a locally designated historical district without a permit.

[As introduced, this bill was identical to S394, as introduced by Sen. Preston, which was reported out favorably by this Committee and is currently in House Local Government I.]

CURRENT LAW:

A certificate of appropriateness authorizing the relocation or demolition of an historical building may not be denied. It may be delayed for up to 365 days to allow the preservation commission time to negotiate with the owner in an effort to find a way to preserve the property.

An application relating to a building or landmark determined by the State Historic Preservation Officer as having statewide significance may be denied, except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return due to the denial.

BILL ANALYSIS:

House Bill 303 would allow the City of New Bern to adopt an ordinance providing that no contributing structure within a historic district could be demolished without a permit. The City is further authorized to adopt and modify such ordinances as necessary to implement this section and further the intent to protect New Bern from the loss of its historic architectural resources.

The act applies to the City of New Bern only.

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

Summary contribution by Barbara Riley, Staff Attorney.

H0303e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 1176

Short Title:	Tyrrell County Hunting.	(Local)
Sponsors:	Representative Owens.	
Referred to:	Wildlife Resources.	

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to use a firearm, bow and arrow, or crossbow carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of others. Such reckless use of a weapon includes using a firearm, bow and arrow, or crossbow in a manner that poses a hazard to any person or property or involves the discharge of a firearm, sending a projectile across the property of another.

SECTION 2. It is unlawful to hunt, take, or kill, or to attempt to hunt, take, or kill, any wild animal or wild bird with a firearm, bow and arrow, or crossbow on, from, or across the right-of-way of any State-maintained road, or to discharge any firearm, bow and arrow, or crossbow on, from, or across the right-of-way of any State-maintained road or highway.

SECTION 3. Section 2 of this act does not apply to:

(1) A hunter lawfully recovering dogs so long as all the hunter's weapons remain in a motor vehicle.

(2) A person lawfully engaged in the act of taking bullfrogs with a rimfire weapon.

SECTION 4. It is unlawful for any person to possess a loaded firearm while on the right-of way of any State-maintained road or highway outside the confines of the passenger area of the vehicle.

SECTION 5. It is unlawful for any person to hunt, take, or kill any wild animal or wild bird with a firearm, bow and arrow, crossbow, or dogs, or to possess a loaded firearm outside the confines of the passenger area of the vehicle, on the land of another, without the written permission of the landowner or lessee of the land. The written permission shall be dated and may be valid for no more than one year.

SECTION 6. Section 5 of this act does not apply to:

(1) A person who leases land for the purpose of hunting, while hunting on that leased land.

(2) A member of a hunting club with a current and valid membership card, while hunting on club land.

SECTION 7. Violation of this act is a Class 3 misdemeanor.

SECTION 8. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 9. This act applies only to Tyrrell County.

SECTION 10. This act becomes effective October 1, 2007.

HOUSE BILL 1176:
Tyrrell County Hunting

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 20, 2007
Introduced by:	Rep. Owens	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: House Bill 1176 prohibits the reckless use of weapons in Tyrell County, prohibits roadhunting in the County, and requires written permission of the landowner in order to hunt on the land of another.

CURRENT LAW:

G.S. 113-290 provides that it is unlawful to discharge a firearm while hunting either (1) carelessly or heedlessly in wanton disregard for the safety of others or (2) without due caution and in a manner so as to endanger persons or property. The penalties for violation range from a Class 2 misdemeanor where there is only property damage, to a Class 1 misdemeanor if a person dies as a result of such carelessness. In addition, a person convicted of violating the statute shall lose their hunting privileges for a period of time ranging from 1 to 5 years and if caught hunting while privileges are suspended, shall be guilty of a Class 1 misdemeanor.

G.S. 113-291.1 provides that no wild animals or wild birds may be taken from a vehicle (with some exceptions). It also provides that no wild animal or wild bird may be taken from any vehicle while it is in motion, the engine is running, or the passenger area is occupied. A violation is a Class 2 misdemeanor.

In general, if there is any ambiguity or uncertainty in the application of a law, that ambiguity or uncertainty is construed against the State. For example, if two laws with different criminal penalties appear to apply to the same conduct, then the law with the lesser penalty would be enforced.

BILL ANALYSIS:

Section 1: Provides that it is unlawful in Tyrell County to recklessly discharge a firearm, bow and arrow, or crossbow. Reckless behavior is defined to include the use of such weapons in a manner that poses a hazard to any person or property or involves the discharge of a firearm across the property of another. The bill makes a violation of the section a Class 3 misdemeanor, which is a lower category of offense than violation of GS 113-290, summarized above.

Section 2: Prohibits both hunting and the discharge of a weapon from, on, or across the right-of-way of a State maintained road. There is a possible conflict with G.S. 113-291.1, summarized above, which carries a higher penalty.

Section 3: The provisions of Section 2 do not apply to someone recovering dogs as long as the hunter's weapons remain in the motor vehicle or to someone shooting bullfrogs with a .22. The bill makes a violation of the section a Class 3 misdemeanor.

Section 4: Makes it unlawful for any person to possess a loaded firearm while on the right of way of a State maintained road outside the confines of the passenger area of a motor vehicle. There is a possible conflict with G.S. 113-291.1, summarized above, which carries a higher penalty.

Section 5: Makes it unlawful for a person to hunt on the land of another, or possess a loaded firearm outside the confines of the passenger area of a motor vehicle, without the written permission of the

landowner or lessee of the land. The written permission must be dated and shall be valid for no more than one year. Exceptions are provided to the written permission requirement for the lessee of land for the purpose of hunting and members of a hunting club with a current and valid membership card while hunting on club land.

Violation of the act is a Class 3 misdemeanor.

The act is enforceable by wildlife officers, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction.

EFFECTIVE DATE:

The act becomes effective October 1, 2007.

Summary contribution by Barbara Riley, Staff Attorney.

H1176e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 462*
PROPOSED COMMITTEE SUBSTITUTE S462-CSRF-27 [v.1]

4/24/2007 10:00:28 AM

Short Title: Brevard Mayor's Four-Year Term. (Local)

Sponsors:

Referred to:

March 5, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, AND TO MAKE CONFORMING CHANGES CONCERNING FILLING OF VACANCIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2.2 of the Charter of the City of Brevard, being Chapter 415 of the 1981 Session Laws, reads as rewritten:

"Sec. 2.2. Mayor, Term of Office, Duties. The Mayor shall be elected by and from the qualified voters of the City for a term of ~~two~~ four years, in the manner provided by Article III of this Charter; provided, the Mayor shall serve until his successor is elected and qualified. The Mayor shall be the official head of the City government, shall preside at all meetings of the City Council, and shall have the powers and duties of Mayor as prescribed by this Charter and the General Statutes. The Mayor shall have the right to vote on matters before the Council only where there are an equal number of votes in the affirmative and in the negative."

SECTION 2. Section 2.6 of the Charter of the City of Brevard, being Chapter 415 of the 1981 Session Laws, reads as rewritten:

"Sec. 2.6. Vacancies. In the event a vacancy occurs in the office of the Mayor, ~~the City Council may by majority vote fill it for the remainder of the term.~~ it shall be filled in accordance with G.S. 160A-63. In the event a vacancy in the office of Councilman occurs ~~during the final two years of a regular term, the remaining members of the Council may by majority vote fill it for the remainder of the term. In the event a vacancy in the office of Councilman occurs during the first two years of a regular term, the remaining members of the Council may by majority vote fill it until the next election, at which it shall be filled by the voters for the remaining two years of the term.~~ it shall be filled in accordance with G.S. 160A-63."

SECTION 3. Section 3.2 of the Charter of the City of Brevard, being Chapter 415 of the 1981 Session Laws, reads as rewritten:

"Sec. 3.2. Election of the Mayor. At the regular municipal election in ~~1981,~~ 2009, and every ~~two~~ four years thereafter, there shall be elected a Mayor to serve a term of ~~two~~ four years. The Mayor shall be elected by the qualified voters of the City voting at large."

SECTION 4. Section 2 of this act is effective when it becomes law. The remainder of this act becomes effective January 1, 2009, and applies to mayoral elections conducted thereafter.

SENATE BILL 462:
Brevard Mayor's Four-Year Term

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 24, 2007
Introduced by:	Sen. Snow	**Summary by:**	Barbara Riley
Version:	PCS to First Edition S462-CSRF-27		Committee Counsel

SUMMARY:

Senate Bill 462 would change the term for the office of Mayor from two years to four, beginning in 2009.

The PCS clarifies the effective date, makes conforming changes to other references in the Charter to the length of the Mayoral term, and provides for vacancies for both the office of Mayor and Councilman to be filled in accordance with G.S. 160A-63.

CURRENT LAW:

The Charter of the City of Brevard, set out in S.L. 1981-415. Section 2.2, currently establishes the term of Mayor as two years. The Mayor serves as the official head of the City government and presides at all meetings of the City Council, but is a voting member of the Council only for the purpose of breaking ties.

Section 2.6 of S.L. 1981-415 provides that vacancies in the office of Mayor may be filled for the remainder of the term by majority vote of the City Council.

Section 3.2 of S.L. 1981-415 states that the election of the Mayor shall occur at the regular municipal election held every two years, and that the Mayor shall be elected for a term of two years by the qualified voters of the City voting at-large.

G.S. 160A-63 provides that vacancies in elected municipal offices be filled by appointment of the city council.

- Appointees serve the remainder of the unexpired term if 1) the term of office expires immediately following the next regular city election, or 2) the next regular city election will be held within 90 days after the vacancy occurs.
- When the next regularly scheduled city election is held more than 90 days after the vacancy occurs, appointees serve until the elected successor takes office, and the elected successor serves the remainder of the unexpired term.

In the event such a number of vacancies exist as to prevent a quorum of the city council from being obtained:

- The mayor appoints enough members to make up a quorum and the council fills the remaining vacancies.
- If the office of mayor is also vacant, the Governor may fill the vacancies at the request of any remaining council member or the petition of five registered voters of the city.

BILL ANALYSIS:

Section 1 of the proposed committee substitute for SB 462 would change Section 2.2 of the Charter of the City of Brevard to establish a four-year term of office for Mayor. The proposed committee substitute would additionally change Section 3.2 of the Charter to require that, beginning with the 2009 regular municipal election, the Mayor be elected to a four-year term of office.

Section 2 of the proposed committee substitute would amend Section 2.6, governing vacancies, of the Charter of the City of Brevard to conform to the requirements of G.S. 160A-63. S.L. 1981-415. The city council would continue to fill vacancies for the office of mayor and city council, but vacancies occurring less than 90 days prior to the regular municipal elections would be filled for the remainder of the unexpired term, rather than until the next election.

EFFECTIVE DATE:

Section 2 of the bill would become effective when the bill becomes law. Sections 1 and 3 of the bill would become effective January 1, 2009.

Kara McCraw, counsel to House Election Law and Campaign Finance Reform, substantially contributed to this summary.

S0462e1-SMRF-CSRF-27

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 530

Short Title:	Raleigh/Contracts Exemption.	(Local)
Sponsors:	Senator Cowell.	
Referred to:	State & Local Government.	

March 7, 2007

A BILL TO BE ENTITLED

AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF ENERGY SAVING TECHNOLOGIES.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Raleigh may contract for apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by the City Council to test the efficiency and effectiveness of energy saving technologies without being subject to the requirements of G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, the City may award a contract under this section in its sole discretion.

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

SENATE BILL 530:
Raleigh/Contracts Exemption

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 23, 2007
Introduced by:	Sen. Cowell	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY:

Senate Bill 530 exempts the City of Raleigh from the competitive bidding procedures for the purchase of equipment and supplies for authorized pilot projects testing energy saving technologies.

CURRENT LAW:

Article 8 of Chapter 143 of the General Statutes contains the requirements for bidding on State contracts, including contracts of $90,000 or more for the purchase of apparatus, supplies materials or equipment. Contracts for such articles over the threshold must be awarded according to the bidding procedures set forth in the Article.

G.S. 143-129 provides the method by which bids are solicited, received, reviewed and awarded.

G.S. 143-131 provides for the letting of contracts by informal bidding.

G.S. 143-132 requires that at a public board receive at least three competitive bids for a project.

BILL ANALYSIS:

Senate Bill 530 exempts the City of Raleigh from the competitive bidding procedures of Article 8 of Chapter 143 for the purchase of apparatus, supplies, equipment, and materials that will be used in a pilot program authorized by the City to test the efficacy of energy savings technologies. The City may award contracts under the Act in its sole discretion.

EFFECTIVE DATE:

The act is effective when it becomes law.

S0530e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 531

Short Title:	Regulation of Golf Carts in Morrisville.	(Local)
Sponsors:	Senator Cowell.	
Referred to:	State & Local Government.	

March 7, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2006-27 reads as rewritten:

"**SECTION 1.** This act applies to the City of Saluda and the ~~Town~~ Towns of Faison and Morrisville only."

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

SENATE BILL 531:
Regulation of Golf Carts in Morrisville

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 23, 2007
Introduced by:	Sen. Cowell	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 531 authorizes the Town of Morrisville to regulate the operation of golf carts on public streets or highways within the Town, as well as on any property owned or leased by the Town, and it allows the Town to charge a fee for registration. The bill becomes effective when it becomes law.

[As introduced, this bill was identical to H849, as introduced by Rep. T. Harrell, which is currently in House Local Government I.]

CURRENT LAW:

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

G.S. 20-4.01.(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

BILL ANALYSIS:

Senate Bill 531 amends S.L. 2006-27 to allow the Town of Morrisville to enact an ordinance to regulate the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the town. With regard to golf carts, by ordinance, the town may:

- require registration,
- charge a fee for the registration,
- specify the persons authorized to operate,
- specify required equipment,
- specify load limits, and
- specify hours and methods of operation.

BACKGROUND:

- The General Assembly has enacted legislation for golf carts in the following locations: Lake Waccamaw (S.L. 2001-356), Cary (S.L. 2001-485), Whispering Pines (S.L. 2002-82), Seven Lakes (S.L. 2002-82).
- The General Assembly has enacted legislation for golf carts and utility vehicles in: Beech Mountain (S.L. 2003-124) and Seven Devils (S.L. 2004-58).
- The General Assembly has enacted golf cart legislation allowing fees to be charged in: the Town of Lake Waccamaw (S.L. 2001-356); the Village of Bald Head Island (S.L. 2002-129); and the Towns of Elizabethtown, Rose Hill, and Bladenboro (S.L. 2005-11); Benson, Chadbourn and Tabor City (S.L. 2006-149); and Clarkton (S.L. 2006-152).
- The General Assembly has enacted legislation to allow the Town of Caswell Beach to regulate golf carts on any street or road within the confines of the municipal limits (S.L. 2006-149).
- The General Assembly has enacted legislation to allow the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the town in: the City of Saluda and the Town of Faison (S.L. 2006-27).

S0531e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

SESSION LAW 2006-27
SENATE BILL 1328

AN ACT TO AUTHORIZE THE CITY OF SALUDA AND THE TOWN OF FAISON TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to the City of Saluda and the Town of Faison only.

SECTION 2. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a town may, by ordinance, regulate the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the city.

By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts.

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

In the General Assembly read three times and ratified this the 28th day of June, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 581

Short Title:	Mecklenburg Building Permit Rebates.	(Local)
Sponsors:	Senators Clodfelter; Dannelly, Goodall, Graham, and Pittenger.	
Referred to:	State & Local Government.	

March 7, 2007

A BILL TO BE ENTITLED

AN ACT ALLOWING MECKLENBURG COUNTY TO PROVIDE BUILDING PERMIT FEE REBATES FOR BUILDINGS THAT ARE BUILT TO LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-340 is amended by adding a new subsection to read:

"(i) A county may provide building permit fee rebates for buildings that are built to Leadership in Energy and Environmental Design (LEED) standards."

SECTION 2. This act applies to Mecklenburg County only.

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

SENATE BILL 581:
Mecklenburg Building Permit Rebates

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 23, 2007
Introduced by:	Sen. Clodfelter	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition S581-CSRJ-11		Committee Analyst

BILL ANALYSIS: The Proposed Committee Substitute for Senate Bill 581 allows Mecklenburg County to provide rebates for permit fees for buildings that are built to Leadership in Energy and Environmental Design (LEED) or similar standards. The Proposed Committee Substitute added Section 2 of the bill that would allow Mecklenburg County to reduce or partially rebate building permit fees for buildings that are built to LEED standards or similar standards.

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

BACKGROUND: Developed by the U.S. Green Building Council (USGBC), the Leadership in Energy and Environmental Design (LEED) is a voluntary, consensus-based national rating system for developing high-performance, sustainable buildings. The USGBC is a network of 75 regional chapters throughout the U.S. and represents every sector of the building industry. LEED addresses all building types including new construction, commercial interiors, core & shell, operations & maintenance, homes, neighborhoods, and specific applications such as retail, multiple buildings/campuses, schools, healthcare, laboratories and lodging.

Based on well-founded scientific standards, LEED emphasizes state of the art strategies for sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality. LEED promotes expertise in green building through a comprehensive system offering project certification, professional accreditation, training and practical resources.

S0581e1-SMRJ-CSRJ-11

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 608
PROPOSED COMMITTEE SUBSTITUTE S608-CSRJ-10 [v.1]

4/23/2007 9:08:09 PM

Short Title: Durham/Refuse & Debris Ordinance. (Local)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO EXPEDITE REMOVAL OF REFUSE AND DEBRIS, AND OVERGROWN VEGETATION, BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-133 reads as rewritten:

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

SECTION 2. G.S. 160A-200(a) reads as rewritten:

"(a) A municipality may notify a chronic violator of the municipality's overgrown vegetation ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least ~~three~~ two times under the overgrown vegetation ordinance."

SECTION 3. This act applies to the City of Durham only.

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

SENATE BILL 608:
Durham/Refuse & Debris Ordinance

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 23, 2007
Introduced by:	Sen. Atwater	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition S608-CSRJ-10[v.1]		Committee Analyst

SUMMARY: The Proposed Committee Substitute for Senate Bill 608 amends the definition of a "chronic violator" of the City of Durham's refuse and debris ordinance so that the City may take action sooner to remedy violations by chronic violators.

The PCS adds a new section 2 to the bill that amends the definition of "chronic violator" of the City of Durham's overgrown vegetation ordinance so that the City may take action sooner to remedy violations by chronic violators.

BACKGROUND: In Section 1 of S.L. 2003-133, the City of Durham was authorized, after an initial annual notice, to take action to remedy violations of refuse and debris ordinances by chronic violators. The initial notice informed the chronic violator that the City may take action if the violator's property is found, in the future, to be in violation of the ordinance. The expense of the action becomes a lien on the property and is collected as unpaid taxes. A chronic violator is a person who owns property where remedial action was taken by the municipality at least three times in the calendar year prior to the current violation.

G.S. 160A-200(a) provides the City of Durham authority to, after an initial annual notice, to take action to remedy violations of overgrown vegetation ordinances by chronic violators. The initial notice informed the chronic violator that the City may take action if the violator's property is found, in the future, to be in violation of the ordinance. The expense of the action becomes a lien on the property and is collected as unpaid taxes. A chronic violator is defined the same as above.

BILL ANALYSIS: Section 1 of the bill amends the definition of a "chronic violator" to a person who owns property where remedial action was taken by the City of Durham at least two times in the calendar year prior to the current violation of the City's refuse and debris ordinance. Current law requires the City of Durham to have taken remedial action at least three times in the calendar year prior to the current violation.

Section 2 of the bill amends the definition of a "chronic violator" to a person who owns property where remedial action was taken by the City of Durham at least two times in the calendar year prior to the current violation of the City's overgrown vegetation ordinance. Current law requires the City of Durham to have taken remedial action at least three times in the calendar year prior to the current violation.

EFFECTIVE DATE: The act is effective when it becomes law and applies only to the City of Durham.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 1313

Short Title:	Study State Cars Fueling at DOT Stations.	(Public)
Sponsors:	Senator Cowell.	
Referred to:	State & Local Government.	

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO STUDY THE DESIRABILITY AND FEASIBILITY OF OTHER STATE AGENCIES USING THE DEPARTMENT OF TRANSPORTATION'S FUELING STATIONS ACROSS THE STATE IN AN EFFORT TO DISPLACE OR REDUCE THE AMOUNT OF PETROLEUM THAT STATE AGENCIES ARE USING FOR STATE-OWNED VEHICLE FLEETS AND TO ASSIST STATE AGENCIES IN ACHIEVING THEIR TWENTY PERCENT PETROLEUM REDUCTION OR DISPLACEMENT GOAL.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Administration shall study the desirability and feasibility of other State agencies using the Department of Transportation's approximately 122 fueling stations located across the State in an effort to reduce or displace the amount of petroleum that State agencies are using for fueling State-owned vehicles and to assist all State agencies that have State-owned vehicle fleets in achieving their twenty percent (20%) reduction or displacement goal of petroleum products consumed by January 1, 2010, that the State adopted under Section 19.5 of S.L. 2005-276, and to increase the State's use of alternative fuels, synthetic lubricants, and efficient vehicles. This study shall consider the desirability and the feasibility of the Department of Transportation's fueling stations providing biodiesel, ethanol, synthetic oils or lubricants, or other alternative fuels for use by other State agencies. No later than May 1, 2008, the Department of Administration shall report the results of this study, including its findings, recommendations, and any legislative or administrative proposals, to the Fiscal Research Division and to the Chairs of the Senate and House Appropriations Subcommittees on General Government.

SECTION 2. This act becomes effective July 1, 2007.

SENATE BILL 1313:
Study State Cars Fueling at DOT Stations

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 23, 2007
Introduced by:	Sen. Cowell	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 1313 requires the Department of Administration to study State agency use of Department of Transportation fueling stations in an effort to reduce or displace petroleum use, to assist State agencies in achieving their 20% petroleum product reduction or displacement goal and to increase the State's use of alternative fuels, synthetic lubricants, and efficient vehicles.

CURRENT LAW:

S.L. 2005-276, Section 19.5, requires all State agencies, universities, and community colleges that have State-owned vehicle fleets, consisting of more than 10 motor vehicles, to develop and implement plans to improve the State's use of alternative fuels, synthetic lubricants, and efficient vehicles and to achieve a twenty percent (20%) reduction or displacement of the current petroleum products consumed by January 1, 2010. The agencies were required to develop plans which were to be compiled by the Department of Administration (DOA), submitted to the Joint Legislative Commission on Governmental Operations, and implemented by January 1, 2006. Agencies are required to report on September 1 of each year to the DOA on efforts undertaken to achieve the reductions. The Department of Administration is required to compile and forward a report to the Joint Legislative Commission on Governmental Operations by November 1, 2006, and annually thereafter on November 1, on the agencies' progress in meeting their plans. The reductions may be met by petroleum or oils displaced through the use of biodiesel, ethanol, synthetic oils or lubricants, other alternative fuels, the use of hybrid electric vehicles, other fuel-efficient or low-emission vehicles, or additional methods as may be approved by the State Energy Office.

Page 10 of the Motor Fleet Management (MFM) Regulations provide that, "Gasoline purchases should be obtained from MFM facilities or other state-owned facilities except when state-owned facilities are closed, when travel is out-of-state, or when it is more cost-effective to buy commercially."

BILL ANALYSIS:

Senate Bill 1313 requires the Department of Administration to study the feasibility of other State agencies using the Department of Transportation's fueling stations, to assist State agencies with State-owned vehicle fleets in achieving the 20% reduction required by S.L. 2005-276, and to increase the State's use of alternative fuels, synthetic lubricants, and efficient vehicles. The study must also consider the feasibility of the Department of Transportation's fueling stations in providing biodiesel, ethanol, synthetic oils or lubricants, or other alternative fuels for use by other State agencies. The Department of Administration is required to report the results of the study by May 1, 2008, to the Fiscal Research Division and to the Chairs of the Senate and House Appropriations Subcommittees on General Government. The act would become effective July 1, 2007.

BACKGROUND:

The Motor Fleet Management Division is located within the Department of Administration. Motor Fleet Management (MFM) provides State-owned vehicles for State agencies, departments, universities, and some community college staff. MFM does not provide vehicles for Crime Control and Public Safety (CCPS), the Alcohol Law Enforcement Division of CCPS, and the Camp-Butner Government Complex. MGM also does not provide vehicles, cars or buses to school systems. The motor fleet currently consists of 9,070 vehicles (cars, vans, and SUVs). Currently, in the fleet there are: 4,807 E-85 Ethanol or Gasoline equipped vehicles, 112 Hybrid

vehicles, 3 Compressed Natural Gas (CNG) Sedans, and 1 Propane fuel or gasoline van. According to MFM, the State began purchasing Alternative Fuel Vehicles (AFV) over 15 Years ago including flex propane or gas, electric vehicles, and E-85 Ford Taurus sedans. MFM reports that, east of the Mississippi River, North Carolina has the third largest fleet of alternative vehicles, behind New York and Tennessee.

The Motor Fleet Management (MFM) Division's website provides information on E85 and E10 fuel locations. (E85 is an alternative fuel, as defined by the U.S. Department of Energy, and refers to motor fuel blends of 85 percent ethanol and just 15 percent gasoline. E10, is also known as "gasohol" and contains 10% ethanol and 90% gasoline.) MFM provides E85 and E10 fuel at their one facility for any state owned vehicle that stops at their pumps. A link on the Division's website directs individuals to www.e85refueling.com/ which provides commercial E85 fueling sites. When purchasing fuel at a commercial facility, State employees may use the State of NC fuel credit card.

S1313e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 579*
Second Edition Engrossed 3/28/07

Short Title:	Greensboro/Overgrown Vegetation Ordinance.	(Local)
Sponsors:	Representatives Jeffus, Adams (Primary Sponsors); and Harrison.	
Referred to:	Local Government II.	

March 13, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF SPRING LAKE AND THE CITY OF GREENSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR OVERGROWN VEGETATION ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-200(b) reads as rewritten:

"(b) This section applies to the Towns of Ahoskie, Ayden, Leland, ~~and Pineville,~~ Pineville, and Spring Lake, and to the Cities of Durham, Gastonia, Greensboro, High Point, Lexington, Monroe, Roanoke Rapids, Rocky Mount, and Winston-Salem only."

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

HOUSE BILL 579:
Greensboro/Overgrown Vegetation Ordinance

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 23, 2007
Introduced by:	Reps. Jeffus, Adams	**Summary by:**	Sara Kamprath
Version:	Second Edition		Committee Analyst

SUMMARY: ***The Second Edition of House Bill 579 authorizes the City of Greensboro and the Town of Spring Lake to provide annual notification to chronic violators of their overgrown vegetation ordinance and to remedy the violation. The bill provides that the expense of remedying the violation would become a lien upon the property and collected as unpaid taxes.***

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

BILL ANALYSIS: House Bill 579 authorizes the City of Greensboro and the Town of Spring Lake to notify a landowner who is a chronic violator of the City's or the Town's overgrown vegetation ordinance that if the owner's property is found in violation of the ordinance again during the calendar year, the City will remedy the violation without further notice, and the expense shall become a lien upon the property and collected as unpaid taxes.

A chronic violator is a person who owns property and who has been notified at least three times during the previous calendar year that the property is in violation of the overgrown vegetation ordinance.

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

H0579e2-SMRJ

VISITOR REGISTRATION SHEET

Sen. State & Local Government — April 24, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sharon Stroud	State Energy Office
Cam Crew	BOMA
Denise Turner	Greensboro Partnership
Patsy Bailey	PENC
Andy Munn	REBIC
Beau Mills	NC Metro Coalition
ROBERT ZIMMERS	NC DOA
Amy Fuelbright	Hunton & Williams
Bob Locum	NCFA
Henry [illegible]	Attorney Raleigh
Drew Harbinson	NCDOT
Joey Gardner	DMV License + Theft

Lacy Lore	NCDOT
Johanna Reese	DOT
Kim A. Peed	Pamlico County LIFT Program
Gerrod A. Green	Pamlico County Lift Program
DEREK MURRAY	PAMLICO COUNTY LIFT PROGRAM
Katie Paul	Pamlico County LIFT Program
Shannon Wing	Pamlico County LIFT Program
Penny Griffin	Daily Bulletin
Whitney Taylor	Pamlico County LIFT Program
Quiara Manuel	Pamlico County LIFT Program
Carla Ollison	Pamlico County Lift program
Albert Hainsworth	Pamlico Co. LIFT Program
Lee Armstrong	Pamlico Co. LIFT Program
Amber Holland	Pamlico County LIFT Program
Andy Wells	U.A.C.

VISITOR REGISTRATION SHEET

Sen. State & Local Government — April 24, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Phelps	NCLM
Nancy Hallowes	New Bern Preservation Foundation
Emily Hamrick	New Bern Preservation Fnd.
Terry Startsman	New Bern
David Parris	New Bern
Bill Scoggin	Kce
Tom Bennett	NCACDSS
David Crockett	AIA NC
Gordon Myers	NCWRC
Rick Zechini	NC Assn of Realtors
Cynthia Moseley	State Employees Credit Union

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, April 25, 2007

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

FAVORABLE

S.B. **530** Raleigh/Contracts Exemption.
- Sequential Referral: None
- Recommended Referral: None

S.B. **531** Regulation of Golf Carts in Morrisville.
- Sequential Referral: None
- Recommended Referral: Finance

S.B. **1313** Study State Cars Fueling at DOT Stations.
- Sequential Referral: None
- Recommended Referral: None

H.B. **303** New Bern Historic Preservation.
- Sequential Referral: None
- Recommended Referral: None

H.B. **579** Greensboro/Overgrown Vegetation Ordinance.
- Sequential Referral: None
- Recommended Referral: None

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

S.B. **462** Brevard Mayor's Four-Year Term.
- Draft Number: PCS 15073
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: No

S.B. **608** Durham/Refuse & Debris Ordinance.
- Draft Number: PCS 15075
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: No

TOTAL REPORTED: 7

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, April 24, 2007 at 12:00 Noon
Room 1027, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on April 24, 2007 in Room 1027 of the Legislative Building. Seven members of the committee were present.

The first order of business Senator Don East opened the meeting by having pages visiting internationally to introduce themselves and state where they were from.

Senator East announced HB303 (New Bern Historic Preservation.) would be the first bill heard by Rep. Underhill. Rep. Underhill recognized Pamlico County students visiting the legislature. She also recognized a person from New Bern there to support the bill. Rep. Underhill explained that SB394 the companion bill had passed the house. Senator East gave the floor to ask a question. Senator Clodfelter had a comment in regards to nothing constitutionally could prevent him from destroying property. Can only delay and not deny you. How do you handle the constitutional question? Senator East gave the floor to Hall Pell – Research Staff who deferred to the question to Barbara Riley – Research Lead Staff. She explained the statue reads to sell property you get a certificate of approval which can delay up to 365 days. If it is a designated national historic structure you can try to make it permanent under economic hardship exception – no such clause is in the bill. Senator East recognized a gallery member - Nancy Hollows from the New Bern Preservation Legal Action Team was acknowledged to speak. She indicated that a permit be required before a building is demolished. Can the permit be denied? Only after strong scrutiny. The city is working on it. Senator Clodfelter asked the question can they deny and say you can never not get a permit? No out. Ms. Hollows indicated the city attorney has looked into this issue and it will be addressed in the ordinance. Permit is only for contributing structures within locally designated historic districts for which we have strong controls. Barbara Riley explained the ordinance will be subjected to the constitution. Senator Dorsett moved for a favorable report. The motion carried.

The next bill heard was HB1176 (Tyrell County Hunting.) Rep. Owens's bill. Senator East informed committee a suspend rules is required to consider the proposed committee substitute. Senator Brunstetter motioned to suspend rule and adopt the proposed committee substitute. Hal Pell explained that the sponsor of the bill requested a change to Section 7, Line 6. Senator East recognized Senator Brunstetter for a question. Why is this being covered by State law? After much discussion and questions from Senator Stevens, Blake and Clodfelter. Senator Brunstetter asked was there any rush - the bill had made crossover. He moved to displace the bill to get further explanation. Senator East moved to displace bill until next meeting.

The next bill heard was SB462 (Brevard Mayor's Four-Year Term.) Senator Snow's bill. Senator East asked for a motion to suspend rule to consider proposed committee

substitute. Senator Stevens motioned to suspend rule and adopt the proposed committee substitute. Senator Snow is not present – displaced temporarily.

SB531 (Regulation of Golf Carts in Morrisville.) Senator Cowell's bill was heard next. A favorable report was received and was given a serial referral to Senate Finance.

SB581 (Mecklenburg Building Permit Rebates.) Senator Clodfelter asked that his bill be temporarily displaced.

SB608 (Durham/Refuse & Debris Ordinance.) Senator Atwater' bill was the next. Senator East asked for motion to adopt the PCS. Senator Brunstetter motioned to adopt the PCS. Senator McKissick asked the question – "What constitutes overgrown vegetation"? Senator Dorsett moved that the PCS receive a favorable report. The motion carried. Favorable to the proposed committee substitute but unfavorable as to the original bill.

SB462 (Brevard Mayor's Four-Year Term.) Senator Snow's bill is back on the agenda after being temporarily displaced. Senator Brunstetter moved that the PCS receive a favorable report. Motion carried. Favorable to the proposed committee substitute but unfavorable as to the original bill.

SB1313 (Study State Cars Fueling at DOT Stations.) was next by Senator Cowell. Senator Clodfelter motioned for a favorable report. Motion carried.

HB579 (Greensboro/Overgrown Vegetation Ordinance.) was next to be heard by Senator Dorsett. Senator Stevens moved for a favorable report. Motion carried.

Senator East stated that HB1176 will be on the agenda for the next meeting.

Senator East adjourned the committee meeting at 12:26.

Senator Don East, Presiding

Anita Flintall, Committee Assistant

Principal Clerk ____
Reading Clerk ____

AMENDED: Remove: HB 89, HB 203, HB 382. Add: SB 513, SB 532, SB 647, SB 626, SB 473, SB 488, SB 811, SB 1538

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	May 1, 2007	12:00 Noon	1027 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 473	Stanly/No Hunting on Private Property.	Senator Purcell
SB 488	Carrboro Campaign Regulation.	Senator Kinnaird
SB 513	Wilmington Council/Mayor Pro Tem.	Senator Boseman
SB 532	Columbus County Precincts.	Senator Soles, Jr.
SB 581	Mecklenburg Building Permit Rebates.	Senator Clodfelter
SB 626	Bertie County Subdivisions.	Senator Jones
SB 647	Buncombe Annexation Referendum.	Senator Apodaca
SB 811	Travel/Tourism Board Include Charter Boat Ind.	Senator Swindell IV
SB 1397	County Landfill Sale/Hold Referendum.	Senator East
SB 1538	County Commr. Authority/Boards & Agencies.	Senator Preston
HB 506	Burke Co. Local Agreement.	Representative Gillespie Representative Church, Sr.
HB 564	Brunswick County ABC Store Move.	Representative Stiller Representative Hill
HB 1176	Tyrrell County Hunting.	Representative Owens, Jr.

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, May 1, 2007, 12:00 Noon
1124 LB

Senator East Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 473	Stanly/No Hunting on Private Property.	Senator Purcell
SB 488	Carrboro Campaign Regulation.	Senator Kinnaird
SB 513	Wilmington Council/Mayor Pro Tem.	Senator Boseman
SB 532	Columbus County Precincts.	Senator Soles, Jr.
SB 581	Mecklenburg Building Permit Rebates.	Senator Clodfelter
SB 626	Bertie County Subdivisions.	Senator Jones
SB 647	Buncombe Annexation Referendum.	Senator Apodaca
SB 1397	County Landfill Sale/Hold Referendum.	Senator East
SB 1538	County Commr. Authority/Boards & Agencies.	Senator Preston
HB 506	Burke Co. Local Agreement.	Representative Gillespie Representative Church, Sr.
HB 564	Brunswick County ABC Store Move.	Representative Stiller Representative Hill
HB 1176	Tyrrell County Hunting.	Representative Owens, Jr.

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 473
PROPOSED COMMITTEE SUBSTITUTE S473-PCS55438-RJ-14

Short Title: Stanly/No Hunting on Private Property. (Local)

Sponsors:

Referred to:

March 5, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING AND FISHING ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE AND TO PROHIBIT HUNTING ON PRIVATE PROPERTY WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to take wildlife or attempt to take wildlife on the land of another, or to fish on the land of another, without having on one's person while hunting the written permission, signed and dated for the current hunting or fishing season, of the landowner or lessee, or the landowner's or lessee's designee. The written permission shall not be valid for more than one year and may be valid for a shorter period stated in the permission. The written permission shall be displayed upon request of any law enforcement officer of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other law enforcement officers with general subject matter jurisdiction.

SECTION 2. It is unlawful to take wildlife or attempt to take wildlife on the land of another while under the influence of an impairing substance. For purposes of this section, the term "impairing substance" includes alcohol, controlled substances under Chapter 90 of the General Statutes, any drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of those substances.

SECTION 3. Violation of this act is a Class 2 misdemeanor. Any person convicted of violating this act shall be ordered by the presiding judge to complete a hunter safety course under G.S. 113-270.1A.

SECTION 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 5. This act applies only to Stanly County.

SECTION 6. This act becomes effective October 1, 2007, and applies to offenses committed on or after that date.

SENATE BILL 473:
Stanly/No Hunting on Private Property

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 30, 2007
Introduced by:	Sen. Purcell	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition S473-PCS55438-RJ-14		Committee Analyst

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 473 would prohibit hunting and fishing on private property in Stanly County without the written permission of the landowner or the lessee. The PCS also would prohibit hunting on private property while under the influence of an impairing substance. Violations are a Class 2 misdemeanor and any person convicted of violating the act shall be ordered to complete a hunter safety course.***

BILL ANALYSIS: The Proposed Committee Substitute for Senate Bill 473 prohibits hunting and fishing on private property without the written permission of the landowner or lessee. The written permission shall be signed and dated for the current hunting or fishing season. The written permission shall not exceed one year but may be valid for a shorter period of time. The written permission shall be displayed upon request of the any law enforcement officer of the Wildlife Resources Commission, by sheriffs and deputy sheriffs and other law enforcement officers with general subject matter jurisdiction.

The PCS also prohibits hunting on private property while under the influence of an impairing substance.

The violation of these provisions is a Class 2 misdemeanor. The presiding judge shall order any person convicted of violating this act to complete a hunter safety course.

EFFECTIVE DATE: The bill becomes effective October 1, 2007 and applies to offenses committed on or after that date. The bill applies only to Stanly County.

S0473e1-SMRJ-PCS55438-RJ-14

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 488*

Short Title:	Carrboro Campaign Regulation.	(Local)
Sponsors:	Senator Kinnaird.	
Referred to:	State & Local Government.	

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CARRBORO CHARTER TO ALLOW THE TOWN TO REQUIRE CANDIDATES FOR ELECTIVE TOWN OFFICE TO DISCLOSE THE NAMES OF CAMPAIGN CONTRIBUTORS AND TO LIMIT BY ORDINANCE THE AMOUNT THAT PERSONS MAY CONTRIBUTE TO A CANDIDATE OR THEIR POLITICAL COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2-7 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as added by Section 2 of Chapter 660 of the 1993 Session Laws, is repealed.

SECTION 2. Article 2 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, is amended by adding the following new sections to read:

"Section. 2-8. **Disclosure of contributors.** (a) The town may by ordinance require the disclosure by candidates (and their political committees) for elective town office of the names of all contributors to their campaigns. The ordinance may exempt from disclosure contributions below a monetary amount set in the ordinance.

(b) The ordinance shall apply regardless of the total amount of contributions, loans, or expenditures by the campaigns.

(c) G.S. 163-278.10A does not apply to municipal elections in the Town of Carrboro.

"Section 2-9. **Limitation on contributions.** Except as provided by G.S. 163-278.13(c), the town may by ordinance limit the amount of contributions which any individual, person, or political committee may contribute to any candidate for town office or to any political committee of that candidate. The ordinance may not set a limitation which has a dollar amount greater than the dollar amount set in the general law which would apply to elective office in the town.

"Section 2-10. **Definitions.** The definitions in Article 22A of Chapter 163 of the General Statutes apply to Sections 2-8 and 2-9 of this Charter."

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. S473-PCS55438-RJ-14

H. B. No. _____ DATE 5/1/07

S. B. No. 473 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) ~~Purcell~~
Sen.)

1 moves to amend the bill on page 1, line 23
2 ( ) WHICH CHANGES THE TITLE
3 by deleting the word "shall" and substituting the
4 word "may".
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

SENATE BILL 488:
Carrboro Campaign Regulation

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 30, 2007
Introduced by:	Sen. Kinnaird	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***This act would authorize the Town of Carrboro to enact an ordinance requiring candidates for office to disclose the names of campaign contributers, and would also limit the amount of contributions. The act is effective when it becomes law.***

[As introduced, this bill was identical to H465, as introduced by Rep. Insko, which is currently in House Judiciary I.]

CURRENT LAW: Candidates for office are exempt from filing reports of contributions, loans, and other expenditures if the candidate does not receive: more than three thousand dollars ($3,000) in contributions; more than three thousand dollars ($3,000) in loans, and does not spend more than three thousand dollars ($3,000).

BILL ANALYSIS:

- The act allows Carrboro, by ordinance, to require the disclosure by candidates (and their political committees) for elective town office the names of all contributors to their campaigns. The ordinance may exempt from disclosure contributions below a monetary amount to be set in the ordinance.
- The act exempts Carrboro from the current reporting ceiling for nondisclosure [$3,000 in contributions, loans, or expenditures].
- The town may limit the amount of contributions which any individual, person, or political committee may contribute to any candidate for town office or to any political committee of that candidate. However, State law remains applicable that allows a candidate or a candidate's spouse, parents, brothers and sisters to make contributions to the candidate of any amount of money or to make any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 513

Short Title:	Wilmington Council/Mayor Pro Tem.	(Local)
Sponsors:	Senator Boseman.	
Referred to:	State & Local Government.	

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT COUNCIL VACANCIES ARE FILLED UNDER GENERAL LAW, AND TO PROVIDE THAT THE MAYOR PRO TEMPORE SERVES AT THE PLEASURE OF THE CITY COUNCIL, THE SAME AS UNDER THE GENERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.2(d) of the Charter of the City of Wilmington, being Chapter 495, Session Laws of 1977, as added by Chapter 896 of the 1985 Session Laws, is repealed.

SECTION 2. Section 3.5 of the Charter of the City of Wilmington, being Chapter 495 of the Session Laws of 1977, reads as rewritten:

"Sec. 3.5. Mayor pro tempore; duties; term. At its organizational meeting the council shall elect one of its members mayor pro tempore, to preside in the absence of the mayor and to act as mayor in the absence or during the disability of the mayor. In the event of a vacancy in the office of the mayor, the mayor pro tempore shall act as mayor until a mayor is elected by the council pursuant to Section 3.3 of this Article. The ~~term of office of the~~ mayor pro tempore ~~shall be two years.~~ shall serve at the pleasure of the council."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 513

Short Title:	Wilmington Council/Mayor Pro Tem.	(Local)
Sponsors:	Senator Boseman.	
Referred to:	State & Local Government.	

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT COUNCIL VACANCIES ARE FILLED UNDER GENERAL LAW, AND TO PROVIDE THAT THE MAYOR PRO TEMPORE SERVES AT THE PLEASURE OF THE CITY COUNCIL, THE SAME AS UNDER THE GENERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.2(d) of the Charter of the City of Wilmington, being Chapter 495, Session Laws of 1977, as added by Chapter 896 of the 1985 Session Laws, is repealed.

SECTION 2. Section 3.5 of the Charter of the City of Wilmington, being Chapter 495 of the Session Laws of 1977, reads as rewritten:

"Sec. 3.5. Mayor pro tempore; duties; term. At its organizational meeting the council shall elect one of its members mayor pro tempore, to preside in the absence of the mayor and to act as mayor in the absence or during the disability of the mayor. In the event of a vacancy in the office of the mayor, the mayor pro tempore shall act as mayor until a mayor is elected by the council pursuant to Section 3.3 of this Article. The ~~term of office of the~~ mayor pro tempore ~~shall be two years.~~ shall serve at the pleasure of the council."

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

SENATE BILL 513:
Wilmington Council/Mayor Pro Tem

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 27, 2007
Introduced by:	Sen. Boseman	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 513 repeals a provision in the City of Wilmington Charter pertaining to council vacancies to allow them to be filled under the general law and amends the Charter to provide that the mayor pro tempore serves at the pleasure of the council.

[As introduced, this bill was identical to H710, as introduced by Reps. Justice, McComas, Wright, which is currently in House Local Government I.]

CURRENT LAW: Section 3.2(d) of the Charter of the City of Wilmington provides that when a person is appointed to fill a vacancy occurring in the office of council member, the appointee will serve until the next regular or special municipal or county election that is held more than 90 days after the vacancy occurs, at which time an election will be held to fill the unexpired term of office. Provided that when the unexpired term of office in which the vacancy has occurred extends less than one year from the date of such regular or special election, the person appointed will serve the remainder of the unexpired term. (Section 3.2 (c) of the Charter provides for the filling of a vacancy on the council by the council members.)

Section 3.5 of the Charter of the City of Wilmington provides that at its organizational meeting the council must elect one of its members as mayor pro tempore, to preside in the absence of the mayor and to act as mayor in the absence or during the disability of the mayor. In the event of a vacancy in the office of mayor, the mayor pro tempore will act as the mayor until a mayor is elected by the council pursuant to Section 3.3 of the charter. The term of the office of the mayor pro tempore is two years.

G.S. 160A-63 provides that when a vacancy occurs in an elective office of a city, it shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section does not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more. In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party.

BILL ANALYSIS: Section 1 of Senate Bill 513 repeals Section 3.2(d) of the Charter of the City of Wilmington which pertains to the filling of vacancies on the Wilmington city council. The general law (G.S. 160A-63) will provide for the filling of council vacancies.

Section 2 of the bill amends Section 3.5 of the Charter of the City of Wilmington to provide that the mayor pro tempore will serve at the pleasure of the council, which is the same as the general law (G.S. 160A-70).

This act is effective when it becomes law.

S0513e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 532

Short Title:	Columbus County Precincts.	(Local)
Sponsors:	Senator Soles.	
Referred to:	State & Local Government.	

March 7, 2007

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE COLUMBUS COUNTY BOARD OF ELECTIONS TO USE A TRADITIONAL PRECINCT LINE ALONG THE BOUNDARY OF THE BLACK CREEK SCHOOL DISTRICT AND TO PLACE ALL THE RESIDENTS OF THE TOWN OF LAKE WACCAMAW IN THE SAME PRECINCT.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 163-132.3, the Columbus County Board of Elections may designate precincts in Columbus County as follows:

(1) Williams 1 Precinct: All of Williams 1 Precinct as shown on the General Assembly's Redistricting Database on October 20, 2003, minus the territory designated as part of South Williams Precinct in subdivision (3) of this section.

(2) Williams 2 Precinct: All of Williams 2 Precinct as shown on the General Assembly's Redistricting Database on October 20, 2003, minus the territory designated as part of South Williams Precinct in subdivision (3) of this section.

(3) South Williams Precinct: All of South Williams Precinct as shown on the General Assembly's Redistricting Database on October 20, 2003, and in addition the territory shown on that database as those parts of Williams 1 Precinct and Williams 2 Precinct that lie south of the boundary set for Williams and South Williams townships in Chapter 476 of the Session Laws of 1943, following what was commonly known as the boundary of the Black Creek School District.

SECTION 2. Notwithstanding the provisions of G.S. 163-132.3, the Columbus County Board of Elections may designate precincts in Columbus County as follows:

(1) Bogue Precinct: All of Bogue Precinct as shown on the General Assembly's Redistricting Database on October 20, 2003, minus any

territory designated as part of Waccamaw Precinct in subdivision (3) of this section.

(2) Bolton Precinct: All of Bolton Precinct as shown on the General Assembly's Redistricting Database on October 20, 2003, minus the territory designated as part of Waccamaw Precinct in subdivision (3) of this section.

(3) Waccamaw Precinct: All of Waccamaw Precinct as shown on the General Assembly's Redistricting Database on October 20, 2003, and in addition the territory shown on that database as those parts of Bogue Precinct and Bolton Precinct that lie within the municipal limits of the Town of Lake Waccamaw on June 1, 2007.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 581
PROPOSED COMMITTEE SUBSTITUTE S581-PCS85305-LB-26

Short Title: Building Permit Reductions/Rebates. (Public)

Sponsors:

Referred to:

March 7, 2007

A BILL TO BE ENTITLED

AN ACT ALLOWING COUNTIES TO PROVIDE BUILDING PERMIT FEE REDUCTIONS OR REBATES TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN PRINCIPLES TO ACHIEVE ENERGY PERFORMANCE STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-340 is amended by adding a new subsection to read:

"(i) A county may provide for reductions or partial rebates of building permit fees for buildings to encourage their construction using sustainable design principles and achieving the energy performance standards provided by this subsection. To receive the benefit of the reduction or rebate, the building must be built to:

(1) A Leadership in Energy and Environmental Design (LEED) certification or higher rating as adopted by the U.S. Green Building Council;

(2) A Green Globes USA rating of one globe or higher, as adopted by the Green Building Initiative;

(3) A similar rating to those provided by subdivision (1) or (2) of this subsection by another nationally recognized rating system with equivalent rating; or

(4) The building must exceed the State energy code by at least thirty percent (30%). Achievement of the energy performance standard shall be determined by a qualified licensed engineer, architect, or contractor, not related to the building owner, who shall certify to the reasonable satisfaction of the inspection department that he or she is qualified to provide the certification.

This subsection applies only to counties with a population of 650,000 or over according to the most recent decennial federal census."

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

SENATE BILL 581:
Mecklenburg Building Permit Rebates

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 30, 2007
Introduced by:	Sen. Clodfelter	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition S581-85305-LB-26		Legislative Analyst

SUMMARY: The Proposed Committee Substitute for Senate Bill 581 would allow a county to provide a building permit fee reduction or rebate to encourage construction of buildings that use sustainable design principles to achieve energy performance standards.

BILL ANALYSIS: The Proposed Committee Substitute for Senate Bill 581 amends G.S. 153A-340 to allow counties to provide for reductions or partial rebates of building permit fees to encourage construction using sustainable design principles. The building must be built to the following energy performance standards to receive the benefit of the reduction or rebate:

- A LEED certification or higher rating;
- A Green Globes USA rating of one globe or higher;
- A similar rating by another nationally recognized rating system with equivalent rating; or
- The building must exceed the State energy code by at least 30%, as determined by a qualified licensed engineer, architect, or contractor.

EFFECTIVE DATE: The bill is effective when it becomes law and applies only to counties with a population of 650,000 or more according to the most recent decennial federal census.

BACKGROUND: Developed by the U.S. Green Building Council (USGBC), the Leadership in Energy and Environmental Design (LEED) is a voluntary, national rating system for developing high-performance, sustainable buildings. The USGBC is a network of 75 regional chapters throughout the U.S. and represents every sector of the building industry. LEED addresses all building types including new construction, commercial interiors, core & shell, operations & maintenance, homes, neighborhoods, and specific applications such as retail, multiple buildings/campuses, schools, healthcare, laboratories and lodging.

According to the USGBC, LEED is based on "well-founded scientific standards and emphasizes state of the art strategies for sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality. LEED promotes expertise in green building through a comprehensive system offering project certification, professional accreditation, training and practical resources".

The Green Globes system is a revolutionary green management tool that includes an assessment protocol, rating system and guide for integrating environmentally friendly design into commercial buildings. Once complete, it also facilitates recognition of the project through third-party verification. Designed for use on building projects of any size, the Green Globes system is suitable for everything from large and small offices and multi-family structures, to institutional buildings such as schools,

universities and libraries. The Green Globes suite of tools is used to integrate sustainability goals into new construction, renovations, and entire building portfolios.

The Green Globes environmental assessment and rating system represents more than nine years of research and refinement by a wide range of prominent international organizations and experts. In 2004, the Green Building Initiative (GBI) acquired the rights to distribute Green Globes in the United States. The GBI has committed to continually refining the system to ensure that it reflects changing opinions and ongoing advances in research and technology, and, in so doing, to involve multiple stakeholders in an open and transparent process.

To that end, in 2005, GBI became the first green building organization to be accredited as a standards developer by the American National Standards Institute (ANSI), and began the process of establishing Green Globes as an official ANSI standard.

S0581e1-SMLB-CSLB

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 626

Short Title:	Bertie County Subdivisions.	(Local)
Sponsors:	Senator Jones.	
Referred to:	State & Local Government.	

March 12, 2007

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-335 reads as rewritten:

"**§ 153A-335. "Subdivision" defined.**

(a) For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.

(2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.

(5) The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees) for as long as the use is appropriate under local ordinances. For the purposes

of this subdivision, the term "immediate family" includes only direct lineal descendants (children and grandchildren) and direct lineal ascendants (parents and grandparents). Divisions of land in this category must have access to an established public or private right-of-way or an easement for ingress and egress.

(b) A county may provide for expedited review of specified classes of subdivisions."

SECTION 2. This act applies to Bertie County only.

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

SENATE BILL 626:
Bertie County Subdivisions

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 30, 2007
Introduced by:	Sen. Jones	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY: Senate Bill 626 would add an additional exception to the definition of 'subdivision' for the County of Bertie.

[As introduced, this bill was identical to H836, as introduced by Rep. Mobley, which is currently in House Local Government I.]

CURRENT LAW: G.S. 153A-335 defines a subdivision of land as follows:

"All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets, **EXCEPT** any of the following:

1. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.
2. The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for widening or opening streets.
4. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations."

BILL ANALYSIS: Senate Bill 626 adds the following additional exception to the definition of subdivision included in G.S. 153A-335, but only as it applies in Bertie County:

5. The division of land by any method of transfer from a grantor to a grantee(s) who is a member of the grantor's immediate family, solely for the residential use of the grantee(s) for as long as the use is appropriate under local ordinances. The term "immediate family" shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother). A division of land under this subdivision must have access to an established public or private right of way or an easement of ingress and egress.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: Similar language was enacted for Pitt County in 2004. S.L. 2004-46.

Erika Churchill, counsel to House Local Government I, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 647*

Short Title:	Buncombe Annexation Referendum.	(Local)
Sponsors:	Senator Apodaca.	
Referred to:	State & Local Government.	

March 12, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE IN BUNCOMBE COUNTY FOR REFERENDA ON ANNEXATIONS IF REQUESTED BY RESIDENTS OF THE AREA TO BE ANNEXED, AND TO GENERALLY PROHIBIT SUBDIVISIONS FROM BEING DIVIDED DURING AN INVOLUNTARY ANNEXATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-37(e) reads as rewritten:

"(e) Passage of the Annexation Ordinance. – The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-35 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-35. At any regular or special meeting held no sooner than the tenth day following the public hearing and not later than 90 days following such public hearing, the governing board shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the requirements of G.S. 160A-36 and which the governing board has concluded should be ~~annexed.~~annexed, provided if no later than adjournment of the public hearing, a petition, signed by the owners of twenty percent (20%) of the registered voters in the area proposed to be annexed is received by the city, opposing the annexation, then the annexation ordinance shall become effective only if approved by the voters of the area to be annexed in a referendum conducted under subsection (e1) of this section. Prior to being submitted to the city, the petition must be verified by the board or boards of elections administering elections for that city. The ordinance shall:

(1) Contain specific findings showing that the area to be annexed meets the requirements of G.S. 160A-36. The external boundaries of the area to be annexed shall be described by metes and bounds. In showing the application of G.S. 160A-36(c) and (d) to the area, the governing

board may refer to boundaries set forth on a map of the area and incorporate same by reference as a part of the ordinance.

(2) A statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by G.S. 160A-35.

(3) A specific finding that on the effective date of annexation the municipality will have funds appropriated in sufficient amount to finance construction of any water and sewer lines found necessary in the report required by G.S. 160A-35 to extend the basic water and/or sewer system of the municipality into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue bonds in an amount sufficient to finance such construction. If authority to issue such bonds must be secured from the electorate of the municipality prior to the effective date of annexation, then the effective date of annexation shall be no earlier than the day following the statement of the successful result of the bond election.

(4) Fix the effective date for annexation. The effective date of annexation may be fixed for any date not less than 40 days nor more than 400 days from the date of passage of the ordinance."

SECTION 2. G.S. 160A-37 is amended by adding a new subsection to read:

"(e1) Conduct of Election. – If a referendum is required under subsection (e) of this section, the city council shall order the board or boards of elections which conduct elections for that city to call an election to determine whether or not the proposed territory shall be annexed to the city or town. Within 100 days after receiving the order from the governing body, the county board of elections shall proceed to hold an election on the question.

The election shall be called by a resolution or resolutions of the county board of elections which shall:

(1) Describe the territory proposed to be annexed to the city or town as set out in the order of the local governing body.

(2) Provide that the matter of annexation of the territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed.

(3) Provide for registration of voters in the territory proposed to be annexed for the election in accordance with G.S. 163-288.2.

The resolution shall be published in one or more newspapers of the county once a week for 30 days prior to the closing of the registration books. All costs of holding the election shall be paid by the city or town. Except as herein provided, the election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

In the election, the question on the ballot shall be:

'[ ] FOR [ ] AGAINST
Annexation.'

If a majority of the votes cast from the area proposed for annexation shall be 'For Annexation', the annexation ordinance shall become effective as provided by this Part."

SECTION 3. G.S. 160A-49(e) reads as rewritten:

"(e) Passage of the Annexation Ordinance. – The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-47 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-47, provided that if the annexation report is amended to show additional subsections of G.S.160A-48(c) or (d) under which the annexation qualifies that were not listed in the original report, the city must hold an additional public hearing on the annexation not less than 30 nor more than 90 days after the date the report is amended, and notice of such new hearing shall be given at the first public hearing. At any regular or special meeting held no sooner than the tenth day following the public hearing and not later than 90 days following such public hearing, the governing board shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the requirements of G.S. 160A-48 and which the governing board has concluded should be ~~annexed.~~annexed, provided if no later than adjournment of the public hearing, a petition, signed by the owners of twenty percent (20%) of the registered voters in the area proposed to be annexed is received by the city, opposing the annexation, then the annexation ordinance shall become effective only if approved by the voters of the area to be annexed in a referendum conducted under subsection (e1) of this section. Prior to being submitted to the city, the petition must be verified by the board or boards of elections administering elections for that city. The ordinance shall:

(1) Contain specific findings showing that the area to be annexed meets the requirements of G.S. 160A-48. The external boundaries of the area to be annexed shall be described by metes and bounds. In showing the application of G.S. 160A-48(c) and (d) to the area, the governing board may refer to boundaries set forth on a map of the area and incorporate same by reference as a part of the ordinance.

(2) A statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by G.S. 160A-47.

(3) A specific finding that on the effective date of annexation the municipality will have funds appropriated in sufficient amount to finance construction of any major trunk water mains and sewer outfalls and such water and sewer lines as required in G.S. 160A-47(3)b found necessary in the report required by G.S. 160A-47 to extend the basic water and/or sewer system of the municipality into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue bonds in an amount sufficient to finance such construction. If authority to issue such bonds must be secured from the electorate of the municipality prior to the effective date of annexation, then the effective date of annexation shall be no earlier than the day following the statement of the successful result of the bond election.

(4) Fix the effective date for annexation. The effective date of annexation may be fixed for any date not less than 70 days nor more than 400 days from the date of passage of the ordinance."

SECTION 4. G.S. 160A-49 is amended by adding a new subsection to read:

"(e1) Conduct of Election. – If a referendum is required under subsection (e) of this section, the city council shall order the board or boards of elections which conduct elections for that city to call an election to determine whether or not the proposed territory shall be annexed to the city or town. Within 100 days after receiving the order from the governing body, the county board of elections shall proceed to hold an election on the question.

The election shall be called by a resolution or resolutions of the county board of elections which shall:

(1) Describe the territory proposed to be annexed to the city or town as set out in the order of the local governing body.

(2) Provide that the matter of annexation of the territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed.

(3) Provide for registration of voters in the territory proposed to be annexed for the election in accordance with G.S. 163-288.2.

The resolution shall be published in one or more newspapers of the county once a week for 30 days prior to the closing of the registration books. All costs of holding the election shall be paid by the city or town. Except as herein provided, the election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

In the election, the question on the ballot shall be:

'[ ] FOR [ ] AGAINST

Annexation.'

If a majority of the votes cast from the area proposed for annexation shall be 'For Annexation', the annexation ordinance shall become effective as provided by this Part."

SECTION 5. G.S. 160A-36(b) reads as rewritten:

"(b) The total area to be annexed must meet the following standards:

(1) It must be adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun, except if the entire territory of a county water and sewer district created under G.S. 162A-86(b1) is being annexed, the annexation shall also include any noncontiguous pieces of the district as long as the part of the district with the greatest land area is adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) At least one eighth of the aggregate external boundaries of the area must coincide with the municipal boundary.

(3) No part of the area shall be included within the boundary of another incorporated municipality.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included, excepting:

a. Any part of the subdivision within the boundary of another municipality, and

b. If the subdivision lies in more than one county, only the part within one county need be annexed."

SECTION 6. G.S. 160A-48(b) reads as rewritten:

"(b) The total area to be annexed must meet the following standards:

(1) It must be adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun, except if the entire territory of a county water and sewer district created under G.S. 162A-86(b1) is being annexed, the annexation shall also include any noncontiguous pieces of the district as long as the part of the district with the greatest land area is adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) At least one eighth of the aggregate external boundaries of the area must coincide with the municipal boundary.

(3) No part of the area shall be included within the boundary of another incorporated municipality.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included, excepting:

a. Any part of the subdivision within the boundary of another municipality, and

b. If the subdivision lies in more than one county, only the part within one county need be annexed."

SECTION 7. This act applies in Buncombe County only.

SECTION 8. This act is effective when it becomes law and applies to any annexation ordinance adopted on or after that date.

SENATE BILL 647:
Buncombe Annexation Referendum

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 30, 2007
Introduced by:	Sen. Apodaca	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***This act would authorize Buncombe County to have referenda on the annexation of property, and to prohibit with limitations the partial annexation of a subdivision. The act is effective when it becomes law and applies to any annexation ordinance adopted on or after that date.***

[As introduced, this bill was identical to H86, as introduced by Reps. Thomas, Goforth, which is currently in Rules, Calendar, and Operations of the House.]

BILL ANALYSIS: This act amends the municipal ordinance adoption authority for municipalities of any size, allowing for the annexation of property by

- Requiring a referendum on the annexation if a petition signed by at least twenty percent (20%) of affected property owners opposing the annexation is received by the municipality.
- Prior to submission of the petition, it must be verified by the board or boards of elections administering elections for the municipality.
- Within 100 days of receiving an order from the governing body, the county board of elections shall hold an election on the question. The act includes the requirements for the ballot, and publication times.
- The act also requires that subdivisions must be annexed in their entirety if they fall within the affected area of an annexation, with the following exceptions: any part of the subdivision is within the boundary of another municipality, or if the subdivision lies in more than one county.

EFFECTIVE DATE: The act is effective when it becomes law and applies to any annexation ordinance adopted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 1397

Short Title:	County Landfill Sale/Hold Referendum.	(Public)
Sponsors:	Senators East; Berger of Rockingham, Blake, Goss, and Tillman.	
Referred to:	State & Local Government.	

March 26, 2007

A BILL TO BE ENTITLED

AN ACT REQUIRING A REFERENDUM AND FAVORABLE VOTE OF THE QUALIFIED VOTERS BEFORE THE SALE OF A COUNTY LANDFILL.

The General Assembly of North Carolina enacts:

SECTION 1.(a) No county landfill may be sold unless the sale is approved by the qualified voters of that county.

SECTION 1.(b) The county board of elections shall conduct within the county a referendum on the proposed sale of the county landfill. The referendum shall be held during a regular election. The form of the question to be presented on the ballot shall be as follows:

"[ ] FOR [ ] AGAINST

Sale of the county landfill as follows: (Brief description of proposal)"

If a majority of those voting in the referendum held pursuant to this act vote in favor of the question, the proposed sale may go forward upon certification of the election results. If a majority of those voting in the referendum do not vote in favor of the question, the sale may not proceed.

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

SENATE BILL 1397:
County Landfill Sale/Hold Referendum

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 30, 2007
Introduced by:	Sen. East	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY:

Senate Bill 1397 would require a county to obtain the approval of the voters of the county before selling a county landfill.

CURRENT LAW:

Counties are authorized to regulate by ordinance storage, collection and disposal of solid waste. G.S. 153A-136. Counties may also establish and operate solid waste collection facilities and may use any suitable vacant land owned by the county for the site of a facility, subject to the permit requirements of Article 9 of Chapter 130A. If the county does not own suitable land, it may acquire such land by purchase or condemnation. G.S. 153A-292.

Counties may dispose of its real and personal property under the procedures in Article 12 of Chapter 160A.

BILL ANALYSIS:

Senate Bill 1397 would require a county to hold a referendum and receive a favorable vote of the qualified voters of the county prior to the sale of a county landfill. If the majority of those voting do not vote in favor of the proposed sale, the county may not proceed with the sale. The referendum would be held during a regular election.

EFFECTIVE DATE:

The act is effective when it becomes law.

S1397e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 1538
PROPOSED COMMITTEE SUBSTITUTE S1538-CSRK-24 [v.1]

4/30/2007 9:59:11 AM

Short Title: County Commr. Authority/Boards & Agencies. (Public)

Sponsors:

Referred to:

March 28, 2007

A BILL TO BE ENTITLED

AN ACT TO APPLY STATEWIDE BOARDS OF COUNTY COMMISSIONERS AUTHORITY OVER COMMISSIONS, BOARDS, AND AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-77 reads as rewritten:

"**§ 153A-77. Authority of boards of commissioners ~~in certain counties~~ over commissions, boards, agencies, etc.**

(a) In the exercise of its jurisdiction over commissions, boards and agencies, the board of county commissioners may assume direct control of any activities theretofore conducted by or through any commission, board or agency by the adoption of a resolution assuming and conferring upon the board of county commissioners all powers, responsibilities and duties of any such commission, board or agency. This subsection shall apply to the board of health, the social services board, area mental health, developmental disabilities, and substance abuse area board and any other commission, board or agency appointed by the board of county commissioners or acting under and pursuant to authority of the board of county commissioners of said county. A board of county commissioners exercising the power and authority under this subsection may, notwithstanding G.S. 130A-25, enforce public health rules adopted by the board through the imposition of civil penalties. If a public health rule adopted by a board of county commissioners imposes a civil penalty, the provisions of G.S. 130A-25 making its violation a misdemeanor shall not be applicable to that public health rule unless the rule states that a violation of the rule is a misdemeanor. The board of county commissioners may exercise the power and authority herein conferred only after a public hearing held by said board pursuant to 30 days' notice of said public hearing given in a newspaper having general circulation in said county.

The board of county commissioners may also appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study,

interpret and develop community support and cooperation in activities conducted by or under the authority of the board of county commissioners of said county.

(b) In the exercise of its jurisdiction over commissions, boards, and agencies, the board of county commissioners of a county having a county manager pursuant to G.S. 153A-81 may:

(1) Consolidate the provision of human services in the county under the direct control of a human services director appointed and supervised by the county manager in accordance with subsection (e) of this section;

(2) Create a consolidated human services board having the powers conferred by subsection (c) of this section;

(3) Create a consolidated county human services agency having the authority to carry out the functions of the local health department, the county department of social services, and the area mental health, developmental disabilities, and substance abuse services authority; and

(4) Assign other county human services functions to be performed by the consolidated human services agency under the direction of the human services director, with policy-making authority granted to the consolidated human services board as determined by the board of county commissioners.

(c) A consolidated human services board appointed by the board of county commissioners shall serve as the policy-making, rule-making, and administrative board of the consolidated human services agency. The consolidated human services board shall be composed of no more than 25 members. The composition of the board shall reasonably reflect the population makeup of the county and shall include:

(1) Eight persons who are consumers of human services, public advocates, or family members of clients of the consolidated human services agency, including: one person with mental illness, one person with a developmental disability, one person in recovery from substance abuse, one family member of a person with mental illness, one family member of a person with a developmental disability, one family member of a person with a substance abuse problem, and two consumers of other human services.

(2) Eight persons who are professionals, each with qualifications in one of these categories: one psychologist, one pharmacist, one engineer, one dentist, one optometrist, one veterinarian, one social worker, and one registered nurse.

(3) Two physicians licensed to practice medicine in this State, one of whom shall be a psychiatrist.

(4) One member of the board of county commissioners.

(5) Other persons, including members of the general public representing various occupations.

The board of county commissioners may elect to appoint a member of the consolidated human services board to fill concurrently more than one category of

membership if the member has the qualifications or attributes of more than one category of membership.

All members of the consolidated human services board shall be residents of the county. The members of the board shall serve four-year terms. No member may serve more than two consecutive four-year terms. The county commissioner member shall serve only as long as the member is a county commissioner.

The initial board shall be appointed by the board of county commissioners upon the recommendation of a nominating committee comprised of members of the preconsolidation board of health, social services board, and area mental health, developmental disabilities, and substance abuse services board. In order to establish a uniform staggered term structure for the board, a member may be appointed for less than a four-year term. After the subsequent establishment of the board, its board shall be appointed by the board of county commissioners from nominees presented by the human services board. Vacancies shall be filled for any unexpired portion of a term.

A chairperson shall be elected annually by the members of the consolidated human services board. A majority of the members shall constitute a quorum. A member may be removed from office by the county board of commissioners for (i) commission of a felony or other crime involving moral turpitude; (ii) violation of a State law governing conflict of interest; (iii) violation of a written policy adopted by the county board of commissioners; (iv) habitual failure to attend meetings; (v) conduct that tends to bring the office into disrepute; or (vi) failure to maintain qualifications for appointment required under this subsection. A board member may be removed only after the member has been given written notice of the basis for removal and has had the opportunity to respond.

A member may receive a per diem in an amount established by the county board of commissioners. Reimbursement for subsistence and travel shall be in accordance with a policy set by the county board of commissioners. The board shall meet at least quarterly. The chairperson or three of the members may call a special meeting.

(d) The consolidated human services board shall have authority to:

(1) Set fees for departmental services based upon recommendations of the human services director. Fees set under this subdivision are subject to the same restrictions on amount and scope that would apply if the fees were set by a county board of health, a county board of social services, or a mental health, developmental disabilities, and substance abuse area authority.

(2) Assure compliance with laws related to State and federal programs.

(3) Recommend creation of local human services programs.

(4) Adopt local health regulations and participate in enforcement appeals of local regulations.

(5) Perform regulatory health functions required by State law.

(6) Act as coordinator or agent of the State to the extent required by State or federal law.

(7) Plan and recommend a consolidated human services budget.

(8) Conduct audits and reviews of human services programs, including quality assurance activities, as required by State and federal law or as may otherwise be necessary periodically.
(9) Advise local officials through the county manager.
(10) Perform public relations and advocacy functions.
(11) Protect the public health to the extent required by law.
(12) Perform comprehensive mental health services planning.
(13) Develop dispute resolution procedures for human services contractors and clients and public advocates, subject to applicable State and federal dispute resolution procedures for human services programs, when applicable.

Except as otherwise provided, the consolidated human services board shall have the powers and duties conferred by law upon a board of health, a social services board, and an area mental health, developmental disabilities, and substance abuse services board.

Local employees who serve as staff of a consolidated county human services agency are subject to county personnel policies and ordinances only and are not subject to the provisions of the State Personnel Act.

(e) The human services director of a consolidated county human services agency shall be appointed and dismissed by the county manager with the advice and consent of the consolidated human services board. The human services director shall report directly to the county manager. The human services director shall:

(1) Appoint staff of the consolidated human services agency with the county manager's approval.
(2) Administer State human services programs.
(3) Administer human services programs of the local board of county commissioners.
(4) Act as secretary and staff to the consolidated human services board under the direction of the county manager.
(5) Plan the budget of the consolidated human services agency.
(6) Advise the board of county commissioners through the county manager.
(7) Perform regulatory functions of investigation and enforcement of State and local health regulations, as required by State law.
(8) Act as an agent of and liaison to the State, to the extent required by law.

Except as otherwise provided by law, the human services director or the director's designee shall have the same powers and duties as a social services director, a local health director, and a director of an area mental health, developmental disabilities, and substance abuse services authority.

~~(f) This section applies to counties with a population in excess of 425,000.~~"

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

Anne Misenheimer (Sen. East)

From: Hal Pell (Research)
Sent: Monday, April 30, 2007 9:54 AM
To: Sen. Jean Preston
Cc: Sen. Don East; Anne Misenheimer (Sen. East); Barbara Riley (Research); Theresa Matula (Research); Sara Kamprath (Research); Joe Moore (Research); Sen. Tom Apodaca; Sen. Stan Bingham; Sen. Harry Brown; Sen. Richard Stevens
Subject: S1538 technical correction

Attachments: S1538-CSRK-24-EMAIL.doc



S1538-CSRK-24-EM
AIL.doc (48 KB...

Sen. Preston:

Senate Bill 1538 will be heard in Senate State and Local Government tomorrow. While preparing the summary, I noted that the catch line of the statute that is being amended (G.S. 153A-77) would be incorrect if the bill passes. Attached is a PCS which deletes the words "in certain counties" from the statute title. Unless there is an objection, I will transmit it to the committee and bring it to the meeting. Thank you. Hal

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SENATE BILL 1538:
County Commr. Authority/Boards & Agencies

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 30, 2007
Introduced by:	Sen. Preston	**Summary by:**	Hal Pell
Version:	PCS to First Edition		Committee Co-Counsel

SUMMARY: ***This act would amend the State statute providing for county boards of county commissioners to exercise authority over county agencies by removing the limitation to counties with populations in excess of 425,000. The act is effective when it becomes law.***

CURRENT LAW: The board of county commissioners in counties with populations in excess of 425,000 may assume direct control of any activities conducted through any commission, board, or agency. The board would exercise the authority by the adoption of a resolution assuming and conferring upon the board of county commissioners all powers, responsibilities and duties of any such commission, board or agency. Counties having a county manager may also exercise powers relating to appointment of a human services director, and the creation of a county human services agency and board.

BILL ANALYSIS: This act removes the limitation of the authority expressed in the statute to counties with populations in excess of 425,000.

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

S1538e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 506*

Committee Substitute Favorable 3/29/07

Short Title: Burke Co. Local Agreement. (Local)

Sponsors:

Referred to:

March 7, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of G.S. 115D-15.1(c), G.S. 143-341(3)a., or any other provision of law pertaining to capital improvements, Western Piedmont Community College may enter into an agreement with Burke County to jointly renovate a building owned by Burke County that is located at 2128 South Sterling Street in Morganton. Western Piedmont Community College may use State grant funds for the renovation of the building. The renovated facility shall be known as the Foothills Allied Health and Sciences Higher Education Center.

Burke County shall lease a portion of the facility consisting of college classrooms, office space, and laboratories to Western Piedmont Community College for a period of 40 years. The remainder of the facility consisting of multipurpose space shall be maintained and operated by Burke County.

If at any time Burke County terminates the lease, the county shall reimburse to Western Piedmont Community College a prorated amount of the State grant funds used for the renovation.

SECTION 1.(b) Except for G.S. 143-128.2 and G.S. 143-128.3, the provisions of Article 8 of Chapter 143 of the General Statutes shall not apply to the renovation of the facility.

SECTION 2. This act is effective when it becomes law and expires December 31, 2011.

HOUSE BILL 506:
Burke Co. Local Agreement

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 30, 2007
Introduced by:	Reps. Church, Gillespie	**Summary by:**	Barbara Riley
Version:	Second Edition		Committee Counsel

SUMMARY:

House Bill 506 authorizes Burke County and the Western Piedmont Community College to enter into an agreement to jointly renovate a building owned by Burke County. Western Piedmont may use State grant funds for the renovation of the building. As part of the agreement, the County will lease part of the space to the Community College for use as classrooms, office space, and laboratories. The remainder of the building will be used by the County as multipurpose space. The lease period is to be set at 40 years. If Burke County should terminate the lease, the County shall reimburse the Community College a prorated portion of the grant funds used in the renovation.

The bill also provides that, except for G.S.143-128.2 and G.S. 143-128.3, establishing minority business participation goals, the provisions of Article 8 of Chapter 143 of the General Statutes relating to public contracts shall not apply to the renovation of the facility.

CURRENT LAW:

GS. 115D-15.1(c) provides for the acquisition and construction of property by community colleges.

G.S. 143-341(3)a. authorizes the Department of Administration to approve all plans and specification for the construction and renovation of State buildings, including community college buildings.

Article 8 of Chapter 143 sets out the requirements for building contracts and the bidding procedures for public contracts.

G.S. 1434-128.2 establishes goals for minority business participation in State building projects. G.S. 143-128.3 sets forth the reporting requirements for public entities subject to G.S. 143-128.2, and the administration of the program.

EFFECTIVE DATE:

The act is effective when it becomes law, and expires December 31, 2011.

H0506e1-SMRF

H0506e2-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H **D**

HOUSE BILL 564
PROPOSED SENATE COMMITTEE SUBSTITUTE H564-CSSH-21 [v.4]

4/30/2007 4:10:43 PM

Short Title: Brunswick County ABC Stores Move. (Local)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE IN SUPPLY, AND A STORE IN SUNSET BEACH, TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of S.L. 1991-372, as amended by S.L. 1991-776, as amended by Section 3 of S.L. 2005-305, the Brunswick County Alcoholic Beverage Control Board may close and relocate its current Alcoholic Beverage Control store located at 2567 Holden Beach Road SW in Supply, to a new location within one mile of the current location, and may close and relocate its current Alcoholic Beverage Control store located at 303 Sunset Drive in Sunset Beach, to a new location no more than two miles from its present location, provided that the Brunswick County Alcoholic Beverage Control Board complies with the requirements of Chapter 18B of the General Statutes and receives approval from the North Carolina Alcoholic Beverage Control Commission.

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

HOUSE BILL 564:
Brunswick County ABC Store Move

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 27, 2007
Introduced by:	Reps. Stiller, Hill	**Summary by:**	Theresa Matula
Version:	PCS to First Edition H564-CSSH-21		Committee Staff

SUMMARY: The Proposed Committee Substitute for House Bill 564 allows the Brunswick County Alcoholic Beverage Control Board to move an ABC store in Supply, and an ABC store in Sunset Beach, to a new location within seven (7) miles of another ABC store.

CURRENT LAW:

G.S. 18B-801 pertains to the location, opening, and closing of ABC stores.

G.S. 18-801(a) provides that each local board has the authority and duty to operate one ABC store, and that additional stores may be operated with the approval of the Commission.

G.S. 18-801(b) allows a local board to choose the location of the ABC stores within its jurisdiction, subject to the approval of the Commission.

G.S. 18B-801(c) allows a local board to close, or the Commission may order a local board to close, any store when the local board or the Commission determine that the operation of the store is not sufficiently profitable, the store is not operated in accordance with the ABC law, or the continued operation of the store will adversely affect the health, safety, or general welfare of the community.

S.L. 1991-372, as amended by S.L. 1991-776, as amended by Section 3 of S.L. 2005-305, applies only to Brunswick County and provides that no new ABC store shall be approved that is less than seven miles from the corporate limits of a municipality in which there is an existing ABC store. (S.L. 1991-776 removed an expiration date contained in S.L. 1991-372. S.L. 2005-305 exempted the town of Leland from the Brunswick County provision.)

BILL ANALYSIS:

The Proposed Committee Substitute for House Bill 564 allows the Brunswick County Alcoholic Beverage Control (ABC) Board to close and relocate its current ABC store in Supply, to a new location within one mile of the current location, and allows the relocation of the ABC store in Sunset Beach, to a new location no more than two miles from its present location, and within seven miles of another ABC store in Brunswick County, provided that the Ocean Isle Beach Alcoholic Beverage Control Board complies with the requirements of Chapter 18B of the General Statutes and receives approval from the North Carolina ABC Commission.

The Proposed Committee Substitute makes a technical correction to include Session Law references omitted in the original bill, and includes Sunset Beach

This act becomes effective when it becomes law.

BACKGROUND:

Similar laws have been enacted for Ocean Isle Beach (S.L. 2006-97) and Navassa (S.L. 1993-17).

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 1176
PROPOSED SENATE COMMITTEE SUBSTITUTE H1176-CSRK-20 [v.1]

4/24/2007 9:40:15 AM

Short Title: Tyrrell County Hunting. (Local)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to use a firearm, bow and arrow, or crossbow carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of others. Such reckless use of a weapon includes using a firearm, bow and arrow, or crossbow in a manner that poses a hazard to any person or property or involves the discharge of a firearm, sending a projectile across the property of another.

SECTION 2. It is unlawful to hunt, take, or kill, or to attempt to hunt, take, or kill, any wild animal or wild bird with a firearm, bow and arrow, or crossbow on, from, or across the right-of-way of any State-maintained road, or to discharge any firearm, bow and arrow, or crossbow on, from, or across the right-of-way of any State-maintained road or highway.

SECTION 3. Section 2 of this act does not apply to:

(1) A hunter lawfully recovering dogs so long as all the hunter's weapons remain in a motor vehicle.

(2) A person lawfully engaged in the act of taking bullfrogs with a rimfire weapon.

SECTION 4. It is unlawful for any person to possess a loaded firearm while on the right-of way of any State-maintained road or highway outside the confines of the passenger area of the vehicle.

SECTION 5. It is unlawful for any person to hunt, take, or kill any wild animal or wild bird with a firearm, bow and arrow, crossbow, or dogs, or to possess a loaded firearm outside the confines of the passenger area of the vehicle, on the land of another, without the written permission of the landowner or lessee of the land. The written permission shall be dated and may be valid for no more than one year.

SECTION 6. Section 5 of this act does not apply to:

(1) A person who leases land for the purpose of hunting, while hunting on that leased land.

(2) A member of a hunting club with a current and valid membership card, while hunting on club land.

SECTION 7. Unless a person's conduct is covered under some other provision of law providing greater punishment, a violation of this act is a Class 3 misdemeanor.

SECTION 8. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 9. This act applies only to Tyrrell County.

SECTION 10. This act becomes effective October 1, 2007.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 1538
PROPOSED COMMITTEE SUBSTITUTE S1538-CSRK-24 [v.1]

4/30/2007 9:59:11 AM

Short Title: County Commr. Authority/Boards & Agencies. (Public)

Sponsors:

Referred to:

March 28, 2007

A BILL TO BE ENTITLED

AN ACT TO APPLY STATEWIDE BOARDS OF COUNTY COMMISSIONERS AUTHORITY OVER COMMISSIONS, BOARDS, AND AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-77 reads as rewritten:

"**§ 153A-77. Authority of boards of commissioners ~~in certain counties over~~ commissions, boards, agencies, etc.**

(a) In the exercise of its jurisdiction over commissions, boards and agencies, the board of county commissioners may assume direct control of any activities theretofore conducted by or through any commission, board or agency by the adoption of a resolution assuming and conferring upon the board of county commissioners all powers, responsibilities and duties of any such commission, board or agency. This subsection shall apply to the board of health, the social services board, area mental health, developmental disabilities, and substance abuse area board and any other commission, board or agency appointed by the board of county commissioners or acting under and pursuant to authority of the board of county commissioners of said county. A board of county commissioners exercising the power and authority under this subsection may, notwithstanding G.S. 130A-25, enforce public health rules adopted by the board through the imposition of civil penalties. If a public health rule adopted by a board of county commissioners imposes a civil penalty, the provisions of G.S. 130A-25 making its violation a misdemeanor shall not be applicable to that public health rule unless the rule states that a violation of the rule is a misdemeanor. The board of county commissioners may exercise the power and authority herein conferred only after a public hearing held by said board pursuant to 30 days' notice of said public hearing given in a newspaper having general circulation in said county.

The board of county commissioners may also appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study,

interpret and develop community support and cooperation in activities conducted by or under the authority of the board of county commissioners of said county.

(b) In the exercise of its jurisdiction over commissions, boards, and agencies, the board of county commissioners of a county having a county manager pursuant to G.S. 153A-81 may:

(1) Consolidate the provision of human services in the county under the direct control of a human services director appointed and supervised by the county manager in accordance with subsection (e) of this section;

(2) Create a consolidated human services board having the powers conferred by subsection (c) of this section;

(3) Create a consolidated county human services agency having the authority to carry out the functions of the local health department, the county department of social services, and the area mental health, developmental disabilities, and substance abuse services authority; and

(4) Assign other county human services functions to be performed by the consolidated human services agency under the direction of the human services director, with policy-making authority granted to the consolidated human services board as determined by the board of county commissioners.

(c) A consolidated human services board appointed by the board of county commissioners shall serve as the policy-making, rule-making, and administrative board of the consolidated human services agency. The consolidated human services board shall be composed of no more than 25 members. The composition of the board shall reasonably reflect the population makeup of the county and shall include:

(1) Eight persons who are consumers of human services, public advocates, or family members of clients of the consolidated human services agency, including: one person with mental illness, one person with a developmental disability, one person in recovery from substance abuse, one family member of a person with mental illness, one family member of a person with a developmental disability, one family member of a person with a substance abuse problem, and two consumers of other human services.

(2) Eight persons who are professionals, each with qualifications in one of these categories: one psychologist, one pharmacist, one engineer, one dentist, one optometrist, one veterinarian, one social worker, and one registered nurse.

(3) Two physicians licensed to practice medicine in this State, one of whom shall be a psychiatrist.

(4) One member of the board of county commissioners.

(5) Other persons, including members of the general public representing various occupations.

The board of county commissioners may elect to appoint a member of the consolidated human services board to fill concurrently more than one category of

membership if the member has the qualifications or attributes of more than one category of membership.

All members of the consolidated human services board shall be residents of the county. The members of the board shall serve four-year terms. No member may serve more than two consecutive four-year terms. The county commissioner member shall serve only as long as the member is a county commissioner.

The initial board shall be appointed by the board of county commissioners upon the recommendation of a nominating committee comprised of members of the preconsolidation board of health, social services board, and area mental health, developmental disabilities, and substance abuse services board. In order to establish a uniform staggered term structure for the board, a member may be appointed for less than a four-year term. After the subsequent establishment of the board, its board shall be appointed by the board of county commissioners from nominees presented by the human services board. Vacancies shall be filled for any unexpired portion of a term.

A chairperson shall be elected annually by the members of the consolidated human services board. A majority of the members shall constitute a quorum. A member may be removed from office by the county board of commissioners for (i) commission of a felony or other crime involving moral turpitude; (ii) violation of a State law governing conflict of interest; (iii) violation of a written policy adopted by the county board of commissioners; (iv) habitual failure to attend meetings; (v) conduct that tends to bring the office into disrepute; or (vi) failure to maintain qualifications for appointment required under this subsection. A board member may be removed only after the member has been given written notice of the basis for removal and has had the opportunity to respond.

A member may receive a per diem in an amount established by the county board of commissioners. Reimbursement for subsistence and travel shall be in accordance with a policy set by the county board of commissioners. The board shall meet at least quarterly. The chairperson or three of the members may call a special meeting.

(d) The consolidated human services board shall have authority to:

(1) Set fees for departmental services based upon recommendations of the human services director. Fees set under this subdivision are subject to the same restrictions on amount and scope that would apply if the fees were set by a county board of health, a county board of social services, or a mental health, developmental disabilities, and substance abuse area authority.

(2) Assure compliance with laws related to State and federal programs.

(3) Recommend creation of local human services programs.

(4) Adopt local health regulations and participate in enforcement appeals of local regulations.

(5) Perform regulatory health functions required by State law.

(6) Act as coordinator or agent of the State to the extent required by State or federal law.

(7) Plan and recommend a consolidated human services budget.

(8) Conduct audits and reviews of human services programs, including quality assurance activities, as required by State and federal law or as may otherwise be necessary periodically.
(9) Advise local officials through the county manager.
(10) Perform public relations and advocacy functions.
(11) Protect the public health to the extent required by law.
(12) Perform comprehensive mental health services planning.
(13) Develop dispute resolution procedures for human services contractors and clients and public advocates, subject to applicable State and federal dispute resolution procedures for human services programs, when applicable.

Except as otherwise provided, the consolidated human services board shall have the powers and duties conferred by law upon a board of health, a social services board, and an area mental health, developmental disabilities, and substance abuse services board.

Local employees who serve as staff of a consolidated county human services agency are subject to county personnel policies and ordinances only and are not subject to the provisions of the State Personnel Act.

(e) The human services director of a consolidated county human services agency shall be appointed and dismissed by the county manager with the advice and consent of the consolidated human services board. The human services director shall report directly to the county manager. The human services director shall:

(1) Appoint staff of the consolidated human services agency with the county manager's approval.
(2) Administer State human services programs.
(3) Administer human services programs of the local board of county commissioners.
(4) Act as secretary and staff to the consolidated human services board under the direction of the county manager.
(5) Plan the budget of the consolidated human services agency.
(6) Advise the board of county commissioners through the county manager.
(7) Perform regulatory functions of investigation and enforcement of State and local health regulations, as required by State law.
(8) Act as an agent of and liaison to the State, to the extent required by law.

Except as otherwise provided by law, the human services director or the director's designee shall have the same powers and duties as a social services director, a local health director, and a director of an area mental health, developmental disabilities, and substance abuse services authority.

~~(f) This section applies to counties with a population in excess of 425,000.~~"

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

HOUSE BILL 1176:
Tyrrell County Hunting

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	April 30, 2007
Introduced by:	Rep. Owens	**Summary by:**	Hal Pell
Version:	PCS to First Edition		Committee Co-Counsel

SUMMARY: ***House Bill 1176 prohibits the reckless use of weapons in Tyrell County, prohibits roadhunting in the County, and requires written permission of the landowner in order to hunt on the land of another. The act becomes effective October 1, 2007.***

BILL ANALYSIS:

Section 1: Provides that it is unlawful in Tyrell County to recklessly discharge a firearm, bow and arrow, or crossbow. Reckless behavior is defined to include the use of such weapons in a manner that poses a hazard to any person or property or involves the discharge of a firearm across the property of another.

Section 2: Prohibits both hunting and the discharge of a weapon from, on, or across the right-of-way of a State maintained road.

Section 3: The provisions of Section 2 do not apply to someone recovering dogs as long as the hunter's weapons remain in the motor vehicle or to someone shooting bullfrogs with a .22.

Section 4: Makes it unlawful for any person to possess a loaded firearm while on the right of way of a State maintained road outside the confines of the passenger area of a motor vehicle.

Section 5: Makes it unlawful for a person to hunt on the land of another, or possess a loaded firearm outside the confines of the passenger area of a motor vehicle, without the written permission of the landowner or lessee of the land. The written permission must be dated and shall be valid for no more than one year. Exceptions are provided to the written permission requirement for the lessee of land for the purpose of hunting and members of a hunting club with a current and valid membership card while hunting on club land.

The act applies only to Tyrrell County.

Violation of the act is a Class 3 misdemeanor, unless the person's conduct is covered under some other provision of State law providing greater punishment.

The act is enforceable by wildlife officers, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction.

EFFECTIVE DATE:

The act becomes effective October 1, 2007.

Summary contribution by Barbara Riley, Staff Attorney.

H1176e1-SMRK

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

CORRECTED REPORT

Tuesday, May 01, 2007

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

FAVORABLE

S.B. **513** Wilmington Council/Mayor Pro Tem.
Sequential Referral: None
Recommended Referral: None

S.B. **626** Bertie County Subdivisions.
Sequential Referral: None
Recommended Referral: None

H.B. **506** Burke Co. Local Agreement.
Sequential Referral: None
Recommended Referral: None

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

S.B. **581** Mecklenburg Building Permit Rebates.
Draft Number: PCS 85305
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, May 02, 2007

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

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

S.B. **473** Stanly/No Hunting on Private Property.

Draft Number:	PCS 55439
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **1538** County Commr. Authority/Boards & Agencies.

Draft Number:	PCS 75395
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

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

H.B. **564** Brunswick County ABC Store Move.

Draft Number:	PCS 70491
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, May 1, 2007 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on May 1, 2007 in Room 1124 of the Legislative Building. Seventeen members of the committee were present. Senator Graham calls committee meeting to order.

The first order of business was the chair extend the courtesy to Sen. Kinnaird who stated that Rep. Insko will be explaining SB488 (Carrboro Campaign Regulation.). Senator Berger asked the question will the bill require every contribution to be reported? Yes. Follow-up, if and individual contribute a small amount do they remain anonymous? Concern about these individuals and retribution or reservations. Senator Brunstetter made the observation – statewide finance campaign law – start allowing local to opt out of change – will get more confusing. Gerry Cohen explains that this is the only town that has bill like this. Senator Stevens asked what is the lowest number we can go? Senator Smith observed – conformity of laws – each town deciding what there election laws are going to be. Rep. Insko asked that the bill be removed and re-calendared until the Mayor and others have had time to review the questions and concerns brought up in the meeting. Senator Graham asked that the bill be displaced.

Senator Graham indicated that the agenda will be followed as outlined and SB647 will not be heard.

SB473 (Stanly/No Hunting on Private Property.) was the next bill by Senator Purcell. Senator Graham asked for motion to adopt the proposed committee substitute. Senator Clodfelter motioned for the proposed committee substitute to be adopted and Senator Malone seconded. Senator Purcell suggested an amendment be adopted – deleting the word "shall" and substituting the word "may". Senator Albertson moved to adopt the amendment and Senator Malone seconded. Senator Smith asked the question – " How many counties have a bill like this"? The question was referred to staff. Senator Apodaca moved for a favorable report for the proposed committee substitute and Senator Berger seconded. Favorable to the proposed committee substitute as amended but unfavorable as to the original bill.

SB513 (Wilmington Council/Mayor Pro Tem.) was the next bill to be heard by Senator Boseman. Senator Clodfelter moved for a favorable report and Senator Albertson seconded.

SB532 (Columbus County Precincts.) heard by Senator Soles. Senator Clodfelter motioned for a favorable report and Senator Jones seconded.

SB581 (Mecklenburg Building Permit Rebates.) heard by Senator Clodfelter. Senator Graham asked for a motion to adopt the proposed committee substitute. Senator East

motioned to adopt the proposed committee substitute and Senator Malone seconded. Senator Dorsett moved for a favorable report and Senator Malone seconded. Favorable to the proposed committee substitute but unfavorable as to the original bill.

SB626 (Bertie County Subdivision.) Senator Jones bill. Senator Soles moved for favorable report and seconded by Senator Apodaca. Senator Berger – was curious if the county commissioners were in favor of bill. Yes. Follow-up, couldn't the city ordinances do the same thing? No.

SB1397 (County Landfill Sale/Hold Referendum.) was next on the agenda to be heard by Senator East. Senator Soles moved for a favorable report. Senator Graham accepted questions – Can county commissioners sell the courthouse? Senator Stevens – is this a statewide bill? How do you define landfill? Current landfill, closed landfill? Senator Brunstetter – not sure we're headed in the right direction. Senator East asked that the bill be displaced until next week. Senator Graham stated the bill will be displaced until the next meeting.

SB1538 (County Commr. Authority/Boards & Agencies.) was heard by Senator Preston. Hal Pell indicated that there was a technical correction on Page 1 and Line 6 it was last a minute change and the reason for the proposed committee substitute. Senator Graham asked that there be a motion to suspend the rule. Senator Clodfelter motioned to suspend rule and adopt the proposed committee substitute, Senator Apodaca seconded. Favorable to the proposed committee substitute but unfavorable as to the original bill.

HB506 (Burke Co. Local Agreement.) was the next bill to be heard by Rep. Gillespie. Senator Apodaca moved for a favorable report and Senator Jones seconded.

HB564 (Brunswick County ABC Store Move.) by Rep. Stiller. Senator Graham asked for a motion to adopt the proposed committee substitute. Senator Apodaca moved to adopt the PCS and Senator Malone seconded. Senator Berger moved for a favorable report to the proposed committee substitute and Senator Dorsett seconded.

HB1176 (Tyrrell County Hunting.) Rep. Owens is not present.

Senator Graham adjourned the meeting at 12:50.

Senator Malcolm Graham, Presiding

Anita Flintall, Committee Assistant

VISITOR REGISTRATION SHEET

State & Local Government — May 1, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amy Fullbright	Hunton & Williams
Nancy Thompson	Duke Energy
Judy McConnell	LOG
Andy Munn	REBIC
Kim [illegible]	[illegible]
Dick Hamilton	NCWRC
Gordon Myers	NCWRC
Bitsy Bailey	PENC
Suzanne Ashburn	NCGA
Ellis Hankins	NC Ln
Chrystal Medlin	w/ Senator Boseman

VISITOR REGISTRATION SHEET

State & Local Government — **Name of Committee**

May 1, 2007 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Blackburn	NC Association of County Commissioners
Tracy Kimbrell	Parker Poe
Bill Schrum	Republic Services

VISITOR REGISTRATION SHEET

State & Local Government — May 1, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Bennett	NCACDSS
Dorothy Cilenti	NC Assoc of Local Health Directors
Susan Osborne	NC Assoc of Co. Directors of Social Services
Jan Templeton	Surry County
RJ Rudy Hasty	Surry County
JERRY COHEN	Bill Bost Jr.
BILL SCOGGIN	KC
BRUCE THOMPSON	PARKER POE
Heather K Gates	NC Assoc of Local Health Dir. & NCPHA
Henry Jones	Jordan Price
Bob Sherman	NCFA

VISITOR REGISTRATION SHEET

State & Local Government — May 1, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Sutton	Fox-Vee
Zeb Alley	Nelson Mullins
Kenneth Everhart	NCWRC
RICHARD HAMILTON	NCWRC
GORDON MYERS	NCWRC
Anita Watkins	NCLM
Beau Mills	NC Metro Coalition
Erin Kinsey	NC Conservation Network
Christa Wagner	NC Sierra Club

Principal Clerk ____
Reading Clerk ____

AMENDED NOTICE: SB 403 HAS BEEN ADDED

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	May 8, 2007	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 383	Wake School Board Elections.	Senator Hunt
SB 403	Charlotte/Water & Sewer Facilities.	Senator Clodfelter
SB 426	Ayden/Junked Vehicles.	Senator Jenkins
SB 427	Ayden Unfit Dwellings.	Senator Jenkins
SB 434	Cherokee County Construction.	Senator Snow
SB 436	Cleveland School Board Terms.	Senator Dalton
SB 444	Alternate Budget Origination.	Senator Rand
SB 464	ATV Use/Carteret County Towns.	Senator Preston
SB 488	Carrboro Campaign Regulation.	Senator Kinnaird
SB 530	Raleigh/Contracts Exemption.	Senator Cowell
SB 1271	Firefighter/EMS Payroll Deductions.	Senator Snow
SB 1383	Allow Cyclists to Use Public Lands.	Senator Jenkins
SB 1397	County Landfill Sale/Hold Referendum.	Senator East
HB 1145	Town of Columbia/Loiter for Drugs.	Representative Owens, Jr.

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, May 8, 2007, 12:00 Noon
1124 LB
Senator East, Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 383	Wake School Board Elections.	Senator Hunt
SB 403	Charlotte/Water & Sewer Facilities.	Senator Clodfelter
SB 426	Ayden/Junked Vehicles.	Senator Jenkins
SB 427	Ayden Unfit Dwellings.	Senator Jenkins
HB 443	Cherokee County Construction.	Representative West
SB 444	Alternate Budget Origination.	Senator Rand
SB 488	Carrboro Campaign Regulation.	Senator Kinnaird
SB 530	Raleigh/Contracts Exemption.	Senator Cowell
SB 1271	Firefighter/EMS Payroll Deductions.	Senator Snow
SB 1383	Allow Cyclists to Use Public Lands.	Senator Jenkins
HB 1145	Town of Columbia/Loiter for Drugs.	Representative Owens, Jr.

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 383
PROPOSED COMMITTEE SUBSTITUTE S383-CSRK-28 [v.1]

5/4/2007 10:39:38 AM

Short Title: Wake School Board Elections. (Local)

Sponsors:

Referred to:

February 28, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION AT-LARGE, AND TO MOVE THOSE ELECTIONS TO THE EVEN-NUMBERED YEAR, TO BE ELECTED IN NOVEMBER ON A PLURALITY BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of Chapter 717, Session Laws of 1975, as rewritten by Chapter 742 of the 1981 Session Laws, is repealed. On or before January 1, 2008, the county commissioners shall establish five voting districts, numbered one through five, for the purpose of nominating and electing a school board member from each district. These districts shall be established combining contiguous voting precincts in such a manner as to divide the county into five school board voting districts having, as nearly as may be possible, an equal number of registered voters in each district. The office of Wake County Board of Elections shall provide administrative staff and assistance to the county commissioners in establishing the aforesaid school board voting districts.

SECTION 2. Section 7 of Chapter 717, Session Laws of 1975, as amended by Sections 2 and 3 of Chapter 321, Session Laws of 1977, and as rewritten by Section 3 of Chapter 742 of the 1981 Session Laws, reads as rewritten:

"Sec. 7.(a) In ~~1981,~~ 2008 and biennially thereafter, members of the Wake County Board of Education shall be elected by the nonpartisan ~~election and runoff~~ plurality election method in accordance with ~~G.S. 163-279(a)(4), G.S. 163-293, and G.S.~~ G.S. 163-279(a)(1), 163-292, and 163-294.2. ~~163-294.2, except that only persons who are registered to vote in the district shall be permitted to file a notice of candidacy for election in that district. Such election shall be governed by the provisions of Chapter 163 of the General Statutes.~~

(b) ~~The qualified voters of each district shall elect a person who resides in that district for the seat apportioned to that district. Only the qualified voters of the district~~

~~may vote in that election.~~ Board Composition. The board shall be composed of nine members, as follows: five members, each elected from within their district of residence, and four members elected at-large.

(b)(1) District Representative. The qualified voters of each district shall elect a person who resides in that district for the seat apportioned to that district. Only the qualified voters of the district may vote in that election.

(b)(2) At-Large Representative. The qualified voters of the entire county shall elect all members of the board at-large."

SECTION 3. Section 6 of Chapter 717, Session Laws of 1975, as amended by Section 1 of Chapter 321, Session Laws of 1977, and as rewritten by Section 3 of Chapter 742 of the 1981 Session Laws, reads as rewritten:

"Sec. 6. All terms of office of members of the Wake County Board of Education shall begin on the first Monday in December following their election. ~~Districts 1, 2, 7, and 9 shall elect a member in 1981.~~ Four members shall be elected in 2010 and quadrennially thereafter for a four-year term. ~~Districts 3, 4, 5, 6, and 8 shall elect a member in 1981 for a two-year term and in 1983.~~ Five members shall be elected in 2008 and quadrennially thereafter for a four-year term."

SECTION 4. The county commission shall appoint five of the existing members to the five district positions. Only members living within a voting district may be appointed to represent that district. The county commission shall appoint the four remaining existing members to the at-large positions. The appointments shall occur when this act becomes law.

The terms of office of members of the Wake County Board of Education appointed to the district positions shall expire on the first Monday in December of 2008. The terms of office of members of the Wake County Board of Education appointed to the at-large positions shall expire on the first Monday in December of 2010.

SECTION 5. Section 5 of Chapter 717, Session Laws of 1975, as rewritten by Chapter 742 of the 1981 Session Laws, is repealed. When a vacancy is filled for terms expiring in 2008 and 2010, the replacement member must reside in the district from which the vacating member had been elected in 2003 or 2005.

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

SENATE BILL 383:
Wake School Board Elections

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 7, 2007
Introduced by:	Sen. Hunt	**Summary by:**	Hal Pell
Version:	PCS to First Edition		Committee Co-Counsel

SUMMARY: ***The act authorizes the Wake County Board of Commissioners to establish five voting districts for the election of nine members of the Wake County Board of Education through a nonpartisan, plurality election method, as follows: one member from each district every four years, beginning in 2008, and four members from the county at-large every four years, beginning in 2010. The act is effective when it becomes law.***

BILL ANALYSIS:

Section 1: Requires the Wake County Commissioners to establish five districts [currently nine districts] for the election of members to the county board of education. The districts are to have, as nearly as possible, an equal number of registered voters. One member is to be elected from each district.

Section 2: Establishes the election method as the nonpartisan plurality method [currently nonpartisan election and runoff method]. The Board is to consist of nine members: qualified voters in each district to elect a member who is a resident of the district; and qualified voters of the county to elect four, at-large members.

Section 3: Provides that the district members are to be elected in 2008, and every four years thereafter, and the at-large members are to be elected in 2010, and every four years thereafter.

Section 4: Requires the county commissioners to appoint, when the act becomes effective, the nine existing members of the board as follows: one to each district, with the requirement that each reside in the respective district of appointment, and the remaining four to be at-large. The district members' terms expire on the first Monday in December, 2008. The at-large members' terms expire on the first Monday of December, 2010.

Section 5: Requires that any member appointed to fill a vacancy of a member appointed under the act must reside in the district from which the vacating member had been elected in 2003 or 2005.

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

S0383e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 403
PROPOSED COMMITTEE SUBSTITUTE S403-CSRF-36 [v.2]

5/7/2007 2:10:44 PM

Short Title: Charlotte/Water & Sewer Facilities. (Local)

Sponsors:

Referred to:

February 28, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Charlotte may contract for the design and construction or design, construction, and operation of water treatment and wastewater treatment plant projects for the purpose of providing services throughout Mecklenburg County without being subject to the requirements of G.S. 143-128, G.S. 143-129, G.S. 143-131, G.S. 143-132, G.S. 143-64.31, and G.S. 143-64.32. The authorization includes, if deemed appropriate by the Charlotte City Council, the use of the single-prime contractor method of design and construction, the design-build or design-build-operate method of construction, or a request for proposals and negotiation as an alternative design and construction method.

SECTION 2. The City of Charlotte shall request proposals from and interview at least three design-build teams, or design-build-operate teams, as appropriate, that have submitted proposals for a water treatment plant or wastewater treatment project. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, then the City may proceed with the proposals received. The Council shall award the contract to the best qualified contractor, taking into account the time of completion of the project, the capital and operation and maintenance cost of the project, the technical merits of the proposal including but not limited to reliability and protection of the environment, and any other factors and information set forth in the request for proposals that the City determines to have a material bearing on the ability to evaluate any proposal.

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

SENATE BILL 403:
Charlotte/Water & Sewer Facilities

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 7, 2007
Introduced by:	Sen. Clodfelter	**Summary by:**	Barbara Riley
Version:	PCS to First Edition S403-CSRF-35		Committee Counsel

SUMMARY:

The proposed committee substitute for Senate Bill 403 authorizes the City to use the single-prime contractor method of design and construction, the design-build or design-build-operate method of construction, or a request for proposals and negotiation as alternative design and construction methods for the design, construction, and operation of water treatment and wastewater treatment plant projects

CURRENT LAW:

Article 8 of Chapter 143 of the General Statutes sets out the provisions for the bidding and award of contracts by State and local governments. Such contracts generally are bid separately for each subdivision of work (See Background, below).

BILL ANALYSIS:

Senate Bill 403 gives the City of Charlotte the authority to choose between a number of options for contracting for the design, construction, and operation of water treatment and wastewater treatment plants to serve Mecklenburg County. The alternative methods include the single prime contractor method of construction, the design-build or design-build-operate method of construction, and requests or proposals and negotiation. The bill requires that the City request proposals from and interview at least 3 design-build or design-build-operate teams before awarding the contract. If the project has been publicly advertised for at least 30 days and the City has not received at least 3 proposals, it may proceed with the proposals it has received. The contract is to be awarded to the best qualified contractor taking into consideration factors such as the time to completion, capital, operational, and maintenance costs, technical merits, and other factors.

EFFECTIVE DATE:

The act is effective when it becomes law.

BACKGROUND:

In general, contracts entered into or awarded by the State, local governments, and or other public bodies require that the bids be prepared to allow for separate and independent bidding for each subdivision of work, including design stages (architectural and engineering), building stages (heating, ventilating, and air conditioning; plumbing; electrical; and general contracting), and in some cases the operation of the facility. The contracts are normally awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and time specified in the bids for performance of the contract. The advantages of traditional contracting are that it seeks to identify the lowest cost provision of services for government projects, promote accountability, and bring legitimacy to governmental decisions. In certain contracting situations, the General Assembly has authorized exemptions from the competitive bidding requirements, including emergency situations, change order work, guaranteed energy savings contracts, construction management at risk, Previously bid or "piggybacking" contracts, use of unit's own permanent work force (force account work), and purchases of goods and services from

nonprofit work centers for the blind and severely disabled. [1]The General Assembly has also authorized the limited issuance of design-build contracts for the Board of Transportation, certain local school construction projects, and other specific public construction projects (airports, convention centers, etc.).

Under the design, build, and operate approach, a single contract is awarded for the design, construction, *and operation* of a capital improvement. Advantages to the design/build/operate approach are that it seeks to create a single point of responsibility for design, construction, and operation; expedite project completion by facilitating the overlap of the design and construction phases of the project; and promote cost efficiencies through economies of scale, time savings, and innovative design.

Cindy Avrete, counsel to Senate Finance, substantially contributed to this summary.

S0403e1-SMRF-CSRF-35

[1] Bluestein, Frayda. *A Legal Guide to Purchasing and Contracting for North Carolina Local Governments.* School of Government, UNC Chapel Hill (2004).

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 426*
PROPOSED COMMITTEE SUBSTITUTE S426-CSRJ-17 [v.1]

5/7/2007 12:40:25 PM

Short Title: Ayden/Junked Vehicles. (Local)

Sponsors:

Referred to:

March 1, 2007

A BILL TO BE ENTITLED

AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AYDEN, CORNELIUS, DAVIDSON, HUNTERSVILLE, AND SPRING LAKE AND THE CITIES OF EDEN, GREENSBORO, HIGH POINT, AND REIDSVILLE.

The General Assembly of North Carolina enacts:

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

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

(1) Is partially dismantled or wrecked; or

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

(3) **(applicable to most localities)** Is more than five years old and worth less than one hundred dollars ($100.00);

(3a) Is more than five years old and worth less than five hundred dollars ($500.00); this subdivision applies only to the Cities of Belmont, Bessemer City, Cherryville, Eden, Gastonia, Greensboro, ~~Henderson and Mount Holly;~~ Henderson, High Point, Mount Holly, Reidsville, and the Towns of Ahoskie, Ayden, Cornelius, Cramerton, Dallas, Davidson, Farmville, Huntersville, LaGrange, Matthews, Mint Hill, Louisburg, ~~and Stanley~~ Stanley, and Spring Lake; or

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

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

"(a) A municipality may by ordinance regulate, restrain or prohibit the abandonment of junked motor vehicles on public grounds and on private property within the municipality's ordinance-making jurisdiction upon a finding that such regulation, restraint or prohibition is necessary and desirable to promote or enhance community, neighborhood or area appearance, and may enforce any such ordinance by removing or disposing of junked motor vehicles subject to the ordinance according to

the procedures prescribed in this section. The authority granted by this section shall be supplemental to any other authority conferred upon municipalities. Nothing in this section shall be construed to authorize a municipality to require the removal or disposal of a motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in G.S. 136-143.

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

(1) Is partially dismantled or wrecked; or

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

(3) **(applicable to most localities)** Is more than five years old and appears to be worth less than one hundred dollars ($100.00); [or]

(4) Is more than five years old and appears to be worth less than five hundred dollars ($500.00). This subdivision applies only to the Cities of Belmont, Bessemer City, Cherryville, Eden, ~~Gastonia and Mount Holly,~~ Gastonia, Greensboro, High Point, Mount Holly, and Reidsville, and the Towns of Ahoskie, Ayden, Cornelius, Cramerton, Dallas, Davidson, Farmville, Huntersville, LaGrange, Mint Hill, Louisburg, ~~and Stanley.~~ Stanley, and Spring Lake."

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

SENATE BILL 426:
Ayden/Junked Vehicles

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 7, 2007
Introduced by:	Sen. Jenkins	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition S426-CSRJ-17[v.1]		Legislative Analyst

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 426 adds the Towns of Ayden, Cornelius, Davidson, Huntersville, and Spring Lake and the Cities of Eden, Greensboro, High Point and Reidsville to those municipalities who have amended the definition of "junked motor vehicle" from one that is more than 5 years old and worth less than $100 to a vehicle that is more than 5 years old and worth less than $500.***

[As introduced, this bill was identical to H509, as introduced by Rep. McLawhorn, which is currently in Senate State & Local Government.]

CURRENT LAW:

G.S. 160A-303 allows a city to prohibit by ordinance the abandonment of motor vehicles on public streets or on public or private property within the city, and provides that city may enforce the ordinance by removing and disposing of junked or abandoned motor vehicles according to prescribed procedures. Any junked or abandoned motor vehicle found to be in violation of an ordinance adopted under the section may be removed, but no such vehicle may be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the council or a duly authorized city official or employee has declared it to be a health or safety hazard.

G.S. 160A-303.2 allows a municipality by ordinance to regulate junked motor vehicles on public grounds and on private property upon a finding that such regulation 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. Vehicles found in violation of the ordinance may be removed, but not 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.

EFFECTIVE DATE:

The act is effective when it becomes law.

S0426e1-SMRJ-CSRJ-17[v.1]

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 427*
PROPOSED COMMITTEE SUBSTITUTE S427-CSRF-35 [v.3]

5/7/2007 11:43:22 AM

Short Title: Ayden Unfit Dwellings. (Local)

Sponsors:

Referred to:

March 1, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWNS OF AYDEN AND BURGAW TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-443(5b) reads as rewritten:

"(5b) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality other than municipalities with a population in excess of 190,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~six months pursuant to the ordinance or order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a., and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~six months pursuant to the ordinance or after such proceedings have commenced,

then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the

dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing body may, after the expiration of such ~~one year~~six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

~~This subdivision applies to the Cities of Eden, Lumberton, Roanoke Rapids, and Whiteville, to the municipalities in Lee County, and the Towns of Bethel, Farmville, Newport, and Waynesville only.~~"

SECTION 2. This act applies to the Town of Ayden and the Town of Burgaw only.

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

SENATE BILL 427:
Ayden Unfit Dwellings

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 7, 2007
Introduced by:	Sen. Jenkins	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition S427-CSRF-35 [v.1]		Committee Analyst

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 427 would allow the Towns of Ayden and Burgaw to enact an ordinance requiring the repair or demolition of an abandoned dwelling as soon as 6 months after the dwelling has been vacated and closed.***

[As introduced, this bill was identical to H510, as introduced by Rep. McLawhorn, which is currently in Senate State & Local Government.]

CURRENT LAW:

Under current law, there is a one year waiting period before the Towns of Ayden and Burgaw may order the repair or demolition of an abandoned building. At the end of the year, the Town may enact an ordinance requiring the owner to repair or demolish the building, if the costs of repair would not exceed 50% of the dwelling's value. If the cost of the repairs would exceed 50% of the building's value, the ordinance shall require that the dwelling be demolished. G.S. 160A-443.

EFFECTIVE DATE:

The act is effective when it becomes law.

BACKGROUND:

Similar authority has been granted to a number of municipalities including Greenville, Cary, Bethel and Newport.

S0427e1-SMRJ-CSRF-35 [v.1]

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 5/8/07

S. B. No. 427 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE YES

Rep.)
Sen.) Clodfelter

1 moves to amend the bill on page 1, line ~~21~~ 21-22
2 ( ) WHICH CHANGES THE TITLE
3 by rewriting that line to read
4 " such dwelling vacated and closed for a
5 period of one year pursuant to the
6 ordinance or after such proceedings "
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 1383
PROPOSED COMMITTEE SUBSTITUTE S1383-CSRF-37 [v.3]

5/8/2007 10:20:46 AM

Short Title: Allow Cyclists to Use Public Lands. (Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASES OR MANAGES LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD BE DETRIMENTAL TO THE CYCLIST, OTHER INDIVIDUALS, OR THE ENVIRONMENT.

The General Assembly of North Carolina enacts:

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

"**§ 20-171.3. Land available for bicycling.**

(a) Any land held in fee simple by this State, any agency of this State, or any land purchased, leased, or managed with funds provided by this State, shall be open and available for use by bicyclists. There is no requirement under this section that any special trails, paths, or other accommodations be created, maintained, or made available to any user of the land for cycling purposes. However, nothing contained herein shall prevent any local cycling organization from offering to create and maintain special trails for cycling purposes. Any trails created by a cycling organization for the express purpose of off-road cycling shall be constructed according to guidelines established by a nationally recognized mountain biking organization.

(b) Any land made open and available for bicyclist use by subsection (a) of this section may be restricted or removed from use if it is determined by the State, an agency of the State, or the holder of land purchased, leased, or managed with State funds, that such use would constitute a hazard to the health and welfare of the cyclist, any other individual, or the environment, or that such use would violate another State law or a federal law. The duty is on the State, an agency of the State, or the holder of land purchased, leased or managed with State funds to show cause why the lands should not

be open for use by bicyclists. Before restricting the use of bicycles on any land purchased, leased, or managed with State funds, local cycling advocacy organizations shall be given an opportunity to show cause why cycling should be allowed on the lands. The Division of Bicycle and Pedestrian Transportation, of the Department of Transportation, shall keep a record of all such lands made open and available for use, by bicyclists, by this section and publish the information to the public upon request.

(c) Any person operating a bicycle, as defined under this Part, on land made open and available for use by bicyclists under subsection (a) of this section shall wear a protective bicycle helmet securely fastened upon the head with the straps of the helmet. The operation of a bicycle on land made open and available by subsection (a) of this section shall occur only between sunrise and sunset. Special events that occur outside of these hours shall be allowed provided that the holder of the land is notified at least twenty-four hours in advance of the date and time of the event. A violation of this subsection is an infraction punishable by a fine of one hundred dollars ($100.00)."

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, any use of bicycles on game lands administered by the Wildlife Resources Commission shall be restricted to roads and trails designated for vehicular use. Bicycle use by persons not hunting shall be restricted to days closed to hunting. The Wildlife Resources Commission may restrict the use of bicycles on game lands where necessary to protect sensitive wildlife habitat or species.

SECTION 2. This act becomes effective January 1, 2008. Upon passage of this act and prior to its effective date, the State, an agency of this State, or a holder of land purchased, leased, or managed with State funds, shall determine if the land should be restricted or removed from availability and use and provide to, in writing, the Division of Bicycle and Pedestrian Transportation any reasons to support the decision.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 444
PROPOSED COMMITTEE SUBSTITUTE S444-CSRJ-16 [v.1]

5/4/2007 2:00:01 PM

Short Title: Alternate Budget Origination. (Public)

Sponsors:

Referred to:

March 1, 2007

A BILL TO BE ENTITLED

AN ACT TO CODIFY THE PRACTICE OF ALTERNATING BETWEEN THE HOUSES EACH BIENNIUM ORIGINATION OF THE CURRENT OPERATIONS APPROPRIATIONS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-13 reads as rewritten:

"**§ 143-13. Printing copies of budget report and bills and rules for the introduction and origination of the same.**

The Director shall cause to be printed one thousand copies each of the budget report, the Current Operations Appropriations Bill, Capital Improvement Appropriations Bill, and the Budget Revenue Bill. The Governor shall present copies thereof to the General Assembly, together with the biennial message, except incoming Governors may, at the first session of the General Assembly in their respective terms, submit the same after the biennial message has been presented to the General Assembly. The Current Operations Appropriations Bill and the Capital Improvement Appropriations Bill shall be introduced by the chairman of the committee on appropriations in each house of the General Assembly, and the Budget Revenue Bill shall be introduced by the chairmen of the finance committees in each branch of the General Assembly: Provided, that for the years in which the Governor is elected, other than when a Governor is elected for a second successive term the Director shall deliver the budget report and the Current Operations Appropriations Bill and the Capital Improvement Appropriations Bill and the Budget Revenue Bill to the Governor-elect, on or before the fifteenth day of December, and the said budget report, Appropriations, and Revenue Bills, shall be presented by the Governor to the General Assembly with such recommendations in the way of amendments, or other modifications, together with such criticism as he may determine. For the 2007-2009 biennium, the House of Representatives shall originate the Current Operations Appropriations Bill and a bill in the second year of the biennium to make general revisions in that act. Origination of the bill shall alternate between the

two houses each biennium thereafter. The provisions herein contained as to the introduction of the bills mentioned in this section shall be considered and treated as a rule of procedure in the Senate and House of Representatives until otherwise expressly provided for by a rule in either, or both, of said branches of the General Assembly."

SECTION 2. Effective July 1, 2007, G.S. 143C-5-2 reads as rewritten:

"**§ 143C-5-2. Order of appropriations bills.**

(a) Each house of the General Assembly shall first pass its version of the Current Operations Appropriations Act on third reading and order it sent to the other chamber before placing any other appropriations bill on the calendar for second reading. This section does not apply to the following bills:

(1) An appropriations bill to respond to a disaster as defined by G.S. 166A-4(1).

(2) An appropriations bill making adjustments to the current year budget.

(3) An appropriations bill authorizing continued operations at current funding levels."

(b) For the 2007-2009 biennium, the House of Representatives shall originate the Current Operations Appropriations Bill and a bill in the second year of the biennium to make general revisions in that act. Origination of the bill shall alternate between the two houses each biennium thereafter."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 1383
PROPOSED COMMITTEE SUBSTITUTE S1383-CSRF-37 [v.3]

5/8/2007 10:20:46 AM

Short Title: Allow Cyclists to Use Public Lands. (Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASES OR MANAGES LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD BE DETRIMENTAL TO THE CYCLIST, OTHER INDIVIDUALS, OR THE ENVIRONMENT.

The General Assembly of North Carolina enacts:

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

"**§ 20-171.3. Land available for bicycling.**

(a) Any land held in fee simple by this State, any agency of this State, or any land purchased, leased, or managed with funds provided by this State, shall be open and available for use by bicyclists. There is no requirement under this section that any special trails, paths, or other accommodations be created, maintained, or made available to any user of the land for cycling purposes. However, nothing contained herein shall prevent any local cycling organization from offering to create and maintain special trails for cycling purposes. Any trails created by a cycling organization for the express purpose of off-road cycling shall be constructed according to guidelines established by a nationally recognized mountain biking organization.

(b) Any land made open and available for bicyclist use by subsection (a) of this section may be restricted or removed from use if it is determined by the State, an agency of the State, or the holder of land purchased, leased, or managed with State funds, that such use would constitute a hazard to the health and welfare of the cyclist, any other individual, or the environment, or that such use would violate another State law or a federal law. The duty is on the State, an agency of the State, or the holder of land purchased, leased or managed with State funds to show cause why the lands should not

be open for use by bicyclists. Before restricting the use of bicycles on any land purchased, leased, or managed with State funds, local cycling advocacy organizations shall be given an opportunity to show cause why cycling should be allowed on the lands. The Division of Bicycle and Pedestrian Transportation, of the Department of Transportation, shall keep a record of all such lands made open and available for use, by bicyclists, by this section and publish the information to the public upon request.

(c) Any person operating a bicycle, as defined under this Part, on land made open and available for use by bicyclists under subsection (a) of this section shall wear a protective bicycle helmet securely fastened upon the head with the straps of the helmet. The operation of a bicycle on land made open and available by subsection (a) of this section shall occur only between sunrise and sunset. Special events that occur outside of these hours shall be allowed provided that the holder of the land is notified at least twenty-four hours in advance of the date and time of the event. A violation of this subsection is an infraction punishable by a fine of one hundred dollars ($100.00)."

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, any use of bicycles on game lands administered by the Wildlife Resources Commission shall be restricted to roads and trails designated for vehicular use. Bicycle use by persons not hunting shall be restricted to days closed to hunting. The Wildlife Resources Commission may restrict the use of bicycles on game lands where necessary to protect sensitive wildlife habitat or species.

SECTION 2. This act becomes effective January 1, 2008. Upon passage of this act and prior to its effective date, the State, an agency of this State, or a holder of land purchased, leased, or managed with State funds, shall determine if the land should be restricted or removed from availability and use and provide to, in writing, the Division of Bicycle and Pedestrian Transportation any reasons to support the decision.

SENATE BILL 1383:
Allow Cyclists to Use Public Lands

BILL ANALYSIS

Committee:	Senate Ref to State & Local Government. If fav, re-ref to Appropriations/Base Budget	**Date:**	May 7, 2007
Introduced by:	Sen. Jenkins	**Summary by:**	Barbara Riley Committee Counsel
Version:	PCS to First Edition S1383-CSRF-37		

SUMMARY: Senate Bill 1383 requires any State agency or other entity that owns, leases or manages land with State funds to allow access to cyclists as long as that use is not prohibited by State or federal law or the use of bicycles in an area would be hazardous to the cyclist or the environment.

CURRENT LAW: Part 10A of Article 3, Chapter 20 of the General Statutes, the Motor Vehicle Act, provides for the operation of bicycles. Part 10A defines a bicycle and prohibits bicycle racing except as authorized by statute.

Article 4A of Chapter 136 of the General Statutes, is the Bicycle and Bikeway Act of 1974. The act designates the Department of Transportation as the State agency responsible for the Bicycle and Bikeways Program and to provide for the designation of bikeways along and upon the public roads. The Act also establishes the North Carolina Bicycle Commission to represent bicycling interests in advising the Secretary of Transportation on issues relating to bicycles and bikeways and to promote the best interests of the bicycling public within the context of the total transportation system.

BILL ANALYSIS: Section 1 establishes a new section of the General Statutes, G.S. 20-171.3, which provides that any land owned, leased, or managed with funds provided by the State shall be open and available for use by cyclists. There is no requirement that any special trails or accommodations be created or made available for cycling purposes. Nothing in the statute, however, shall prevent a cycling organization from offering to create and maintain special trails.

Any land made available for use by bicyclists may be restricted or removed from use if the use is found to be hazardous to the welfare of cyclists or the environment, or is in violation of State or federal law. The agency or entity holding the land must show cause why the land should not be open for cyclists and before restricting the use of bicycles, local cycling organizations shall be given an opportunity to show cause why cycling should be allowed. The Department of Transportation's Bicycle and Pedestrian Transportation Division shall keep records of land made open and available for use.

Persons operating a bicycle on land made available under the statute are required to where a helmet with the straps fastened. Operation of a bicycle shall only be allowed from sunrise to sunset, however, on 24 hour notice, special events may be scheduled outside this time frame. Violation of the act is an infraction punishable by a $100 fine.

EFFECTIVE DATE: The act becomes effective January 1, 2008. Upon passage, and prior to the effective date, the entity holding affected land shall determine if the land should be restricted or removed from availability and provide the reasons for the decision in writing to the Division of Bicycle and Pedestrian Transportation.

S1383e1-SMRF-CSRF-37

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 1145
Second Edition Engrossed 4/26/07

Short Title:	Town of Columbia/Loiter for Drugs.	(Local)
Sponsors:	Representative Owens.	
Referred to:	Judiciary III.	

March 28, 2007

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE TOWN OF COLUMBIA AND IN THE CITY OF BREVARD FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definition. – The following definitions apply in this section:

(1) Public place. – Any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entranceways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the Town of Columbia and the City of Brevard.

(2) Quasi-public place. – Any ground abutting a public place.

SECTION 1.(b) Offense. – It is unlawful for a person to remain or wander about in a public place or quasi-public place and do any of the following for the purpose of violating any provision of Article 5 of Chapter 90 of the General Statutes:

(1) Repeatedly beckon to, stop, or attempt to stop passersby, or repeatedly attempt to engage passersby in conversation.

(2) Repeatedly stop or attempt to stop motor vehicles.

(3) Repeatedly interfere with the free passage of other persons.

(4) Repeatedly pass to or receive from passersby, whether on foot or in a vehicle, money, or objects.

SECTION 1.(c) Penalty. – Any person who violates this section is guilty of a Class 1 misdemeanor.

SECTION 2. This act applies only to the Town of Columbia and the City of Brevard.

SECTION 3. This act becomes effective December 1, 2007, and applies to offenses committed on or after that date.

HOUSE BILL 1145:
Town of Columbia/Loiter for Drugs

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 4, 2007
Introduced by:	Rep. Owens	**Summary by:**	Hal Pell
Version:	Second Edition		Committee Co-Counsel

SUMMARY: ***This local act would make it a Class 1 misdemeanor to loiter in the town of Columbia and the City of Brevard for the purpose of violating the controlled substance laws. The bill would become effective December 1, 2007 and apply to offenses committed on or after that date.***

CURRENT LAW:

There is no current law that specifically prohibits loitering for the purpose of violating the controlled substance laws. Under G.S. 90-95(a)(1), it is unlawful to sell or deliver, or possess with intent to sell or deliver, a controlled substance. The punishment depends upon the classification of the controlled substance involved. For example, cocaine is a Schedule II controlled substance, and possession with the intent to sell or deliver a controlled substance classified in Schedule I or II is punished as a Class H felony.

Generally, loitering laws have been challenged on two constitutional grounds--vagueness and unreasonable restraint on personal liberty. The offense in the act is substantially similar to G.S. 14-204.1, which prohibits loitering for the purpose of engaging in prostitution. In *State v. Evans*, the North Carolina Court of Appeals found that G.S. 14-204.1 was constitutional. The court stated that American courts have overwhelmingly upheld enactments [such as G.S. 14-204.1] which include an element of criminal intent.

BILL ANALYSIS: The act makes it a Class 1 misdemeanor to remain or wander about in a public place in the town of Columbia, or the City of Brevard, when engaging in any of the following acts for the purpose of violating the controlled substance laws:

- Repeatedly attempting to stop or engage passersby in conversation
- Repeatedly attempting to stop motor vehicles
- Repeatedly interfering with the free passage of other persons
- Repeatedly passing or receiving objects or money to/from passersby

EFFECTIVE DATE: The bill would become effective December 1, 2007 and apply to offenses committed on or after that date.

Summary contribution by Brenda Carter, Staff Attorney.

H1145-smrk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 443*

Committee Substitute Favorable 4/9/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H443-CSRF-38 [v.1]

5/8/2007 10:43:05 AM

Short Title: Cherokee County Construction. (Local)

Sponsors:

Referred to:

March 5, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CHEROKEE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JUSTICE CENTER.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32, Cherokee County may use the design-build method of construction for a Justice Center to be located in Murphy, North Carolina. The County shall seek to prequalify and solicit at least two design-build teams to bid on the project and shall receive at least two sealed proposals from those teams for this project. The County shall interview at least two of the design-build teams that submit proposals. The County shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of the project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 443*

Committee Substitute Favorable 4/9/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H443-CSRF-38 [v.1]

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Short Title: Cherokee County Construction. (Local)

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Referred to:

March 5, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CHEROKEE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JUSTICE CENTER.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32, Cherokee County may use the design-build method of construction for a Justice Center to be located in Murphy, North Carolina. The County shall seek to prequalify and solicit at least two design-build teams to bid on the project and shall receive at least two sealed proposals from those teams for this project. The County shall interview at least two of the design-build teams that submit proposals. The County shall award the contract to the best qualified team, taking into consideration in its selection the time of completion of the project, compliance with the provisions of G.S. 143-128.2, and the cost of the project.

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

HOUSE BILL 443:
Cherokee County Construction

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 7, 2007
Introduced by:	Rep. West	**Summary by:**	Barbara Riley
Version:	Second Edition		Committee Counsel

SUMMARY: House Bill 443 authorizes Cherokee County to construct the County Justice Center in Murphy using the design-build method of construction.

[As introduced, this bill was identical to S434, as introduced by Sen. Snow, which is currently in Senate State & Local Government.]

CURRENT LAW: Chapter 143 sets out the current general law for public building contracts. That Article generally requires separate or single-prime bidding.

BILL ANALYSIS: House Bill 443 exempts the construction of the Justice Center in Murphy, Cherokee County from the requirements of:

- G.S. 143-128, concerning separate specifications for HVAC, Plumbing, Electrical, and general contract work under separate prime or single-prime bidding.
- G.S. 143-129, concerning bidding for public construction over $300, 000.
- G.S. 143-132, concerning the minimum number of bids for a public construction contract.
- G.S. 143-64.31 and G.S. 143-64.32, concerning the procedure for procurement of architectural, engineering, and surveying services for public projects.

In lieu of the general law requirements, the bill authorizes Cherokee County to use the design-build method of construction for the County Justice Center.

The bill also requires Cherokee County to seek to prequalify, solicit, and receive at least two bids from design-build teams for the project. The County shall award the contract to the best qualified team taking into consideration the time of completion, project cost, and compliance with minority business participation goals.

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

Giles Perry, counsel to House Local Government II, substantially contributed to this summary.

H0443e2-SMRF

SENATE BILL 444:
Alternate Budget Origination

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 7, 2007
Introduced by:	Sen. Rand	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition S444-CSRJ-16 [v.1]		Committee Analyst

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 444 codifies what has been the practice each biennium of alternating between the House and the Senate the origination of the Current Operations Appropriations Act.***

BILL ANALYSIS: For the 2007-09 biennium, the House of Representatives shall originate the Current Operations Appropriation Bill and a bill in the second year of the biennium to make general revisions to that act. Origination of the bill shall alternate between the two chambers each biennium thereafter.

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

S0444e1-SMRJ-CSRJ-16 v1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 488*

Short Title:	Carrboro Campaign Regulation.	(Local)
Sponsors:	Senator Kinnaird.	
Referred to:	State & Local Government.	

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CARRBORO CHARTER TO ALLOW THE TOWN TO REQUIRE CANDIDATES FOR ELECTIVE TOWN OFFICE TO DISCLOSE THE NAMES OF CAMPAIGN CONTRIBUTORS AND TO LIMIT BY ORDINANCE THE AMOUNT THAT PERSONS MAY CONTRIBUTE TO A CANDIDATE OR THEIR POLITICAL COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2-7 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, as added by Section 2 of Chapter 660 of the 1993 Session Laws, is repealed.

SECTION 2. Article 2 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, is amended by adding the following new sections to read:

"Section. 2-8. **Disclosure of contributors.** (a) The town may by ordinance require the disclosure by candidates (and their political committees) for elective town office of the names of all contributors to their campaigns. The ordinance may exempt from disclosure contributions below a monetary amount set in the ordinance.

(b) The ordinance shall apply regardless of the total amount of contributions, loans, or expenditures by the campaigns.

(c) G.S. 163-278.10A does not apply to municipal elections in the Town of Carrboro.

"Section 2-9. **Limitation on contributions.** Except as provided by G.S. 163-278.13(c), the town may by ordinance limit the amount of contributions which any individual, person, or political committee may contribute to any candidate for town office or to any political committee of that candidate. The ordinance may not set a limitation which has a dollar amount greater than the dollar amount set in the general law which would apply to elective office in the town.

"Section 2-10. **Definitions.** The definitions in Article 22A of Chapter 163 of the General Statutes apply to Sections 2-8 and 2-9 of this Charter."

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

SENATE BILL 488:
Carrboro Campaign Regulation

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 7, 2007
Introduced by:	Sen. Kinnaird	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***This act would authorize the Town of Carrboro to enact an ordinance requiring candidates for office to disclose the names of campaign contributors, and would also limit the amount of contributions. The act is effective when it becomes law.***

[As introduced, this bill was identical to H465, as introduced by Rep. Insko, which is currently in House Judiciary I.]

CURRENT LAW: Candidates for office are exempt from filing reports of contributions, loans, and other expenditures if the candidate does not receive: more than three thousand dollars ($3,000) in contributions; more than three thousand dollars ($3,000) in loans, and does not spend more than three thousand dollars ($3,000).

BILL ANALYSIS:

- The act allows Carrboro, by ordinance, to require the disclosure by candidates (and their political committees) for elective town office the names of all contributors to their campaigns. The ordinance may exempt from disclosure contributions below a monetary amount to be set in the ordinance.
- The act exempts Carrboro from the current reporting ceiling for nondisclosure [$3,000 in contributions, loans, or expenditures].
- The town may limit the amount of contributions which any individual, person, or political committee may contribute to any candidate for town office or to any political committee of that candidate. However, State law remains applicable that allows a candidate or a candidate's spouse, parents, brothers and sisters to make contributions to the candidate of any amount of money or to make any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 530
PROPOSED COMMITTEE SUBSTITUTE S530-CSRK-29 [v.1]

5/7/2007 2:20:49 PM

Short Title: Raleigh/Contracts Exemption. (Local)

Sponsors:

Referred to:

March 7, 2007

A BILL TO BE ENTITLED

AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Raleigh may contract for apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by the City Council to test the efficiency and effectiveness of light emitting diode technology for energy conservation without being subject to the requirements of G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, the City may award a contract under this section in its sole discretion. The authority granted herein shall expire on July 1, 2009.

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

SENATE BILL 530:
Raleigh/Contracts Exemption

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 4, 2007
Introduced by:	Sen. Cowell	**Summary by:**	Hal Pell
Version:	PCS First Edition		Committee Co-Counsel

SUMMARY: This act would exempt the City of Raleigh from competitive bidding requirements for certain contracts. The act is effective when it becomes law.

CURRENT LAW: State law requires that governing bodies award purchase contracts to lowest responsible bidders, with varying procedural requirements based upon the amount of the purchase. The provisions of G.S. 143-129, which requires advertisement, is applicable to purchases that require an estimated expenditure of $90,000 or more. For purchases between $30,000 and $90,000, the informal procedures in G.S. 143-131 may be used. If a project involves construction or repair under G.S. 143-129, then at least three competitive bids are required pursuant to G.S. 143-132.

BILL ANALYSIS: The act would exempt the City of Raleigh from State law with regard to the purchase of apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by the City Council to test the efficiency and effectiveness of light emitting diode technologies. The act also provides that the City Council may award the contract in its sole discretion. The authority in the act expires on July 1, 2009.

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

S0530e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 1271
PROPOSED COMMITTEE SUBSTITUTE S1271-CSSH-32 [v.2]

5/7/2007 6:40:32 PM

Short Title: Firefighter/EMS Payroll Deductions. (Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMPLOYEE ASSOCIATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 4, Article 5, Chapter 153A is amended by adding a new section to read:

"**§ 153A-92.1. Payroll Deduction for Payments to Employee Associations Allowed.**

(a) Definitions. – The following definitions apply in this section:

(1) Emergency medical services personnel. – An individual who provides out of hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(2) Employee. – A firefighter or the emergency medical services personnel employed by the employer.

(3) Employer or public safety employer. – Any county, or political subdivision, of the State that employs public safety officers.

(4) Employer or law enforcement employer. – Any county or political subdivision of the State that employs sworn law enforcement officers.

(5) Firefighter. – An individual employed by a fire department who does any of the following:

a. Primarily performs work directly related to the control and extinguishment of fires.

b. Is responsible for the maintenance and use of firefighting apparatus and equipment, for fire prevention and investigation, or for communications and dispatch.

c. Provides emergency medical care.

(6) Law enforcement officer. – An individual employed by a law enforcement employer who has the power of arrest and the power to enforce the criminal laws of the State.

(b) Certain Deductions Authorized. – A public safety employer shall make a payroll deduction upon the request of the employee for the membership dues of any firefighter and emergency medical services personnel organization that represents a majority of eligible employees in the employer's department. A law enforcement employer shall make a payroll deduction upon the request of a law enforcement officer for a law enforcement organization or association that has at least 2,000 members Statewide. The authorization for the deduction shall be provided in writing and shall remain in effect until revoked."

SECTION 2. Part 4, Article 7, Chapter 160A is amended by adding a new section to read:

"**§ 160A-162.1. Payroll Deduction for Payments to Employee Associations Allowed.**

(a) Definitions. – The following definitions apply in this section:

(1) Emergency medical services personnel. – An individual who provides out of hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(2) Employee. – A firefighter or the emergency medical services personnel employed by the employer.

(3) Employer or public safety employer. – Any municipality, or political subdivision of the State that employs public safety officers.

(4) Employer or law enforcement employer. – Any municipality, or political subdivision of the State that employs sworn law enforcement officers.

(5) Firefighter. – An individual employed by a fire department who does any of the following:

a. Primarily performs work directly related to the control and extinguishment of fires.

b. Is responsible for the maintenance and use of firefighting apparatus and equipment, for fire prevention and investigation, or for communications and dispatch.

c. Provides emergency medical care.

(6) Law enforcement officer. – An individual employed by a law enforcement employer who has the power of arrest and the power to enforce the criminal laws of the State.

(b) Certain Deductions Authorized. – A public safety employer shall make a payroll deduction upon the request of the employee for the membership dues of any firefighter and emergency medical services personnel organization that represents a majority of eligible employees in the employer's department. A law enforcement employer shall make a payroll deduction upon the request of a law enforcement officer for a law enforcement organization or association that has at least 2,000 members Statewide. The authorization for the deduction shall be provided in writing and shall remain in effect until revoked."

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

SENATE BILL 1271:
Firefighter/EMS Payroll Deductions

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 7, 2007
Introduced by:	Sen. Snow	**Summary by:**	Theresa Matula
Version:	PCS to First Edition S1271-CSSH-32		Committee Staff

SUMMARY: The Proposed Committee Substitute for Senate Bill 1271 requires municipalities and counties to allow payroll deductions for membership dues of certain firefighter and emergency medical services personnel organizations and law enforcement organizations.

[As introduced, this bill was identical to H1615, as introduced by Reps. Mobley, Luebke, which is currently in House State Personnel .]

BILL ANALYSIS:

The Proposed Committee Substitute for Senate Bill 1271 codifies the language in the original bill to place it in Chapter 153A and 160A and adds law enforcement to the original bill.

Subsection (a) of G.S. 153A-92.1 and of G.S. 160A-162.1 provides definitions for the following: emergency medical services personnel, employee, employer or public safety employer, employer or law enforcement employer, firefighter, and law enforcement officer.

Subsection (b) of G.S. 153A-92.1 and G.S. 160A-162.1 requires a public safety employer to make a payroll deduction upon the request of the employee for the membership dues of any firefighter and emergency medical services personnel organization that represents a majority of eligible employees in the employer's department. The subsection also requires a law enforcement employer to make a payroll deduction upon the request of a law enforcement officer for a law enforcement organization or association that has at lease 2,000 members Statewide. The authorization for the deduction must be in writing and remains in effect until revoked.

This bill becomes effective when it becomes law.

S1271e1-SMSH-CSSH-32

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, May 09, 2007

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

FAVORABLE

S.B. **488** Carrboro Campaign Regulation.
- Sequential Referral: None
- Recommended Referral: None

H.B. **1145** Town of Columbia/Loiter for Drugs.
- Sequential Referral: None
- Recommended Referral: None

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

S.B. **403** Charlotte/Water & Sewer Facilities.
- Draft Number: PCS 55453
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: Yes

S.B. **1271** Firefighter/EMS Payroll Deductions.
- Draft Number: PCS 65245
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: Yes

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

H.B. **443** Cherokee County Construction.
- Draft Number: PCS 80413
- Sequential Referral: None
- Recommended Referral: None
- Long Title Amended: No

TOTAL REPORTED: 5

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Thursday, May 10, 2007

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

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

S.B. **426** Ayden/Junked Vehicles.

Draft Number:	PCS 55452
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **427** Ayden Unfit Dwellings.

Draft Number:	PCS 85311
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **444** Alternate Budget Origination.

Draft Number:	PCS 15083
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **530** Raleigh/Contracts Exemption.

Draft Number.	PCS 55454
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **1383** Allow Cyclists to Use Public Lands.

Draft Number:	PCS 55457
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 5

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, May 8, 2007 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on May 8, 2007 in Room 1124 of the Legislative Building. Sixteen members of the committee were present. Senator Malcolm Graham presided.

Senator Graham called the meeting to order and introduced the pages in attendance for the meeting. The first order of business was Senate Bill 383 (Wake School Board Elections). Senator Clodfelter made a motion to accept a PCS and the motion carried. Senator Hunt presented the bill to the committee. After a lengthy discussion by members of the committee and hearing from the chairman of the Wake County Commissioners, it was decided to displace the bill due to the fact that not all of the Wake County delegation was in favor of the bill. The next bill on the agenda was Senate Bill 403 (Charlotte/Water & Sewer Facilities). Senator Albertson moved that the PCS be accepted, the motion carried and Senator Clodfelter presented the bill to the Committee. Senator Albertson made a motion to give the PCS a favorable report and Senator Queen seconded the motion. The original bill was reported unfavorable, but favorable as to the committee substitute bill. Senate Bill 426(Ayden/Junked Vehicles) presented by Senator Jenkins, was the next bill before the committee. Senator Clodfelter moved that the PCS be accepted and the motion carried. Senator Clodfelter made a motion to give a favorable report to the PCS and Senator Queen seconded. The Bill passed out of committee as unfavorable as to the Bill, but favorable as to the committee Substitute Bill. Senate Bill 427(Ayden Unfit Dwellings) presented by Senator Jenkins had a Proposed Committee Substitute that the committee accepted on the motion of Senator Malone. Senator Clodfelter had concerns about the wording in lines 21 and 22 of the bill and asked Staff to draw up an amendment to the Bill. Senator Clodfelter made a motion to amend the rules and Senator Soles seconded the motion. The Bill was displaced so that the Staff could produce an amendment to the bill. Senator Jenkins presented Senate Bill 1383, (Allow Cyclists to Use Public Lands), before the committee. Senator Albertson made a motion to accept the PCS and Senator Clodfelter seconded the motion. The Bill was properly before the Committee. After some discussion from Senator Brunstetter, Senator Stevens, and Senator McKissick, Senator Queen moved that the PCS receive a favorable report and Senator Clodfelter seconded. The Bill carried. Senate Bill 427 was now again before the committee. Senator Clodfelter made a motion to support the amendment and Senator Dorsett seconded, and the amendment to the PCS was accepted. Senator Queen moved that the PCS receive a favorable report as amended and the bill carried. Senator Rand's Senate Bill 444 (Alternate Budget Origination) was next on the agenda. The PCS was accepted by the Committee and Senator Soles moved that the Proposed Committee Substitute receive a favorable report, unfavorable as to the original bill. The bill Carried. Represented Owens presented HB 1145 (Town of Columbia/Loiter for Drugs). Senator Malone made the motion that the Bill receive a favorable report and the committee concurred. House Bill 443 (Cherokee County Construction.) was the next bill before the committee. Representative West presented the Bill. Senator Apodoca moved to accept the PCS and Senator Clodfelter seconded the motion. The PCS was accepted and the committee report was unfavorable as to Bill, but favorable as to the Proposed Committee Substitute. Senator Kinnaird presented Senate Bill 488 (Carboro Campaign Regulation.).

Senator Stevens made a motion that the Bill receive a favorable report, Senator Dorsett seconded the motion, and the Bill Carried. Senate Bill 530 (Raleigh Contracts Exemption) was the next bill to be on the agenda. A motion to accept the PCS carried and Senator Cowell explained the Bill. Senator Dorsett moved that the PCS receive a favorable report, unfavorable as to the original bill and the bill carried. The last Bill to be heard by the Committee before the Crossover deadline was Senate Bill 1271 (Firefighter/EMS Payroll Deductions.). Senator Clodfelter moved to accept the PCS and Senator Queen seconded the motion and the bill was properly put before the committee. Senator Snow presented the bill. After a lengthy discussion, Senator Graham asked the question and Senator Dorsett's motion for a favorable report on the PCS was seconded by Senator Queen and the committee concurred. Senator Graham told the Committee they might have to have two meetings the following week due to the Crossover dead line.

The meeting adjourned at 12:50.

Senator Graham, Presiding

Anne Misenheimer, Committee Clerk

VISITOR REGISTRATION SHEET

STATE & LOCAL GOVERNMENT — 5-8-07

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug Howey	1809 Bonnie Ct Raleigh NC
Stewart Bryan	Triangle Off Road Cyclists
Thomas McCormick	City of Raleigh
Tony Gorley	Wake Co Board of Commissioners
Sarain Ellison	proprietor for the rights and privileges of amphibians
Dan Coleman	Town of Carrboro
J M Bray	FOR
Jeff Mixon	Civitas
Judy McConnell	706
Penny Morgan	
Paul Miller	NC State Firemen's Assoc.

VISITOR REGISTRATION SHEET

STATE & LOCAL GOVERNMENT — 5-8-07

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Anders	PFPNC
Rob O'Brien	PFPNC
JOAN MIDGETTE	NCPBA.
Doris Weaver	NC CWA Political Council
GORDON MYERS	NC WILDLIFE FEDERATION
DAN HOWE	CITY OF RALEIGH
ELLIS HANKINS	NCLM
James Lambeth	Elon University
Joan Troy	NC WRC
Richard Hamilton	NC WRC
Gordon Myers	NC WRC

VISITOR REGISTRATION SHEET

STATE & LOCAL GOVERNMENT — 5-8-07

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jennifer Willis	Wake County GM
Milly Diggins	Sierra Club
Belle Fish	Library
Tamron [illegible]	[illegible]
Anita Watkins	NCLM

Principal Clerk ____
Reading Clerk ____

AMENDED NOTICE #5: REMOVED SB1376, SB1394, SB629

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	May 15, 2007	12:00 Noon	Room 1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 493	Bertie County Hunting.	Senator Jones
SB 571	Annexation Moratorium/Hampstead.	Senator Soles, Jr.
SB 572	Hoke County Moratorium.	Senator Weinstein
SB 617	Mecklenburg County Carpooling Exemption.	Senator Goodall
SB 226	9th Senatorial District Local Act-1.	Senator Boseman
SB 1248	Northeastern NC Regional Econ. Dev. Comm.	Senator Jenkins
SB 894	Bereavement Leave/State and School Employees.	Senator Malone
HB 922	Bertie School Board Election Date.	Representative Mobley
SB 227	9th Senatorial District Local Act-2.	Senator Boseman
HB 410	Cleveland School Board Terms.	Representative England, M.D. Representative Clary Representative Moore
SB 652	Rockingham Overgrown Vegetation Ordinance.	Senator Purcell
SB 815	Seafood and Aquaculture Commission.	Senator Brown
SB 649	Hendersonville Height Exemptions Repealed.	Senator Apodaca

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, May 15, 2007, 12:00 Noon
Room 1124 LB

Senator Malcolm, Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 493	Bertie County Hunting.	Senator Jones
SB 571	Annexation Moratorium/Hampstead.	Senator Soles, Jr.
SB 572	Hoke County Moratorium.	Senator Weinstein
SB 617	Mecklenburg County Carpooling Exemption.	Senator Goodall
SB 894	Bereavement Leave/State and School Employees.	Senator Malone
SB 1248	Northeastern NC Regional Econ. Dev. Comm.	Senator Jenkins
SB 815	Seafood and Aquaculture Commission.	Senator Brown
SB 649	Hendersonville Height Exemptions Repealed.	Senator Apodaca
SB 652	Rockingham Overgrown Vegetation Ordinance.	Senator Purcell
HB 922	Bertie School Board Election Date.	Representative Mobley
SB 226	9th Senatorial District Local Act-1.	Senator Boseman
SB 227	9th Senatorial District Local Act-2.	Senator Boseman
SB 436	Cleveland School Board Terms.	Senator Dalton
HB 410	Cleveland School Board Terms.	Representative England, M.D. Representative Clary Representative Moore

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 493

Short Title:	Bertie County Hunting.	(Local)
Sponsors:	Senator Jones.	
Referred to:	State & Local Government.	

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGULATING ROAD HUNTING AND HUNTING ON THE LAND OF ANOTHER IN BERTIE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2001-367 reads as rewritten:

"**SECTION 1.** It is unlawful to hunt, take, or kill any wild animal or wild bird, or to attempt to hunt, take, or kill any wild animal or wild bird, with the use of a firearm or bow and arrow, from, on, across, or over the roadway or right-of-way of any public road, street, or ~~highway.~~ highway, or to discharge a firearm or bow and arrow from, on, across, or over the roadway of any public road, street, or highway, or to possess a firearm or bow and arrow outside the passenger compartment of a vehicle while on the roadway or right-of-way."

SECTION 2. Sections 2 and 3 of S.L. 2001-367 are repealed.

SECTION 3. Section 4 of S.L. 2001-367 reads as rewritten:

"**SECTION 4.** It is unlawful to ~~hunt or to possess a firearm or bow and arrow~~ hunt, fish, or trap on the land of another without the written permission of the landowner or the landowner's lessee. The written permission shall contain complete contact information for the landowner or the landowner's lessee."

SECTION 4. This act applies only to Bertie County.

SECTION 5. This act becomes effective October 1, 2007.

SENATE BILL 493:
Bertie County Hunting

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 15, 2007
Introduced by:	Sen. Jones	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY:

Senate Bill 493 amends the local laws regulating road hunting and hunting on the land of another in Bertie County.

CURRENT LAW:

Section 1 of S.L. 2001-367 currently prohibits hunting from the road or right of way of a public road.

Section 2 of S.L. 2001-367 prohibits the discharge of a firearm or bow and arrow from the road or right of way unless the person is the owner or lessee of the land abutting the right of way.

Section 3 of S.L. 2001-367 prohibits possession of a firearm or bow and arrow outside of the passenger compartment of a vehicle while on the roadway or right of way of a public road unless the person is the owner or lessee of the land abutting the right of way.

Section 4 of S.L. 2001-367 makes it unlawful to hunt or possess a firearm or bow and arrow on the land of another without the permission of the landowner or the lessee of the land.

BILL ANALYSIS:

Sections 1 and 2 essentially rewrite the provisions S.L. 2001-367 prohibiting the discharge or possession of a firearm or bow and arrow from the road or right of way, by removing the exception for the owners or lessees of the land abutting the right of way. The language prohibiting the discharge or possession of a weapon from the road or right of way is placed in Section 1 of S.L. 2001-367 and Sections 2 and 3 of the law are repealed.

Section 3 of Senate Bill 493 rewrites Section 4 of S.L. 2001-367 to require that persons hunting on the land of another obtain written permission of the landowner or the lessee of the land, including complete contact information for the landowner or lessee.

EFFECTIVE DATE:

The act becomes effective October 1, 2007.

S0493e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 572*

Short Title:	Hoke County Moratorium.	(Local)
Sponsors:	Senator Weinstein.	
Referred to:	State & Local Government.	

March 7, 2007

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR A MORATORIUM ON ANNEXATIONS INTO HOKE COUNTY BY MUNICIPALITIES OUTSIDE THE COUNTY AND A MORATORIUM ON THE EXERCISE OF EXTRATERRITORIAL JURISDICTION POWERS IN THE COUNTY BY MUNICIPALITIES OUTSIDE THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. No municipality located outside of Hoke County may adopt any annexation ordinance, resolution of consideration, or resolution of intent under Article 4A of Chapter 160A of the General Statutes as to any territory within Hoke County.

SECTION 2. No municipality located outside of Hoke County may exercise its extraterritorial jurisdiction powers under G.S. 160A-360 within Hoke County.

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

SENATE BILL 572:
Hoke County Moratorium

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 10, 2007
Introduced by:	Sen. Weinstein	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***This act would prohibit any municipality that is outside Hoke County from either annexing, or exercising territorial jurisdiction, over land located within Hoke County. The act is effective when it becomes law. This act is effective when it becomes law.***

CURRENT LAW: The general statutes provide procedures for local government entities to both annex land, and to extend their extraterritorial jurisdiction, across adjacent county lines.

BILL ANALYSIS: This act would prevent any city, town, or village that is outside of Hoke County from annexing Polk County land, or extending its extraterritorial jurisdiction into Hoke County.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 617
PROPOSED COMMITTEE SUBSTITUTE S617-CSRJ-21 [v.1]

5/13/2007 3:35:12 PM

Short Title: Mecklenburg County Carpooling Exemption. (Local)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

AN ACT EXEMPTING COUNTY VEHICLES USED BY MECKLENBURG COUNTY EMPLOYEES TO CARPOOL WITH EACH OTHER FROM THE PROVISIONS OF G.S. 14-247.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-247 reads as rewritten:

"**§ 14-247. Private use of publicly owned vehicle.**

(a) It shall be unlawful for any officer, agent or employee of the State of North Carolina, or of any county or of any institution or agency of the State, to use for any private purpose whatsoever any motor vehicle of any type or description whatsoever belonging to the State, or to any county, or to any institution or agency of the State. It is not a private purpose to drive a permanently assigned state- owned motor vehicle between one's official work station and one's home as provided in G.S. 143-341(8)i7a.

It shall be unlawful for any person to violate a rule or regulation adopted by the Department of Administration and approved by the Governor concerning the control of all state-owned passenger motor vehicles as provided in G.S. 143-341(8)i with the intent to defraud the State of North Carolina.

(b) Notwithstanding the provisions of subsection (a) of this section, county employees may carpool with each other in county vehicles as lawfully permitted by the county."

SECTION 2. This act applies to Mecklenburg County only.

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

SENATE BILL 617:
Mecklenburg County Carpooling Exemption

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 13, 2007
Introduced by:	Sen. Goodall	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition S617-CSRJ-21		Legislative Analyst

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 617 would allow Mecklenburg County employees to carpool with each other as lawfully permitted by the County.***

CURRENT LAW: G.S. 14-247 prohibits any officer, agent or employee of the State, or any county from using any State-owned or county-owned motor vehicle for any private purpose. It is not a private purpose to drive a permanently assigned State-owned motor between the employee's official work station and home.

EFFECTIVE DATE: The bill is effective when it becomes law and applies to Mecklenburg County only.

BACKGROUND: The First Edition of Senate Bill 617 would exempt Mecklenburg County employees and nonemployees from using County vehicles for carpooling as lawfully permitted by the County. The First Edition passed out of the Senate State and Local Government Committee on April 18, 2007 with a favorable report and was calendared for April 19, 2007. The bill was withdrawn from the Senate calendar and re-referred to the Senate State and Local Government Committee on April 19, 2007.

Mecklenburg County is interested in creating a program to encourage carpooling and would need this exemption to implement the program.

Potential Air Quality Benefits from Mecklenburg County Carpooling Bill
(Calculated by Mecklenburg County Air Quality)

Currently there are approximately 716 vehicles in the County fleet excluding heavy duty vehicles and police vehicles. These 716 vehicles could potentially be used to transport extra passengers to work and thereby removing trips from the daily commute. If 10% of these vehicles were used to carpool with only one additional passenger, the County would save 1/3 of a ton of nitrogen oxides (the pollutant that controls ozone formation) from being exhausted into our air each year. The table below shows the effect of increasing the number of cars being used for this purpose.

Nitrogen Oxide Pollution Savings from Fleet Carpooling

# of Fleet Cars Used for Carpooling	% of Fleet Used for Carpooling	Annual NOx (lbs) Prevented
36	5	325
72	10	651
107	15	976

Assumptions:

- Passenger cars, SUVs, and smaller pick up trucks are used for commuting, police cars are not.

- NOx emission factor is a composite emission factor for light duty cars and trucks.
- Each of the cars used, picks up one passenger removing one car from the road.
- Carpools happen 240 days per year.
- Average daily commute distance in the region is 25 miles.

There are limited opportunities to reduce ozone at the local level. Any reduction benefits our air quality and demonstrates leadership in the community.

S0617e1-SMRJ-CSRJ-21

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 894*

Short Title:	Bereavement Leave/State and School Employees.	(Public)
Sponsors:	Senators Malone; Albertson, Atwater, Berger of Franklin, Dannelly, Dorsett, Foriest, Goss, Jenkins, Jones, Purcell, Rand, Shaw, and Stevens.	
Referred to:	State & Local Government.	

March 19, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 126 of the General Statutes is amended by adding a new subsection to read:

"**§ 126-8.6. Bereavement leave.**

State employees shall receive three days of paid leave for bereavement upon the death of an immediate family member. As used in this section, "immediate family member" refers to (i) the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships, or (ii) any person living within the employee's home for whom the employee may claim a deduction under section 151 of the Internal Revenue Code.

Employees shall not be permitted to accumulate bereavement leave or to use bereavement leave for creditable service toward retirement.

The Office of State Personnel shall adopt rules to implement the provisions of this section."

SECTION 2. Article 23 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-336.2. Bereavement leave.**

Public school employees shall receive three days of paid leave for bereavement upon the death of an immediate family member. As used in this section, "immediate family member" refers to (i) the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships, or (ii) any person living within the employee's home for whom the employee may claim a deduction under section 151 of the Internal Revenue Code.

Employees shall not be permitted to accumulate bereavement leave or to use bereavement leave for creditable service toward retirement.

The State Board of Education shall adopt rules to implement the provisions of this section."

SECTION 2. This act becomes effective July 1, 2007.

SENATE BILL 894:
Bereavement Leave/State and School Employees

BILL ANALYSIS

Committee:	Senate Ref to State & Local Government. If fav, re-ref to Appropriations/Base Budget	**Date:**	May 14, 2007
Introduced by:	Sen. Malone	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 894 provides bereavement leave for State employees and public school employees.

[As introduced, this bill was identical to H404, as introduced by Reps. Wainwright, Tarleton, Pierce, which is currently in House State Personnel.]

CURRENT LAW:

State Employees - G.S. 126-4(5) gives the State Personnel Commission has the authority to determine hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment.

Section 5 of the State Personnel Manual outlines the policy on sick leave for State employees. Sick leave is granted to employees who are in pay status for one half or more of the regularly scheduled workdays and holidays in the pay period. A full-time permanent, probationary, trainee, or time-limited employee earns 8 hours of sick leave per month. Sick leave may be used for a death in the immediate family. Immediate family is defined in the following chart:

Definition of Immediate Family

Spouse	Parent (Mother/Father)	Child (Daughter/Son)	Brother/Sister	Grand/Great	Dependents
Husband Wife	Biological Adoptive Step Loco Parentis* In-law	Biological Adoptive Foster Step Legal Ward Loco Parentis* In-law	Biological Adoptive Step Half In-law	Parent Child Step In-law	Living in the employee's household
*A person who is in the position or place of a parent					

Teachers - G.S. 115C-336 provides a minimum of five days of sick leave per school term for all public school employees. Pursuant to policy, all permanent, full-time employees working or on paid leave for one-half or more of the workdays in any monthly pay period earn one sick day per month or the number of hours worked daily by a full-time employee in that class of work up to a maximum of eight hours. Sick leave may be used for a death in the immediate family. Immediate family is defined as spouse, children, parents, brothers, sisters, grandparents, grandchildren, and dependents living in the employee's household, including step, half, and in-law relationships.

Teachers also earn personal leave. The State Board of Education established personal leave and S.L. 1997-443, Section 8.38(e) enacted G.S. 115C-302.1(d) which outlines the provisions for personal leave. Personal leave is earned at a rate of .20 days for each full month of employment, not to exceed two days per year and may be accumulated up to 5 days per year.

BILL ANALYSIS:

Senate Bill 894 amends Chapter 126 and Chapter 115C to establish bereavement leave. G.S. 126-8.6 would establish three (3) days of paid bereavement leave for State employees. G.S. 115C-336.2 establishes three (3) days of paid bereavement leave for public school employees. The Office of State Personnel must adopt rules to implement this bill for State employees and the State Board of Education is required to adopt rules to implement

this bill for public school employees. Under this bill, employees are not permitted to accumulate bereavement leave or to use bereavement leave for creditable service toward retirement.

In both cases, the bereavement leave could be used upon the death of an immediate family member. Immediate family member is defined in the bill as:

> (i) the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships, or
> (ii) any person living within the employee's home for whom the employee may claim a deduction under section 151 of the Internal Revenue Code.

This bill would become effective July 1, 2007.

S0894e1-SMSH

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 5-15-07

S. B. No. 894 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
Sen.) Dorsett

moves to amend the bill on page 1, line 9

( ) WHICH CHANGES THE TITLE

by rewritting the line to read:

"death of an immediate family member. Bereavement leave cannot be used to extend time away from work if the death occurs during a paid holiday. As used in this section, "immediate family"

and ~~by~~ rewritting on page 1, line 22 by rewritting the line to read:

"the death of an immediate family member. Bereavement leave cannot be used to extend time away from work if the death occurs during a paid holiday. As used in this section, "immediate family

SIGNED Katie G. Dorsett

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 1248

Short Title:	Northeastern NC Regional Econ. Dev. Comm.	(Public)
Sponsors:	Senators Jenkins; and Jones.	
Referred to:	State & Local Government.	

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NAME OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO NORTH CAROLINA'S NORTHEAST COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-123(62) reads as rewritten:

"(62) The ~~Northeastern North Carolina Regional Economic Development~~ North Carolina's Northeast Commission, as established by G.S. 158-8.2."

SECTION 2. G.S. 143B-437.21(6) reads as rewritten:

"(6) Regional partnership. – Any of the following:

a. The Western North Carolina Regional Economic Development Commission created in G.S. 158-8.1.

b. ~~The Northeastern North Carolina Regional Economic Development~~ The North Carolina's Northeast Commission created in G.S. 158-8.2.

c. The Southeastern North Carolina Regional Economic Development Commission created in G.S. 158-8.3.

d. The North Carolina's Eastern Region Development Commission created in G.S. 158-33.

e. The Carolinas Partnership, Inc.

f. The Research Triangle Regional Partnership.

g. The Piedmont Triad Partnership."

SECTION 3. G.S. 158-8.2 reads as rewritten:

"**§ 158-8.2. Creation of ~~Northeastern North Carolina Regional Economic Development~~North Carolina's Northeast Commission.**

(a) There is created the ~~Northeastern North Carolina Regional Economic Development Commission~~North Carolina's Northeast Commission to facilitate economic development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates,

Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 18 appointed members and one ex officio member, as provided below. Each appointed member shall be an experienced business person who resides for most of the year in one or more of the counties that are members of the Commission.

(1) Six members shall be appointed by the Governor.

(2) Six members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(3) Six members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) The Secretary of Commerce, or a designee.

(5) Repealed by Session Laws 1999-237, s. 16.6(a).

Any person appointed to the Commission who is also a county commissioner may hold that office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their appointments in an effort to ensure as many counties served by the Commission are represented among the membership of the Commission.

(c) All members shall serve staggered two-year terms ending on June 30 biennially.

(d) Any appointment to fill a vacancy on the Commission shall be for the balance of the unexpired term. Vacancies in appointments made by the General Assembly shall be in accordance with G.S. 120-122.

(d1) The initial meeting shall be called by the Secretary of the Department of Commerce. The Commission shall meet no less than quarterly.

(e) The Commission shall elect annually from among its membership a four-member executive committee consisting of a chair, a vice-chair, a secretary, and a treasurer. Members shall serve one-year terms on the executive committee. The executive committee shall meet no less than quarterly.

(f) In addition to the powers and duties granted to economic development commissions in this Article, the ~~Northeastern North Carolina Regional Economic Development~~ North Carolina's Northeast Commission shall:

(1) Adopt and implement an economic development program, with the assistance of the economic development advisory board, as follows:

a. Survey northeastern North Carolina and determine the assets, liabilities, and resources that the region contributes to the economic development process;

b. Enhance economic development activities that use the area's natural resources;
c. Develop and evaluate alternatives for northeastern North Carolina economic development;
d. Develop a preferred economic development plan for the region and establish strategies for implementing the plan;
e. Conduct feasibility studies to determine the nature and placement of economic developments for maximum economic impact;
f. Identify potential sites for economic development; and
g. Carry out other activities to develop and promote economic development.

(2) Repealed by Session Laws 1999-237, s. 16.6(a).

(3) Coordinate activities with and enter into contracts with any nonprofit corporation created to assist the Commission in carrying out its powers and duties.

(4) Repealed by Session Laws 1999-237, s. 16.5(b).

(g) Within the limits of funds available, the Commission may hire and fix the compensation of any personnel necessary to its operations, contract with consultants for any services as it may require, and contract with the State of North Carolina or the federal government, or any agency or department thereof, for any services as may be provided by those agencies. The Commission shall hire an employee to serve as president and chief executive officer. The Commission may carry out the provisions of any contracts it may enter.

Within the limits of funds available, the Commission may lease, rent, purchase, or otherwise obtain suitable quarters and office space for its staff, and may lease, rent, or purchase necessary furniture, fixtures, and other equipment.

(h) Members of the Commission who are State employees shall receive travel expenses as provided in G.S. 138-6. Other Commission members shall receive per diem of one hundred dollars ($100.00) a day for each day of service when the Commission meets and shall be reimbursed for travel and subsistence as provided in G.S. 138-5."

SECTION 4. G.S. 158-12.1 reads as rewritten:

"**§ 158-12.1. Commission funds secured.**

The Western North Carolina Regional Economic Development Commission, Research Triangle Regional Commission, Southeastern North Carolina Regional Economic Development Commission, Piedmont Triad Partnership, ~~Northeastern North Carolina Regional Economic Development~~ North Carolina's Northeast Commission, North Carolina's Eastern Region Development Commission, and Carolinas Partnership, Inc., may deposit money at interest in any bank, savings and loan association, or trust company in this State in the form of savings accounts, certificates of deposit, or such other forms of time deposits as may be approved for county governments. Investment deposits and money deposited in an official depository or deposited at interest shall be secured in the manner prescribed in G.S. 159-31(b). When deposits are secured in accordance with this section, no public officer or employee may be held liable for any

losses sustained by an institution because of the default or insolvency of the depository. This section applies to the regional economic development commissions listed in this section only for as long as the commissions are receiving State funds."

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

SENATE BILL 1248:
Northeastern NC Regional Econ. Dev. Comm

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 11, 2007
Introduced by:	Sen. Jenkins	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 1248 changes the name of the "Northeastern North Carolina Regional Economic Development Commission" to "North Carolina's Northeast Commission."

BILL ANALYSIS:

Sections 1-4 of Senate Bill 1248 amend various statutes to change the name of the "Northeastern North Carolina Regional Economic Development Commission" to "North Carolina's Northeast Commission."

Section 5 of the bill provides that the act is effective when it becomes law.

S1248e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 815
PROPOSED COMMITTEE SUBSTITUTE S815-CSLB-34 [v.1]

5/15/2007 10:22:40 AM

Short Title: Seafood and Aquaculture Commission. (Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE MEMBERSHIP OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-70.61(a) reads as rewritten:

"(a) The Joint Legislative Commission on Seafood and Aquaculture shall consist of ~~15~~ 19 members: four Senators appointed by the President Pro Tempore of the Senate; four Representatives appointed by the Speaker of the House of Representatives; four members appointed by the Governor; and ~~three~~ four members appointed by the Commissioner of ~~Agriculture.~~Agriculture; and in addition, one member representing the recreational/sport fishing industry shall be appointed by the Governor; one member representing the charter boat/headboat industry shall be appointed by the President Pro Tempore of the Senate; and one member representing the commercial fishing industry shall be appointed by the Speaker of the House of Representatives. The members shall serve at the pleasure of their appointing officer."

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

SENATE BILL 815:
Seafood and Aquaculture Commission

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 15, 2007
Introduced by:	Sen. Brown	**Summary by:**	Barbara Riley Committee Counsel
Version:	PCS to First Edition S815-CSLB-34		

SUMMARY:

Senate Bill 815 adds three members to the Joint Legislative Commission on Seafood and Aquaculture.

The proposed committee substitute would add 4 members to the Joint Legislative Commission on Seafood and Aquaculture.

CURRENT LAW: t

The duties of the Joint Legislative Commission on Seafood and Aquaculture include monitoring and studying the seafood industry in North Carolina and the potential for increasing the State's production, processing and marketing of seafood. G.S. 120-70.62. The Commission currently consists of 15 members; four Senators appointed by the President Pro Tem of the Senate, four Representatives appointed by the Speaker of the House, four members appointed by the Governor; and three members appointed by the Commissioner of Agriculture. G.S. 120-70.61.

BILL ANALYSIS:

The proposed committee substitute for Senate Bill 815 increases the membership on the Joint Legislative Commission on Seafood and Aquaculture from 15 to 19. The new members shall consist of a fourth appointee by the Commissioner of Agriculture, one person designated by the Board of Directors of the North Carolina Fisheries Association, one person designated by the Board of Directors of North Carolina Watermen United, and one person designated by the Board of Directors of the North Carolina Chapter of the Coastal Conservation Association.

EFFECTIVE DATE:

The act is effective when it becomes law.

S0815e1-SMRF-CSLB-34

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 649*

Short Title:	Hendersonville Height Exemptions Repealed.	(Local)
Sponsors:	Senator Apodaca.	
Referred to:	State & Local Government.	

March 12, 2007

A BILL TO BE ENTITLED

AN ACT TO REPEAL EXEMPTIONS FROM A LOCAL ACT LIMITING HEIGHT OF BUILDINGS IN THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 38 of S.L. 2006-259 is repealed, thus removing four exemptions from the limit on the height of structures in the City of Hendersonville as enacted by Section 3 of S.L. 2006-126.

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

SENATE BILL 649:
Hendersonville Height Exemptions Repealed

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 13, 2007
Introduced by:	Sen. Apodaca	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

SUMMARY: ***Senate Bill 649 would repeal the exemption for hospitals, churches, cultural performing arts centers and government buildings from the maximum building height requirement within the City of Hendersonville.***

CURRENT LAW: In 2006, the General Assembly enacted S.L. 2006-126 that limited the height of buildings in the City of Hendersonville to 64 feet based upon the results of a referendum held on November 6, 2006. No variances would be allowed. The height limitation would not apply to: existing buildings, spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

S.L. 2006-126 was amended by S.L. 2006-259 to exempt hospitals, churches, cultural performing arts centers, and government buildings from the 64 feet building height requirement. (See the attached statutes).

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

PROPOSED COMMITTEE SUBSTITUTE S652-CSRF-39 [v.1]

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-200(b) reads as rewritten:

"(b) This section applies to the Towns of Ahoskie, Ayden, Leland, and Pineville, and to the Cities of Durham, Eden, Gastonia, High Point, Lexington, Monroe, Reidsville, Roanoke Rapids, Rockingham, Rocky Mount, and Winston-Salem only."

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

SENATE BILL 652:
Rockingham Overgrown Vegetation Ordinance

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 14, 2007
Introduced by:	Sen. Purcell	**Summary by:**	Barbara Riley
Version:	S652-PSCRF-39		Committee Counsel

SUMMARY: Senate Bill 652 authorizes the City of Rockingham to provide annual notification to chronic violators of the City's overgrown vegetation ordinance and to remedy the violation. The bill provides that the expense of remedying the violation would become a lien upon the property and collected as unpaid taxes.

The proposed committee substitute adds the Cities of Eden and Reidsville to the bill.

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

BILL ANALYSIS: Senate Bill 652 authorizes the Cities of Eden, Reidsville and Rockingham to notify a landowner who is a chronic violator of an overgrown vegetation ordinance that if the owner's property is found in violation of the ordinance again during the calendar year, the City will remedy the violation without further notice, and the expense shall become a lien upon the property and collected as unpaid taxes.

A chronic violator is a person who owns property and who has been notified at least three times during the previous calendar year that the property is in violation of the overgrown vegetation ordinance.

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

BACKGROUND: The provisions of S652 have been codified in the General Statutes as G.S. 160A-200. The section currently applies to at least 13 cities and towns.

Giles Perry, counsel to House Local Government II, substantially contributed to this summary.

S0652e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 922

Committee Substitute Favorable 4/19/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H922-CSRJ-22 [v.1]

5/13/2007 4:25:57 PM

Short Title: Bertie and Hyde School Board Elections. (Local)

Sponsors:

Referred to:

March 20, 2007

A BILL TO BE ENTITLED

AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5(a) of S.L. 2006-171 reads as rewritten:

"**SECTION 5.(a)** Except as modified by this ~~act,~~ section, pursuant to Article 5 of Chapter 115C of the General Statutes, the Bertie County Board of Education consists of five members elected in nonpartisan elections in even-numbered years. Notwithstanding the provisions of G.S. 115C-37(a), as terms expire, the Bertie County Board of Education shall be elected at the time set by G.S. 163-1 for the general election of all other county officers in even-numbered years. The election shall be conducted on a nonpartisan plurality basis, with the results determined in accordance with G.S. 163-292. Candidates shall file notices of candidacy not earlier than noon on the second Monday in June and not later than noon on the first Friday in July. The names of the candidates shall be printed on the ballot without reference to any party affiliations. Vacancies in office shall be filled in accordance with G.S. 115C-37(f). As provided in Chapter 764 of the Session Laws of 1961, and as has been the practice since that time, elections shall be by residency districts. That is, candidates for each of the five seats, and board members elected to those seats, shall reside in particular districts, but all seats shall be voted upon by all eligible voters in the county. The five districts are:

District 1 – Windsor Township.

District 2 – Merry Hill and Whites Townships.

District 3 – Colerain and Mitchell Townships.

District 4 – Roxabel and Woodville Townships.

District 5 – Snakebite and Indian Woods Townships."

SECTION 2. G.S. 115C-37(d) reads as rewritten:

"(d) Members to Qualify. – Each county board of education shall hold a meeting in ~~December~~June following the election. At that meeting, newly elected members of the board of education shall qualify by taking the oath of office prescribed in Article VI, Sec. 7 of the Constitution.

This subsection shall not have the effect of repealing any local or special acts relating to boards of education of any particular counties whose membership to said boards is chosen by a vote of the people."

SECTION 3. Section 2 of the bill applies to Hyde County only.

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

PROPOSED COMMITTEE SUBSTITUTE S226-PCS55448-LB-32

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to the City of Wilmington only.

SECTION 2. Notwithstanding any other provision of law, the City of Wilmington is hereby authorized to employ and allow civilian personnel to investigate traffic crashes. The civilian personnel shall be known as "Civilian Traffic Investigators".

SECTION 3. The City of Wilmington shall establish the minimum standards for employment as a Civilian Traffic Investigator.

SECTION 4. Each Civilian Traffic Investigator shall attend a training program designed by Cape Fear Community College, Office of Continuing Education for Law Enforcement Training, in consultation with the North Carolina Justice Academy. Upon completion of the training program, a Civilian Traffic Investigator shall spend not less than four weeks of field training with a law enforcement officer who has experience conducting traffic crash investigations.

SECTION 5. Each Civilian Traffic Investigator shall be issued credentials by the City of Wilmington identifying the individual as a Civilian Traffic Investigator. The Civilian Traffic Investigator shall produce official credentials at any time when requested by a member of the public involved in or as a witness to a crash. A Civilian Traffic Investigator shall be issued a uniform that is substantially different in color and style from that of a law enforcement officer for the City of Wilmington. The uniform shall have patches that clearly identify the individual as a Civilian Traffic Investigator. The individual's name shall be clearly displayed on the uniform. Civilian Traffic Investigators shall not be issued badges.

SECTION 6. Any vehicles issued to, or used by, a Civilian Traffic Investigator shall not bear markings or symbols that identify the vehicle as a police

vehicle. The vehicle may have emergency equipment and lights installed but shall not use blue lights in any manner or form. Red and amber lights are permissible.

SECTION 7. Civilian Traffic Investigators shall investigate crashes involving only property damage. A Civilian Traffic Investigator shall comply with all provisions of G.S. 20-166.1. A report completed by a Civilian Traffic Investigator shall be treated the same as if it were completed by a law enforcement officer for the purposes of G.S. 20-166.1(i). A law enforcement officer shall investigate any crash involving personal injury or a fatality.

SECTION 8. A Civilian Traffic Investigator shall have no authority to arrest or issue criminal process. A Civilian Traffic Investigator shall not be issued a weapon of any type.

SECTION 9. A Civilian Traffic Investigator shall have the same authority as a law enforcement officer to tow or remove a vehicle that is obstructing a public street or highway.

SECTION 10. Not later than December 31, 2008, the City of Wilmington shall deliver to the House of Representatives Appropriations Subcommittee on Justice and Public Safety and the Senate Committee on Appropriations on Justice and Public Safety a written report on the training and use of Civilian Traffic Investigators for the period commencing on the effective date of this act and concluding November 1, 2008.

SECTION 11. This act is effective when it becomes law.

SENATE BILL 226:
Wilmington Civilian Traffic Investigators

BILL ANALYSIS

Committee:	Senate State and Local Government	**Date:**	May 7, 2007
Introduced by:	Sen. Boseman	**Summary by:**	Hal Pell Committee Co-Counsel
Version:	PCS to First Edition S226-CSRK		

SUMMARY: ***This act authorizes the City of Wilmington to use civilian traffic investigators to investigate crashes involving property damage. The act is effective when it becomes law.***

BACKGROUND: The City of Fayetteville was granted the authority in this act by Session Law 2006-100.

CURRENT LAW: G.S. 20-166.1 governs the reports and investigations required in the event of a traffic accident. It requires that the appropriate law enforcement agency investigate a reportable accident. A reportable accident is defined in G.S. 20-4.01 as an accident involving a motor vehicle that results in (i) the death or injury of a human being, (ii) property damage of $1,000 or more, or (iii) property damage of any amount to a vehicle seized for an offense involving impaired driving while license revoked. The report of an accident must contain information on financial responsibility for the vehicle driven by the person whom the officer identifies as at fault for the accident. If the officer writing the report is a member of the State Highway Patrol, the officer must forward the report to the Division of Motor Vehicles. If the officer is not a member of the State Highway Patrol, the officer must forward the report to the local law enforcement agency for the area where the accident occurred. A local law enforcement agency that receives an accident report must forward it to DMV within 10 days after receiving the report.

G.S. 20-166.1 provides that a report of an accident made by a person who is not a law enforcement officer is without prejudice, is for the use of DMV only, and cannot be used in any manner as evidence, or for any other purpose in any trial, civil or criminal, arising out of the accident. The statute specifies that reports made by persons who are not law enforcement officers or medical examiners are not public records; the reports made by law enforcement officers and medical examiners are public records and are open to inspection by the general public at all reasonable times.

BILL ANALYSIS: Senate Bill 226 (proposed committee substitute):

- Authorizes the City of Wilmington to employ civilian traffic investigators, and authorizes them to investigate traffic crashes.
- Authorizes the City of Wilmington to establish minimum standards for employment as a civilian traffic investigator.
- Requires each civilian traffic investigator to attend a training program designed by Cape Fear Community College, Office of Continuing Education for Law Enforcement Training, in consultation with the North Carolina Justice Academy, and spend four weeks of field training with a law enforcement officer who has had experience conducting traffic crash investigations.
- Provides that the civilian traffic investigators be issued credentials, uniforms, and vehicles which may have red or amber lights (blue lights not authorized). The uniform is to be substantially different in color from that of a law enforcement officer, shall clearly display the

individual's name, and shall bear patches that clearly identify the individual as a Civilian Traffic Investigator.

- Provides that civilian traffic investigators shall: investigate crashes involving only property damage, comply with all provision of G.S. 20-166.1 governing accident reports and investigations, and that their reports be treated the same as if completed by law enforcement for purposes of evidence and trial.
- Provides that civilian traffic investigators shall not have authority to arrest, and shall not be issued a weapon.
- Provides that civilian traffic investigators shall have the same authority as a law enforcement officer to tow or remove a vehicle that is obstructing a public street or highway.
- Provides that the City of Wilmington shall provide a written report on the training and use of civilian traffic investigators to the House Appropriations Subcommittee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety, no later than December 31, 2008. The report is to cover the time period between the effective date of the act and November 1, 2008.

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

Summary contribution by Giles Perry and Barbara Riley, Staff Attorneys.

S0226e1-SMRK-CSRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 227
PROPOSED COMMITTEE SUBSTITUTE S227-CSRK-34 [v.1]

5/14/2007 3:10:38 PM

Short Title: Wilmington Chronic Violator Notice. (Local)

Sponsors:

Referred to:

February 21, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S PUBLIC NUISANCE ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2005-44, as amended by Section 1 of S.L. 2007-3, reads as rewritten:

"**SECTION 2.** This act applies to the City of Wilmington, and the Towns of Cornelius, Davidson, and Matthews only."

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

SENATE BILL 227:
Wilmington Chronic Violator.

BILL ANALYSIS

Committee:	Senate State and Local Government	**Date:**	May 14, 2007
Introduced by:	Sen. Boseman	**Summary by:**	Hal Pell
Version:	PCS to First Edition S227-CSRK		Committee Co-Counsel

SUMMARY: ***This amends the Wilmington city charter so as to allow the city to notify a chronic violator of the public nuisance ordinance, and 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: The PCS to S227 provides amends the Wilmington Charter. The new charter provision provides that the city 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 City of Wilmington only.

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

S0227e1-SMRK-CSRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 436*

Short Title:	Cleveland School Board Terms.	(Local)
Sponsors:	Senator Dalton.	
Referred to:	State & Local Government.	

March 1, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of S.L. 2004-41 reads as rewritten:

"**SECTION 7.** Six members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2007, with the five persons receiving the highest numbers of votes elected to four-year terms and the person receiving the sixth highest number of votes elected to a two-year term. Five members shall be elected on Tuesday after the first Monday in November 2011 and every four years thereafter. The six members elected in November 2007 shall replace the six members of the board, or their successors, originally appointed from the previous boards for the Cleveland County, Kings Mountain and Shelby school units."

SECTION 2. Section 6 of S.L. 2004-41 reads as rewritten:

"**SECTION 6.** Three members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2005, and four members shall be elected on Tuesday after the first Monday in November 2009 and every four years thereafter. The three members elected in November 2005 shall replace the three members of the board originally appointed at large without regard to membership on the previous boards for the Cleveland County, Kings Mountain and Shelby school units."

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

SENATE BILL 436:
Cleveland School Board Terms

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 15, 2007
Introduced by:	Sen. Dalton	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: ***Senate Bill 436 changes the election cycle for the Cleveland County Board of Education so that five members (currently six) are on a particular election cycle and the remaining four members (currently three) are on separate election cycle.***

[As introduced, this bill was identical to H410, as introduced by Reps. Moore, Clary, England, which is currently in Senate State & Local Government.]

CURRENT LAW:

S.L. 2004-41 provides that the Cleveland County Board of Education consists of nine (9) members.

- Three (3) were elected on Tuesday after the first Monday in November 2005, and every four years thereafter.
- Six (6) members will be elected on Tuesday after the first Monday in November 2007, and every four years thereafter.

BILL ANALYSIS:

Section 1 of Senate Bill 436 amends Section 7 of S.L. 2004-41 to provide that of the six (6) members elected on Tuesday after the first Monday in November 2007:

- The five persons receiving the highest numbers of votes will be elected to four-year terms. These five members will be elected on Tuesday after the first Monday in November 2011 and every four years thereafter.
- The person receiving the sixth highest number of votes will be elected to a two-year term. This person will be elected on Tuesday after the first Monday in November 2009 and every four years thereafter (which places it on the same cycle as the three members in Section 2 of the bill.)

Section 2 of the bill amends Section 6 of S.L. 2004-41 to provide that the three members of the Cleveland County Board of Education that were elected on Tuesday after the first Monday in November 2005, will be elected on Tuesday after the first Monday in November 2009, and every four years thereafter.

This act becomes effective when it becomes law.

S0436e1-SMSH

HOUSE BILL 410

Short Title:	Cleveland School Board Terms.	(Local)
Sponsors:	Representatives Moore, Clary, and England (Primary Sponsors).	
Referred to:	Local Government II.	

March 1, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7 of S.L. 2004-41 reads as rewritten:

"**SECTION 7.** Six members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2007, with the five persons receiving the highest numbers of votes elected to four-year terms and the person receiving the sixth highest number of votes elected to a two-year term. Five members shall be elected on Tuesday after the first Monday in November 2011 and every four years thereafter. The six members elected in November 2007 shall replace the six members of the board, or their successors, originally appointed from the previous boards for the Cleveland County, Kings Mountain and Shelby school units."

SECTION 2. Section 6 of S.L. 2004-41 reads as rewritten:

"**SECTION 6.** Three members of the Cleveland County Board of Education shall be elected on Tuesday after the first Monday in November 2005, and four members shall be elected on Tuesday after the first Monday in November 2009 and every four years thereafter. The three members elected in November 2005 shall replace the three members of the board originally appointed at large without regard to membership on the previous boards for the Cleveland County, Kings Mountain and Shelby school units."

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

HOUSE BILL 410:
Cleveland School Board Terms

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 14, 2007
Introduced by:	Reps. Moore, Clary, England	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: House Bill 410 changes the election cycle for the Cleveland County Board of Education so that five members (currently six) are on a particular election cycle and the remaining four members (currently three) are on separate election cycle.

[As introduced, this bill was identical to S436, as introduced by Sen. Dalton, which is currently in Senate State & Local Government.]

CURRENT LAW:

S.L. 2004-41 provides that the Cleveland County Board of Education consists of nine (9) members.

- Three (3) were elected on Tuesday after the first Monday in November 2005, and every four years thereafter.
- Six (6) members will be elected on Tuesday after the first Monday in November 2007, and every four years thereafter.

BILL ANALYSIS:

Section 1 of House Bill 410 amends Section 7 of S.L. 2004-41 to provide that of the six (6) members elected on Tuesday after the first Monday in November 2007:

- The five persons receiving the highest numbers of votes will be elected to four-year terms. These five members will be elected on Tuesday after the first Monday in November 2011 and every four years thereafter.
- The person receiving the sixth highest number of votes will be elected to a two-year term. This person will be elected on Tuesday after the first Monday in November 2009 and every four years thereafter (which places it on the same cycle as the three members in Section 2 of the bill.)

Section 2 of the bill amends Section 6 of S.L. 2004-41 to provide that the three members of the Cleveland County Board of Education that were elected on Tuesday after the first Monday in November 2005, will be elected on Tuesday after the first Monday in November 2009, and every four years thereafter.

This act becomes effective when it becomes law.

H0410e1-SMSH

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, May 15, 2007

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

FAVORABLE

S.B.	**493**	Bertie County Hunting.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**572**	Hoke County Moratorium.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**649**	Hendersonville Height Exemptions Repealed.	
		Sequential Referral:	None
		Recommended Referral:	None
S.B.	**1248**	Northeastern NC Regional Econ. Dev. Comm.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**410**	Cleveland School Board Terms.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 5

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

CORRECTED REPORT#2
Wednesday, May 16, 2007

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

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

S.B. **226** 9th Senatorial District Local Act-1.

Draft Number:	PCS 55448
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **227** 9th Senatorial District Local Act-2.

Draft Number:	PCS 35372
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **617** Mecklenburg County Carpooling Exemption.

Draft Number:	PCS 55473
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **652** Rockingham Overgrown Vegetation Ordinance.

Draft Number:	PCS 85317
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **815** Seafood and Aquaculture Commission.

Draft Number:	PCS 55472
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

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

H.B.(CS #1) **922** Bertie School Board Election Date.

Draft Number:	PCS 30474
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 6

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Thursday, May 17, 2007

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

FAVORABLE

S.B. **436** Cleveland School Board Terms.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, May 15, 2007 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on May 15, 2007, in Room 1124 of the Legislative Building. Fifteen members of the committee were present. Senator Malcolm Graham, presided.

Senator Graham called the meeting to order and introduced the pages.

SB572 (Hoke County Moratorium.) was the first bill to heard by Senator Weinstein. Senator East asked staff if there were any restrictions on annexing across county lines. Staff explained that not generally it is done in other counties. Senator East moved for a favorable report and Senator Clodfelter seconded.

SB493 (Bertie County Hunting.) was the next bill to be heard by Senator Jones who was not present.

SB571 (Annexation Moratorium/Hampstead.) was the next bill to be heard by Senator Soles who was present.

SB649 (Hendersonville Height Exemption Repealed.) was the next bill to be heard by Senator Apodaca. Senator Graham reminded the committee members that SB572 will be referred to Finance. Senator Smith moved for favorable report and Senator Clodfelter seconded.

Senator Graham stated the committee would go back to SB571 (Annexation Moratorium/Hampstead.). Senator Soles asked that the bill be displaced.

SB1248 (Northeastern NC Regional Econ. Dev. Comm.) was the next bill to be heard by Senator Jenkins. Senator East moved for a favorable report and Senator Stevens seconded.

SB815 Seafood and Aquaculture Commission.) was next on the agenda to be heard by Senator Brown. Senator Graham asked for a motion to adopt the PCS. Senator East moved that the PCS be adopted and Senator Clodfelter seconded and the PCS was adopted. Senator Brunstetter moved for the PCS to receive a favorable report and Senator East seconded.

SB894 Bereavement Leave/State and School Employees.) was heard next by Senator Malone. Senator Malone indicated that if the bill passed it would need to be referred to Finance. Senator Apodaca moved for favorable report. Senator Graham asked were there any questions on the bill. Senator Soles asked the question – If you have a death at the beginning of a two week Christmas holiday to you still get bereavement down the road? Senator Malone explained that it's not spelled out if occurs during this timeframe. He was under the assumption that if death occurs during a work period – not spelled out. NC School Association – such employees might use vacation and sick leave. Employees need there sick leave. They are not in agreement. Senator Soles follow-up – questions are going to come up regarding this. Teresa Matula (Staff) explained that it does direct Office of State Personnel for State Employees who do not get two

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
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Senator Graham called the meeting to order and introduced the pages.

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SB493 (Bertie County Hunting.) by Senator Jones who was not present.

SB571 (Annexation Moratorium/Hampstead.) Senator Soles who was not present.

SB649 (Hendersonville Height Exemption Repealed.) was the next bill heard by Senator Apodaca. Senator Graham reminded the committee members that SB572 will be referred to Finance. Senator Smith moved for favorable report and Senator Clodfelter seconded with a serial referral to Senate Finance.

Senator Graham stated the committee would go back to SB571 (Annexation Moratorium/Hampstead.). Senator Soles asked that the bill be displaced.

SB1248 (Northeastern NC Regional Econ. Dev. Comm.) next bill heard by Senator Jenkins. Senator East moved for a favorable report and Senator Stevens seconded.

SB815 (Seafood and Aquaculture Commission.) was next on the agenda heard by Senator Brown. Senator Graham asked for a motion to adopt the proposed committee substitute. Senator East moved that the proposed committee substitute be adopted and Senator Clodfelter seconded. Senator Brunstetter moved that the proposed committee substitute receive a favorable report and Senator East seconded. Favorable to the proposed committee substitute but unfavorable as to the original bill.

SB894 Bereavement Leave/State and School Employees.) was heard next by Senator Malone. Senator Malone indicated that if the bill passed it would need to be referred to Finance. Senator Apodaca moved for favorable report. Senator Graham asked were there any questions on the bill. Senator Soles asked the question – If you have a death at the beginning of a two week Christmas holiday do you still get bereavement down the road? Senator Malone explained that it's not spelled out if occurs during this timeframe. He was under the assumption that if death occurred during a work period – not spelled

out. NC School Association – such employees might use vacation and sick leave. Senator Soles follow-up – questions are going to come up regarding this. Teresa Matula (Staff) explained that it does direct the Office of State Personnel for State Employees who do not get two weeks vacation but State Board of Education for teachers to develop a personnel policy. Usually the details are spelled out in the statues that they shall receive 3 days bereavement. Senator Malone will be more than happy to add the language to the bill. Senator Smith asked what in-law relationships are? Teresa Matula (Staff) explained that state employees in-law equal (parent, child, brother, sister, great grand). Teachers state in-law relationships. Senator Graham asked if there were comments from the gallery. Leanne Winnie (NCSBA) was recognized to speak. She requested that Public Schools be removed from the bill. Two years ago there were no bereavement policies for the school systems. Bill did not make it through, they changed the policy last year and bereavement or sick leave was added and it's in a more appropriate place. State Board of Education changed the policy last year for the very classes used in this bill. They feel the policy they have is adequate.

Cecil Bank (NCAE) was recognized by Senator Graham to speak on the bill. He explained the discussion about sick leave, the teacher does not always have sick leave, due to a catastrophic illness and vacation is only to be used on non student days. They still need bereavement leave. Employees should have the opportunity to grieve they want. He supports the bill. Senator East asked the question – does anybody have a estimate what this bill will cost? Senator Graham stated the bill would have to be referred to Appropriations. Senator Dorsett asked could the staff prepare an amendment to clarify the 3 days. Senator Graham asked that the bill be displaced while the amendment is being prepared. He asked that any further questions be taken up when the bill is back up for discussion.

SB652 (Rockingham Overgrown Vegetation Ordinance.) was the next bill heard by Senator Purcell. Senator Graham asked for a motion to adopt the proposed committee substitute. Senator Clodfelter motioned to adopt the proposed committee substitute and Senator Blake seconded. Senator Stevens moved for favorable report to the proposed committee substitute and Senator Blake seconded. Favorable to the proposed committee substitute but unfavorable as to the original bill.

SB493 (Bertie County Hunting.) was back on the agenda to be heard by Senator Jones. Senator Apodaca moved for a favorable report and Senator Albertson seconded.

SB617 (Mecklenburg County Carpooling Exemption.) was next on the agenda to be heard by Senator Clodfelter for Senator Goodall who was in another meeting. Senator Graham asked for a motion to adopt the proposed committee substitute. Senator Clodfelter motioned to adopt the proposed committee substitute and Senator Malone seconded. Senator Dorset moved for favorable report for the proposed committee substitute and Senator Albertson seconded. Favorable to the proposed committee substitute but unfavorable as to the original bill.

HB410 (Cleveland School Board Terms.) Rep .Moore indicated that SB 436 (Cleveland School Board Terms.) was the same bill and the reason both bills were being heard is because of the county's voting rights. In case the house bill got enacted and if for some reason the senate version ran into problems, the senate bill would make the crossover. Senator Graham stated that each bill would have to be voted on separately. Senator Apodaca moved for favorable report and Senator Malone seconded.

SB436 (Cleveland School Board Terms.), Senator Clodfelter moved for a favorable report and Senator Malone seconded.

HB922 (Bertie School Board Election Date.) was heard by Rep. Mobley. Senator Clodfelter moved for favorable report and Senator Stevens seconded.

SB226 (9th Senatorial District Local Act-1.) Senator Graham asked that the proposed committee substitute be adopted. Senator Boseman moved to adopt the proposed committee substitute and Senator Clodfelter seconded. Senator Clodfelter moved for a favorable report for the proposed committee substitute and Senator Stevens seconded. Favorable to the proposed committee substitute but unfavorable as to the original bill.

SB227 (9th Senatorial District Local Act-2.) Senator Graham asked that the proposed committee substitute be adopted. Senator Boseman moved to adopt the proposed committee substitute and Senator Clodfelter seconded. Senator Clodfelter moved for a favorable report for the proposed committee substitute and Senator McKissick seconded.

Senator Graham requested that SB894 be brought back on the agenda and read the amendment which stated: page 1, line 9 to read "death of an immediate family member. Bereavement leave cannot be used to extend time away from work if they death occurs during a paid holiday. As used in this section, "immediate family" and on page 1, line 22 "the death of an immediate family member. Bereavement leave cannot be used to extend time away from work if the death occurs during a paid holiday. As used in this section, "immediate family". The amendment offered by Senator Dorsett. More questions concerning bill – what if the death occurs on a Friday? Senator Graham asked that the bill be displaced to give the bill sponsor time take the comments into consideration. Place on next weeks agenda.

Senator Graham adjourned the committee meeting at 12:42.

Senator Malcolm Graham, Presiding

Anita Flintall, Committee Assistant

VISITOR REGISTRATION SHEET

Senate State & Local Government — May 15, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Stegall	U.C.P.S.
Jeff Mixon	Civitas
Leanne Winner	NCSBA
Bill O'Donnell	NCSBA
Eddie Caldwell	NC Sheriffs' Assn.
Michael Houser	NCAE
Carl Goodwin	OSP
Judy McConnell	IOG
Kary Wilson	CBE
Carol Burch	NCAE
David Hawkins	CCA

VISITOR REGISTRATION SHEET

Senate State & Local Government — May 15, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penne Meyer	NCAGC
Katherine Joyce	NCASA
Ann Norris	Public Sch Forum
Anita Watkins	NCLM
Ann McArthur	Governor's Off.
Maggie Riddle	w/ Senator Rucho
Chuck Stone	SEANC
Suzanne Beasley Malyse	SEANC
Ardis Watkins	SEANC

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	May 22, 2007	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 571	Annexation Moratorium/Hampstead.	Senator Soles, Jr.
SB 894	Bereavement Leave/State and School Employees.	Senator Malone
HB 987	Travel/Tourism Board Charter Boat/Headboat.	Representative Spear

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, May 22, 2007, 12:00 Noon
1124 LB

Senator East Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 571	Annexation Moratorium/Hampstead.	Senator Soles, Jr.
SB 359	2nd Senatorial District Local Act-1.	Senator Preston
SB 894	Bereavement Leave/State and School Employees.	Senator Malone
HB 987	Travel/Tourism Board Charter Boat/Headboat.	Representative Spear

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 571

Short Title:	Annexation Moratorium/Hampstead.	(Local)
Sponsors:	Senator Soles.	
Referred to:	State & Local Government.	

March 7, 2007

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR A TWO-YEAR MORATORIUM ON THE ANNEXATION AND INCORPORATION OF A DESIGNATED AREA IN PENDER COUNTY, KNOWN AS HAMPSTEAD.

The General Assembly of North Carolina enacts:

SECTION 1. No annexation ordinance shall be adopted by any municipality under Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes and no incorporation act shall be enacted by the General Assembly as to any or all of the following described territory, known as Hampstead in Pender County, prior to June 30, 2009:

District 1: Pender County: Precinct Topsail Lower: Tract 9802: Block Group 2: Block 2085, Block 2086, Block 2087, Block 2088, Block 2089, Block 2090, Block 2091, Block 2092, Block 2093, Block 2094, Block 2095, Block 2096, Block 2097, Block 2098, Block 2109, Block 2110, Block 2111, Block 2112, Block 2113; Block Group 5: Block 5008, Block 5009, Block 5010, Block 5011, Block 5013, Block 5014, Block 5015, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5046, Block 5047, Block 5048, Block 5049, Block 5050, Block 5051, Block 5052, Block 5053, Block 5054, Block 5056, Block 5057, Block 5058, Block 5059, Block 5060, Block 5061, Block 5996, Block 5997, Block 5998; Precinct Topsail Upper: Tract 9802: Block Group 4: Block 4000, Block 4019; Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5012, Block 5016, Block 5062, Block 5063, Block 5064, Block 5065, Block 5066, Block 5067, Block 5068, Block 5069, Block 5070, Block 5071, Block 5072, Block 5073, Block 5074, Block 5075, Block 5999.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 987*
Committee Substitute Favorable 4/25/07

Short Title: Travel/Tourism Board Charter Boat/Headboat. (Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE NORTH CAROLINA TRAVEL AND TOURISM BOARD TO INCLUDE REPRESENTATIVES OF THE CHARTER BOAT/HEADBOAT INDUSTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-434.1(c) reads as rewritten:

"(c) The Board shall consist of ~~27~~ 29 members as follows:

(1) The Secretary of Commerce, who shall not be a voting member.

(2) The Director of the Division of Tourism, Film, and Sports Development, who shall not be a voting member.

(3) Two members designated by the Board of Directors of the North Carolina Hotel and Motel Association.

(4) Two members designated by the Board of Directors of the North Carolina Restaurant Association.

(5) Three Directors of Convention and Visitor Bureaus designated by the Board of Directors of the North Carolina Association of Convention and Visitor Bureaus.

(6) The Chairperson of the Travel and Tourism Coalition.

(7) The President of the Travel Council of North Carolina.

(8) A member designated by the Board of Directors of the Travel Council of North Carolina.

(9) The President of North Carolina Citizens for Business and Industry.

(10) One member designated by the North Carolina Petroleum Marketers Association.

(11) One person associated with tourism attractions in North Carolina, appointed by the Speaker of the House of Representatives. One person who is not a member of the General Assembly, appointed by the Speaker of the House of Representatives.

(12) One person associated with the tourism-related transportation industry, appointed by the President Pro Tempore of the Senate. One person who is not a member of the General Assembly, appointed by the President Pro Tempore of the Senate.

(13) Four public members each interested in matters relating to travel and tourism, two appointed by the Governor (one from a rural area and one from an urban area), one appointed by the Speaker of the House, and one appointed by the President Pro Tempore of the Senate.

(14) One member associated with the major cultural resources and activities of the State in North Carolina, appointed by the Governor.

(15) Two members of the House of Representatives, appointed by the Speaker of the House of Representatives.

(16) Two members of the Senate, appointed by the President Pro Tempore of the Senate.

(17) Two members designated by the Board of Directors of North Carolina Watermen United who represent the charter boat/headboat industry."

SECTION 2. The members of the Board added under Section 1 of this act shall serve a first term beginning on the date of their designation and ending on December 31, 2009. Thereafter, they shall serve two-year terms which shall begin on January 1 of an even-numbered year and end on December 31 of the following year.

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

HOUSE BILL 987:
Travel/Tourism Board Charter Boat/Headboat

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 21, 2007
Introduced by:	Rep. Spear	**Summary by:**	Sara Kamprath
Version:	Second Edition		Committee Analyst

SUMMARY: The Second Edition of House Bill 987 would add two new members to the North Carolina Travel and Tourism Board representing the charter boat/headboat industry.

[As introduced, this bill was identical to S811, as introduced by Sen. Swindell, which is currently in Senate State & Local Government.]

CURRENT LAW: The North Carolina Travel and Tourism Board was created in 1991 within the Department of Commerce to work with the Secretary of Commerce and the Director of the Division of Tourism, Film, and Sports Development to promote development of the travel and tourism industry in the State. The Board currently consists of 27 members.

BILL ANALYSIS: The Second Edition of House Bill 987 would add two new members to the Board of Travel and Tourism who represent the charter boat/headboat industry to be designated by the Board of Directors of North Carolina Watermen United.

The new members, like other designated members of the Board, would serve two-year terms beginning on January 1 of each even-numbered year and ending on December 31 of the following year. However, the new members' first terms would begin upon designation and end on December 31, 2009.

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

Wendy Graf Ray contributed significantly to this summary.

H0987e2-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 359
PROPOSED COMMITTEE SUBSTITUTE S359-CSRK-40 [v.2]

5/22/2007 9:31:30 AM

Short Title: Atlantic Beach/Building Height Regulation. (Local)

Sponsors:

Referred to:

February 27, 2007

A BILL TO BE ENTITLED

AN ACT RELATING TO BUILDING HEIGHT REGULATIONS FOR THE TOWN OF ATLANTIC BEACH.

Whereas, the Town of Atlantic Beach is concerned that further high-rise development within its municipal limits may be detrimental to the health, safety, and welfare of its citizens due to increasing traffic, diminished public water access, reduction in open spaces and views, over burdening of the Town's infrastructure, and negatively effecting the environment in and around the Town; and

Whereas, the Town Council of the Town of Atlantic Beach desires to provide assurance to its citizens that future development within the Town's municipal limits will be restricted to heights that are generally the same as those allowed by the Town's current ordinances, and no more; and

Whereas, after consideration of the objectives above stated and the methods available for limiting future increased high rise development within the Town, the Town Council of Atlantic Beach has requested the North Carolina General Assembly to pass special legislation setting maximum building heights allowed within the jurisdiction of the Town of Atlantic Beach, except for the Circle Development District, to be as defined herein below, subject to change only upon approval by public referendum of the Town's voters; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Building heights within the jurisdiction of the Town of Atlantic Beach shall be limited to no more than 60 feet in height, except for buildings located within the Circle Development District and buildings that are already erected as of the effective date of this act. Measurement of height, and the objects that are to be included or excluded in the measurement of height, will be determined in accordance with the Town's ordinances applicable at the time of such determination.

SECTION 2. The building height limitations of the Town of Atlantic Beach as described in Section 1 of this act may only be changed upon recommendation of the

Town Council and with approval by the qualified voters of the Town in a referendum called by the governing body of the Town.

SECTION 3. A proposition to approve an ordinance amending the allowed heights of buildings within the jurisdiction of the Town shall be printed on the ballot in substantially the following form:

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

[ ] Yes [ ] No

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

SENATE BILL 359:
Atlantic Beach Building Heights.

BILL ANALYSIS

Committee:	Senate State and Local Government	**Date:**	May 21, 2007
Introduced by:	Sen. Preston	**Summary by:**	Hal Pell
Version:	PCS to First Edition S359-CSRK		Committee Co-Counsel

SUMMARY: This act provides a limit for building heights in the Town of Atlantic Beach, and that building height regulations in Atlantic Beach may only be changed upon the approval of an ordinance by a Town referendum. The act is effective when it becomes law.

BACKGROUND: Similar provisions allowing changes to building height regulations by referendum were in effect in the Towns of Yaupon Beach and Long Beach, prior to their consolidation into the Town of Oak Island. In 2006, the provision was passed so as to apply to Oak Island.

BILL ANALYSIS: This local law provides that building heights are limited to 60 feet in the Town of Atlantic Beach, with the following exceptions:

- Buildings in the Circle Development District.
- Buildings already erected as of the effective date of the act.

The regulations could only be changed upon approval by the qualified voters of the Town in a referendum. The act provides the form for the ballot measures.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 894*
PROPOSED COMMITTEE SUBSTITUTE S894-CSSH-37 [v.2]

5/21/2007 3:40:02 PM

Short Title: Bereavement Leave/State and School Employees. (Public)

Sponsors:

Referred to:

March 19, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 126 of the General Statutes is amended by adding a new subsection to read:

"**§ 126-8.6. Bereavement leave.**

Upon the death of an immediate family member, State employees may receive up to three days of paid leave for bereavement, as provided for in rules adopted by the State Personnel Commission. Bereavement leave shall be reduced by one day for each day a paid holiday or non-workday occurs during the three day bereavement leave period. As used in this section, "immediate family member" refers to (i) the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships, or (ii) any person living within the employee's home for whom the employee may claim a deduction under section 151 of the Internal Revenue Code.

Employees shall not be permitted to accumulate bereavement leave or to use bereavement leave for creditable service toward retirement."

SECTION 2. Article 23 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-336.2. Bereavement leave.**

Upon the death of an immediate family member, public school employees may receive up to three days of paid leave for bereavement, as provided for in rules adopted by the State Board of Education. Bereavement leave shall be reduced by one day for each day a paid holiday or non-workday occurs during the three day bereavement leave period. As used in this section, "immediate family member" refers to (i) the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships, or (ii) any person living within the employee's home

for whom the employee may claim a deduction under section 151 of the Internal Revenue Code.

Employees shall not be permitted to accumulate bereavement leave or to use bereavement leave for creditable service toward retirement."

SECTION 3. The State Personnel Commission and the State Board of Education shall adopt the rules necessary to implement Sections 1 and 2 of this act. The rules and policies developed to implement Sections 1 and 2 shall define in-law relationships in the same manner as in-law relationships are defined for sick leave.

SECTION 4. This act becomes effective July 1, 2007.

SENATE BILL 894:
Bereavement Leave/State and School Employees

BILL ANALYSIS

Committee:	Senate Ref to State & Local Government. If fav, re-ref to Appropriations/Base Budget	**Date:**	May 21, 2007
Introduced by:	Sen. Malone	**Summary by:**	Theresa Matula Committee Staff
Version:	PCS to First Edition S894-CSSH-37		

SUMMARY: Senate Bill 894 provides bereavement leave for State employees and public school employees. The Proposed Committee Substitute requires bereavement leave to be reduced by one day for each day a paid holiday or non-workday occurs during the three day bereavement leave period.

[As introduced, this bill was identical to H404, as introduced by Reps. Wainwright, Tarleton, Pierce, which is currently in House State Personnel.]

CURRENT LAW:

State Employees - G.S. 126-4(5) grants the State Personnel Commission the authority to determine hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment.

Teachers - G.S. 115C-336 provides a minimum of five days of sick leave per school term for all public school employees. Pursuant to policy, all permanent, full-time employees working or on paid leave for one-half or more of the workdays in any monthly pay period earn one sick day per month or the number of hours worked daily by a full-time employee in that class of work up to a maximum of eight hours.

Teachers also earn personal leave. The State Board of Education established personal leave and S.L. 1997-443, Section 8.38(e) enacted G.S. 115C-302.1(d) which outlines the provisions for personal leave. Personal leave is earned at a rate of .20 days for each full month of employment, not to exceed two days per year and may be accumulated up to 5 days per year.

BILL ANALYSIS:

Sections 1 and 2 of the Proposed Committee Substitute for Senate Bill 894 amend Chapter 126 and Chapter 115C to establish bereavement leave. G.S. 126-8.6, and G.S. 115C-336.2, provide that State employees, and public school employees, may receive up to three (3) days of paid bereavement leave upon the death of an immediate family member. For both State employees and public school employees, bereavement leave must be reduced by one day for each day a paid holiday or non-workday occurs during the three-day bereavement leave period.

Immediate family member is defined in the bill as:

(i) the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships, or

(ii) any person living within the employee's home for whom the employee may claim a deduction under section 151 of the Internal Revenue Code.

Section 3 requires the State Personnel Commission and the State Board of Education to adopt the rules necessary to implement Sections 1 and 2 and to define in-law relationships in the same manner as in-law relationships are defined for sick leave.

Section 4 provides that the bill would become effective July 1, 2007.

BACKGROUND:

Sick Leave for State Employees - Section 5 of the State Personnel Manual outlines the policy on sick leave for State employees. Sick leave is granted to employees who are in pay status for one half or more of the regularly scheduled workdays and holidays in the pay period. A full-time permanent, probationary, trainee, or time-limited employee earns 8 hours of sick leave per month. Sick leave may be used for a death in the immediate family. Immediate family is defined in the following chart:

Definition of Immediate Family

Spouse	Parent (Mother/Father)	Child (Daughter/Son)	Brother/Sister	Grand/Great	Dependents
Husband Wife	Biological Adoptive Step Loco Parentis* In-law	Biological Adoptive Foster Step Legal Ward Loco Parentis* In-law	Biological Adoptive Step Half In-law	Parent Child Step In-law	Living in the employee's household
*A person who is in the position or place of a parent					

Sick Leave for Teachers - Sick leave may be used for a death in the immediate family. Immediate family is defined as spouse, children, parents, brothers, sisters, grandparents, grandchildren, and dependents living in the employee's household, including step, half, and in-law relationships.

S0894e1-SMSH-CSSH-37

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Wednesday, MAY 22, 2007 at 12:00 Noon
Room 1124, LB

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on May 22, 2007, in Room 1124 of the LB. Fifteen members of the committee were present. Senator Don East, presided.

Senator East called the meeting to order and introduced the pages attending the committee meeting. The first order of business was Senator Preston's Bill, Senate Bill 359 (An Act Relating to the 2nd Senatorial District). Senator Apodoca made a motion to accept the proposed Committee Substitute and the motion was accepted. The bill involved giving Atlantic Beach the authority to hold a referendum of the citizens of Atlantic Beach to control building heights. The bill received a favorable report, unfavorable as to the original bill.

Senate Bill 571, (An Act Providing for a Two-Year Moratorium On The Annexation And Incorporation OF A Designated Area In Pender County, Known As Hampstead) Senator Sole's Bill was temporarily displaced because Representative Justus wanted to merge her House Bill into Senator Soles Bill which would constitute a Proposed Committee Substitute and would be heard at a later date. Senator Malone's SB 894, (An Act To Provide For Bereavement Leave For State Employees And Public School Employees) was taken up again from the last meeting because of necessary language changes in the bill. After discussion of the language changes in the bill, Senator Jones moved for a favorable report. The motion carried. SB 894 was favorable to the committee substitute but unfavorable as to the original bill and was given a serial referral to Senate Appropriations/Base Budget.

The last Bill to be heard was House Committee Substitute Bill 987 (An Act To Modify The North Carolina Travel and Tourism Board To Include Representatives of the Charter Boat/Headboat Industry.) was introduced by Representative Spears and received a favorable report.

With no further business, the meeting adjourned at 12:45 pm.

Don W. East

Senator Don East, Presiding

Anne Misenheimer

Anne Misenheimer, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, May 23, 2007

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

FAVORABLE

H.B.(CS #1) **987** Travel/Tourism Board Charter Boat/Headboat.

Sequential Referral:	None
Recommended Referral:	None

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

S.B. **359** 2nd Senatorial District Local Act-1.

Draft Number:	PCS 55498
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

S.B. **894** Bereavement Leave/State and School Employees.

Draft Number:	PCS55495
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 3

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

STATE & LOCAL GOVERNMENT — MAY, 22, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill O'Donnell	NCSBA
Linda Dunlap	NCAE
FREDDIE DAVIS	NCAE
Michael Horner	NCAE
Lewis Barbee	NCAE
Judy McConnell	TOG
Jim Stegall	U.C.P.S.
Evelyn Hawthorne	PSNC
Sarah Price	BOA
Carl Goodman	OSP
Carl Dolan	OSP

VISITOR REGISTRATION SHEET

STATE & LOCAL GOVERNMENT — MAY, 22, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Emily Doyle	NCPAPA
Katherine Joyce	NCASA
Lenna Nimmo	NCSBA
Tim Harris	WCPSS
Amy McConkey	Smith Anderson
Keith Collins	Milko
	FGHS
	BFA

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	May 23, 2007	3:15	Senate Chamber

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 629	Asheville Local Acts	Senator Nesbitt, Jr.

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 3

SENATE BILL 629

House Committee Substitute Favorable 7/28/07

Third Edition Engrossed 7/30/07

Short Title: Asheville Local Acts. (Local)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO SULLIVAN ACT III.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-312(a), as enacted by Section 1 of S.L. 2005-139, reads as rewritten:

"(a) A city shall have authority to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of any or all of the public enterprises as defined in this Article to furnish services to the city and its citizens and other areas and their citizens located outside the corporate limits of the city. Subject to Part 2 of this Article, a city may acquire, construct, establish, enlarge, improve, maintain, own, and operate any public enterprise outside its corporate limits, within reasonable ~~limitations.~~ limitations, but in no case shall a city be held liable for damages to those outside the corporate limits for failure to furnish any public enterprise service."

SECTION 2.(a) G.S. 160A-312(d), as enacted by Section 1 of S.L. 2005-139, reads as rewritten:

"(d) A city shall account for a public enterprise in a separate fund and may not transfer any money from that fund to another except for a capital project fund established for the construction or replacement of assets for that public enterprise. A city may also transfer up to five percent (5%) from that fund for capital projects made necessary by or made ancillary to the construction or replacement of assets for that public enterprise in that fiscal year. Obligations of the public enterprise may be paid out of the separate fund. Obligations shall not include any other fund or line item in the city's budget."

SECTION 2.(b) This section becomes effective July 1, 2012.

SECTION 3. G.S. 160A-31(a), as enacted by Section 2 of S.L. 2005-139, reads as rewritten:

"(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition

signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner and a statement that the owner's petition for annexation is not based upon any representation by the municipality that a public enterprise service available outside the corporate limits of that municipality would be withheld from the owner's property without the petition for ~~annexation.~~ annexation, except that a statement shall not be required of any owner of real property that is within a one-half mile radius of the primary corporate limits and within an area designated as 'region under consideration' on the 'Map of Areas Under Consideration' and that is to be used for a subdivision or development containing 16 or more lots or units or for a commercial development of 10,000 square feet or more."

SECTION 4. G.S. 160A-58.1(c), as enacted by Section 3 of S.L. 2005-139, reads as rewritten:

"(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. The petition shall also contain a statement from the owner that the owner's petition for annexation is not based upon any representation by the municipality that a public enterprise service available outside the corporate limits of that municipality would be withheld from the owner's property without the petition for ~~annexation.~~ annexation, except that a statement shall not be required of any owner of real property that is within a one-half mile radius of the primary corporate limits and within an area designated as 'region under consideration' on the 'Map of Areas Under Consideration' and that is to be used for a subdivision or development containing 16 or more lots or units or for a commercial development of 10,000 square feet or more. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition."

SECTION 5. G.S. 160A-58.1(b)(5), as amended by S.L. 2007-225, reads as rewritten:

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

...

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

This subdivision does not apply to the Cities of Asheville, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Rockingham, Sanford,

Salisbury, Southport, Statesville, and Washington and the Towns of Angier, Ayden, Benson, Bladenboro, Burgaw, Calabash, Catawba, Clayton, Columbia, Creswell, Dallas, Dobson, Fuquay-Varina, Garner, Godwin, Grimesland, Holly Ridge, Holly Springs, Kenly, Knightdale, Landis, Leland, Louisburg, Maggie Valley, Maiden, Mayodan, Midland, Mocksville, Morrisville, Pembroke, Pine Level, Princeton, Ranlo, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troy, Wallace, Warsaw, Waynesville, Wendell, Windsor, Yadkinville, and Zebulon."

SECTION 6. This act applies to the City of Asheville only.

SECTION 7. Except as otherwise provided in this act, this act is effective when it becomes law.

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Wednesday, May 23, 2007 at 3:15 Senate Chamber

MINUTES

The Senate State & Local Government Committee met at 3:15 on May 23, 2007, in Senate Chamber of the Legislative Building. Eleven members of the committee were present. Senator Malcolm Graham, presided.

A meeting was called around Senator Graham's chamber desk to hear bill SB629 (Asheville Local Acts.) by Senator Nesbitt. Senator Dorsett moved for favorable report and the committee voted, bill carried.

The meeting adjourned at 3:18.

Senator Malcolm Graham, Presiding

Anita Flintall, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, May 23, 2007

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

FAVORABLE

S.B. **629** Asheville Housing Authority.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

Anne Misenheimer (Sen. East)

From: Anita Flintall (Sen. Graham)
Sent: Thursday, May 31, 2007 10:47 AM
Subject: State and Local Gov Committee Notice 06-05-07

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 5, 2007	12:00 Noon	Room 1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 827	Wake Forest/Cary Historic Structures.	Representative Weiss Representative Dollar Representative Avila Representative Harrell
HB 203	Extend Johnston Rabbit Season.	Representative Daughtry
HB 548	Brevard Mayor's Four-Year Term.	Representative Walend

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, June 5, 2007, 12:00 Noon
Room 1124

Senator Don East, Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 203	Extend Johnston Rabbit Season.	Representative Daughtry
HB 548	Brevard Mayor's Four-Year Term.	Representative Walend
HB 827	Wake Forest/Cary Historic Structures.	Representative Weiss Representative Dollar Representative Avila Representative Harrell

Presentations

Other Business

Adjournment

HOUSE BILL 203:
Extend Johnston Rabbit Season

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 5, 2007
Introduced by:	Rep. Daughtry	**Summary by:**	Barbara Riley Committee Counsel
Version:	First Edition		

SUMMARY:

House Bill 203 repeals S.L. 1993-701 limiting the season for taking rabbits in Johnston County from the beginning of the season set by the Wildlife Resources Commission until February 15. With the repeal of the local law, the season for taking rabbits in Johnston County will be that set by the Wildlife Resources Commission under G.S. 113-291.2.

EFFECTIVE DATE:

The act is effective when it becomes law.

H0203e1-SMRF

H 1

HOUSE BILL 203

Short Title:	Extend Johnston Rabbit Season.	(Local)
Sponsors:	Representatives Daughtry; and Langdon.	
Referred to:	Wildlife Resources.	

February 15, 2007

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE SEASON FOR TAKING RABBITS IN JOHNSTON COUNTY TO COINCIDE WITH THE RABBIT SEASON IN THE OTHER COUNTIES OF THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 701 of the 1993 Session Laws is repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 3

HOUSE BILL 548*

Committee Substitute Favorable 4/12/07
Committee Substitute #2 Favorable 4/19/07

Short Title: Brevard Mayor's Four-Year Term. (Local)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, AND TO MAKE CONFORMING CHANGES CONCERNING FILLING OF VACANCIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2.2 of the Charter of the City of Brevard, being Chapter 415 of the 1981 Session Laws, reads as rewritten:

"Sec. 2.2. Mayor, Term of Office, Duties. The Mayor shall be elected by and from the qualified voters of the City for a term of ~~two~~ four years, in the manner provided by Article III of this Charter; provided, the Mayor shall serve until his successor is elected and qualified. The Mayor shall be the official head of the City government, shall preside at all meetings of the City Council, and shall have the powers and duties of Mayor as prescribed by this Charter and the General Statutes. The Mayor shall have the right to vote on matters before the Council only where there are an equal number of votes in the affirmative and in the negative."

SECTION 2. Section 2.6 of the Charter of the City of Brevard, being Chapter 415 of the 1981 Session Laws, reads as rewritten:

"Sec. 2.6. Vacancies. In the event a vacancy occurs in the office of the Mayor, ~~the City Council may by majority vote fill it for the remainder of the term.~~ it shall be filled in accordance with G.S. 160A-63. In the event a vacancy in the office of Councilman occurs ~~during the final two years of a regular term, the remaining members of the Council may by majority vote fill it for the remainder of the term. In the event a vacancy in the office of Councilman occurs during the first two years of a regular term, the remaining members of the Council may by majority vote fill it until the next election, at which it shall be filled by the voters for the remaining two years of the term.~~ it shall be filled in accordance with G.S. 160A-63."

SECTION 3. Section 3.2 of the Charter of the City of Brevard, being Chapter 415 of the 1981 Session Laws, reads as rewritten:

"Sec. 3.2. Election of the Mayor. At the regular municipal election in ~~1981,~~ 2009, and every ~~two~~ four years thereafter, there shall be elected a Mayor to serve a term of ~~two~~ four years. The Mayor shall be elected by the qualified voters of the City voting at large."

SECTION 4. Section 2 of this act is effective when it becomes law. The remainder of this act becomes effective January 1, 2009, and applies to mayoral elections conducted thereafter.

HOUSE BILL 548:
Brevard Mayor's Four-Year Term

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 1, 2007
Introduced by:	Rep. Walend	**Summary by:**	Theresa Matula
Version:	Third Edition		Committee Staff

SUMMARY: House Bill 548 changes the term for the City of Brevard Mayor from two to four years and requires vacancies for both the office of Mayor and the Council to be filled in accordance with G.S. 160A-63.

CURRENT LAW:

Sections 3.2 and 2.2 of the **Charter of the City of Brevard** provide that beginning with the regular municipal election in 1981, the Mayor is to be elected every two years for a term of two years. Section 2.6 of the Charter of the City of Brevard allows the City Council, by majority vote, to fill a vacancy in the office of the Mayor for the remainder of the term. Under the Charter, if a vacancy in the office of Councilman occurs during the first two years of a regular term, the remaining members of the Council may by majority vote fill it until the next election, at which time it will be filled by the voters for the remaining two years of the term. A vacancy in the office of Councilman during the final two years of a regular term may be filled by majority vote of the remaining members for the remainder of the term.

G.S. 160A-63 provides that vacancies in elected municipal offices be filled by appointment of the city council.

- Appointees serve the remainder of the unexpired term if 1) the term of office expires immediately following the next regular city election, or 2) the next regular city election will be held within 90 days after the vacancy occurs.
- When the next regularly scheduled city election is held more than 90 days after the vacancy occurs, appointees serve until the elected successor takes office, and the elected successor serves the remainder of the unexpired term.

In the event such a number of vacancies exist as to prevent a quorum of the city council from being obtained:

- The mayor appoints enough members to make up a quorum and the council fills the remaining vacancies.
- If the office of mayor is also vacant, the Governor may fill the vacancies at the request of any remaining council member or the petition of five registered voters of the city.

BILL ANALYSIS:

Sections 1 and 3 of House Bill 548 amend Sections 2.2 and 3.2 of the Charter of the City of Brevard to change the term for the Mayor from two to four years beginning with the regular municipal election in 2009. Section 3 of the bill requires that vacancies for the Mayor and for the Council will be filled according to G.S. 160A-63.

Section 2 of the bill becomes effective when the bill becomes law. Sections 1 and 3 of the bill become effective January 1, 2009 and apply to mayoral elections conducted thereafter.

Kara McCraw contributioned to this summary.
H0548e3-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 827

Short Title:	Wake Forest/Cary Historic Structures.	(Local)
Sponsors:	Representatives Avila, Dollar, Weiss, and T. Harrell (Primary Sponsors).	
Referred to:	Local Government II.	

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) In order to preserve and enhance one of the most valuable and unique natural resources of the community, and to preserve the property values and promote the general welfare of its citizens, a municipality may adopt ordinances to regulate the demolition of historic structures within its municipal corporate limits and extraterritorial jurisdiction. For purposes of this act, the term "historic structures" means:

(1) Any designated local, State, or national landmark; or,

(2) Any structure that is:

a. Individually listed in the National Register of Historic Places;

b. Individually identified as a contributing structure in a historic district listed in the National Register of Historic Places;

c. Certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

d. Individually listed in the State inventory of historic places;

e. Individually listed in the county Register of Historic Places; or,

f. Individually listed in a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program (including certified local governments) as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

SECTION 1.(b) Prior to adopting an ordinance under this act, a public hearing shall be held before the governing board of the municipality. Notice of the hearing shall be given in accordance with G.S. 160A-364. An ordinance adopted under this act may not prohibit the demolition of historic structures except in accordance with the provisions of Part 3C of Article 19 of Chapter 160A of the General Statutes.

SECTION 2. This act applies to the Towns of Cary and Wake Forest only.

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

HOUSE BILL 827:
Wake Forest/Cary Historic Structures

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 1, 2007
Introduced by:	Reps. Avila, Dollar, Weiss, T. Harrell	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: House Bill 827 would allow the towns of Cary and Wake Forest to adopt ordinances regulating the demolition of historic structures within their corporate limits and their extraterritorial jurisdiction. This act is effective when it becomes law.

[As introduced, this bill was identical to S559, as introduced by Sen. Hunt, which is currently in House Local Government II]

CURRENT LAW:

Municipalities may designate historic districts and historic landmarks if they establish or designate a historic preservation commission, and follow the numerous landmark designation procedures outlined in Part 3C of Article 19 of Chapter 160A. Designation procedures include preparing and adopting guidelines and procedures; conducting investigations and reports; and consulting with the Department of Cultural Resources. A person must file an application for a certificate of appropriateness before the person may alter the exterior, relocate, or demolish a building in the district. An ordinance may not prohibit the demolition of an historic structure unless the structure has statewide significance as defined in the criteria of the National Register of Historic Places, as determined by the State Historic Preservation Officer.

BILL ANALYSIS:

House Bill 827 would allow the Towns of Cary and Wake Forest to regulate the demolition of historic structures located in its zoning jurisdiction without having to meet the procedural requirements of Part 3C. An ordinance adopted pursuant to this act may deny an application to demolish an historic structure of State-wide significance, except when the property owner would suffer extreme hardship or be permanently deprived of any beneficial use of the property due to the denial.

EFFECTIVE DATE:

The act is effective when it becomes law.

BACKGROUND:

Similar legislation was enacted for the Town of Apex in by S.L. 2003-88.

Barbara Riley, Staff Attorney, and Cindy Avrette, counsel to the Senate Finance Committee, substantially contributed to this summary.

H0827e1-SMRK

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, June 5, 2007 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on June 5, 2007, in Room 1124 of the Legislative Building. Eight members of the committee were present. Senator Don East, presided.

Senator East opened the meeting by introducing the pages.

The first bill on the agenda HB827 (Wake Forest/Cary Historic Structures.) was heard by Rep. Avila. A motion by Senator Stevens moved for a favorable report. Bill carried.

HB203 (Extend Johnson Rabbit Season.) was heard by Representative Langdon. This bill was requested by the Johnson County Board of Commissioners. Senator Brunstetter moved for favorable report and bill carried.

HB 548 (Brevard Mayor's Four-Year Term.) was next heard by Representative Walend. The Senate version had passed the house. Senator Stevens asked was this bill identical to the senate bill? Yes. Senator Stevens motioned for a favorable report.

The meeting adjourned at 12:04.

Senator Don East, Presiding

Anita Flintall, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, June 05, 2007

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

FAVORABLE

H.B.	**203**	Extend Johnston Rabbit Season.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #2)	**548**	Brevard Mayor's Four-Year Term.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**827**	Wake Forest/Cary Historic Structures.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 3

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

State & Local Government — June 05, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joe McClees	McClees Consulting Inc
Gordon Myers	NCWRC
Dick Hamilton	NCWRC
Joan Troy	NCWRC
Judy McConnell	IOG

Principal Clerk ____
Reading Clerk ____

AMENDED NOTICE: Add HB 489

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 12, 2007	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 382	Hemby Bridge Elections.	Representative Blackwood, Jr.
HB 836	Bertie County Subdivisions.	Representative Mobley
HB 696	Amend Family Resource Ctr. Grant Program Laws-AB	Representative Parmon Representative Barnhart Representative Goodwin Representative Glazier
HB 925	Granite Quarry-Faith Police Authority.	Representative Steen, II
HB 1141	Granite Quarry/Form of Government.	Representative Steen, II
HB 489	Asheville Housing Authority.	Representative Thomas Representative Goforth Representative Fisher

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, June 12, 2007, 12:00 Noon
1124 LB

Senator Don East, Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 382	Hemby Bridge Elections.	Representative Blackwood, Jr.
HB 489	Asheville Housing Authority.	Representative Thomas Representative Goforth Representative Fisher
HB 696	Amend Family Resource Ctr. Grant Program Laws-AB	Representative Parmon Representative Barnhart Representative Goodwin Representative Glazier
HB 836	Bertie County Subdivisions.	Representative Mobley
HB 925	Granite Quarry-Faith Police Authority.	Representative Steen, II
HB 1141	Granite Quarry/Form of Government.	Representative Steen, II

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 382
PROPOSED SENATE COMMITTEE SUBSTITUTE H382-CSLB-59 [v.1]

6/11/2007 3:26:31 PM

Short Title: Hemby Bridge Elections/Union Academy. (Local)

Sponsors:

Referred to:

February 27, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ELECTIONS IN THE TOWN OF HEMBY BRIDGE SHALL BE DETERMINED BY PLURALITY, AND TO ALLOW UNION COUNTY TO APPROPRIATE FUNDS TO UNION ACADEMY OR THE UNION ACADEMY FOUNDATION, INC.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.1 of the Charter of Hemby Bridge, being S.L. 1998-143, reads as rewritten:

"Sec. 4.1. **Conduct of Town Elections.** Town officers shall be elected on a nonpartisan ~~election and runoff~~ plurality basis and results determined as provided in G.S. ~~163-293.~~ 163-292."

SECTION 2. Union County may appropriate up to five hundred thousand dollars ($500,000) each fiscal year in the aggregate for charter school purposes to Union Academy or the Union Academy Foundation, Inc.

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

HOUSE BILL 382:
Hemby Bridge Elections

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 12, 2007
Introduced by:	Rep. Blackwood	**Summary by:**	Barbara Riley
Version:	PCS to First Edition H382-CSLB-59		Committee Counsel

SUMMARY: House Bill 382 would amend the Charter of the Town of Hemby Bridge to provide for election of town officers by the nonpartisan plurality method. The proposed committee substitute authorizes Union County to appropriate up to $500,000 each fiscal year in the aggregate for charter school purposes to Union Academy or Union Academy Foundation, Inc.

CURRENT LAW: The Charter of the Town of Hemby Bridge currently provides for the election of its town officers by the nonpartisan election and runoff method under G.S. 163-293.

G.S. 163-293: Election and Runoff Method - The nonpartisan election and runoff method determines elections as follows:

- Elections are decided by a majority of the votes cast.
- If no candidate receives a majority, the candidate receiving the highest number of votes is declared elected, unless a runoff election is requested by the candidate receiving the second highest number of votes. The runoff election narrows the field to the two candidates with the highest number of votes.
- The law also provides for runoffs in group elections where two or more offices constituting a group are to be filled.
- In the event of a tie in the runoff election, the board of elections determines the winner by lot.

G.S. 163-292: Plurality Method - The plurality method determines elections as follows:

- For single offices, the candidate receiving the highest number of votes is declared the winner.
- For two or more offices constituting a group, the candidates receiving the highest number of votes, equal to the number of offices to be filled, are declared the winners.
- In the event of a tie, the board of election determines the winner by lot.

BILL ANALYSIS: Section 1 of House Bill 382 would amend the Charter of the Town of Hemby Bridge to require election of town officers by the nonpartisan plurality method set forth in G.S. 163-292.

Section 2 of the bill authorizes Union County to appropriate up to $500,000 each fiscal year in the aggregate to Union Academy or the Union Academy Foundation, Inc. for charter school purposes.

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

BACKGROUND: The Town of Hemby Bridge was incorporated in 1998, and is located in Union County. Union County is subject to Section 5 of the federal Voting Rights Act, and changes to election

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 489
PROPOSED SENATE COMMITTEE SUBSTITUTE H489-PCS80451-LB-55

Short Title: Asheville Housing Auth./Affordable Housing. (Local)

Sponsors:

Referred to:

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FROM FIVE YEARS TO FOUR YEARS AND TO AUTHORIZE THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR TEACHERS, POLICE OFFICERS, AND FIREFIGHTERS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 157-5(d) reads as rewritten:

"(d) The mayor shall designate overlapping terms of not less than one nor more than five years for the commissioners first appointed. Thereafter, the term of office shall be ~~five~~ four years. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. A majority of the commissioners shall constitute a quorum. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but he or she shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his or her duties."

SECTION 1.(b) This section applies to the City of Asheville only.

SECTION 1.(c) This section applies to terms of office commencing on or after the date it becomes law.

SECTION 2.(a) Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, and subject to the restrictions set out in this section, the City of Asheville and the Asheville City Board of Education may enter into a partnership, joint venture, land trust, or similar arrangement with each other to construct and provide affordable housing on property now owned by the City of Asheville or the Asheville City Board of Education.

SECTION 2.(b) Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, this section authorizes the City of Asheville and the Asheville City Board of Education to convey property they own to such partnership, joint venture, land trust, or similar entity for the purposes of constructing, providing, and maintaining affordable housing for Asheville City Schools teachers and professional staff and City of Asheville police officers and firefighters.

SECTION 2.(c) Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, the City of Asheville, the Asheville City Board of Education, or the partnership, joint venture, land trust, or similar entity referenced above may contract with any person, partnership, corporation, or other business entity to finance, construct, or maintain such affordable housing.

SECTION 2.(d) Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, the City of Asheville, the Asheville City Board of Education, or the partnership, joint venture, land trust, or similar entity referenced above may rent or sell such housing units for residential use; provided that the rental or sale of such units is exclusively restricted to Asheville City Schools teachers and professional staff and to City of Asheville police officers and firefighters; and provided further that, while the housing units may be rented or sold, the land may only be leased and not sold. The City, the Board, and the partnership, joint venture, land trust, or similar entity referenced above shall have the authority to establish reasonable rents or sales prices for any such housing units and may in their discretion charge below-market rates and offer below-market financing. The City, the Board, and the partnership, joint venture, land trust, or similar entity referenced above may also place reasonable restrictions and buyback provisions on the resale of the housing units to maintain the purposes set forth in this section.

SECTION 2.(e) This section shall not exempt any affordable housing units constructed pursuant to this act from compliance with applicable building codes, zoning ordinances, or any other health and safety statutes, rules, or regulations.

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

HOUSE BILL 489:
Asheville Housing Authority

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 11, 2007
Introduced by:	Reps. Fisher, Goforth, Thomas	**Summary by:**	Barbara Riley
Version:	PCS to First Edition H489-PCS80451-LB-55		Committee Counsel

SUMMARY:

House Bill 489 reduces the terms of members of the Asheville Housing Authority from 5 years to 4 years. The proposed committee substitute adds a provision that would allow the City of Asheville and the Asheville Board of Education to enter into a joint venture or other arrangement to construct and provide affordable housing for the City's school teachers and professional staff, and the City's firefighters and police officers, on land owned by the City or the Board of Education.

CURRENT LAW:

Article 1 of Chapter 157 is the Housing Authorities law.. G.S. 157-5 provides for the appointment, qualifications and tenure of housing authority commissioners. In particular, G.S. 157-5(d) establishes 5 year terms for housing authority members..

G.S. 66-58, the Umstead Act, generally prohibits the sale of goods and services by the government in competition with the citizens of the State.

G.S. 115C-518 provides for the disposition of school property by the local board of education. The law provides for the property to be offered to the county commissioners at fair market or a negotiated price and if the commissioners decline the offer, to dispose of the property according to the provisions of Article 12 of Chapter 160A.

Article 12 of Chapter 160A provides for the sale and disposal of property by municipalities, counties and other units of local government, such as school boards. Generally, property may be disposed of by (1) private negotiation and sale, (2) advertisement for sealed bids, (3) negotiated offer, (40 public auction, or (5) exchange. Real property may be disposed of by private negotiation and sale only when the property is of architectural, cultural, or historical interest, or significant for its natural, scenic, or open condition and the property is to be sold to a nonprofit corporation whose purposes include the preservation or conservation of such property.

BILL ANALYSIS:

Section 1 of House Bill 489 provides that members of the Asheville Housing Authority shall serve 4 year terms.

Section 2(a) of the bill allows the City of Asheville and the Ashville City Board of Education to enter into a partnership or other arrangement with each other to construct and provide affordable housing on property now owned by the City or the Board.

Section 2(b) authorizes the City and the Board to convey such property to the partnership, joint venture, land trust or other entity created for the purposes of constructing, providing and maintaining affordable housing for Asheville City Schools teachers and professional staff, and City police and fire fighters.

Section 2(c) allows the City, Board, or entity created pursuant to Section 2(a) to contract with any person to finance, construct, or maintain the affordable housing.

Section 2(d) authorizes the rental or sale of the affordable housing units for residential use. The rental or sale of the units is restricted to Asheville City Schools teachers and City police and firefighters. Section 2(d) also provides that although the housing units may be sold, the land on which the units are constructed may not be sold, but leased only. The City, Board or entity created by the City and Board may establish reasonable rental and sales prices for the housing units and may place reasonable buy back provisions on the resale of the units.

Section 2(e) provides that the housing units to be constructed pursuant to this Section shall not be exempt from applicable building codes, zoning ordinances or other health and safety rules.

EFFECTIVE DATE:

The act is effective when it becomes law and applies to terms of office commencing on or after that date.

BACKGROUND:

Legislation authorizing local governments and school boards to construct and provide affordable housing to teachers has been enacted for Dare County (S.L. 2004-16). Bertie County (S.L. 2006-61), and Hertford County (S.L. 2006-86).

H0489e1-SMRF-PCS80451-LB-55

HOUSE BILL 696

Short Title:	Amend Family Resource Ctr. Grant Program Laws-AB	(Public)
Sponsors:	Representatives Glazier, Goodwin, Barnhart, Parmon (Primary Sponsors); Alexander, Carney, Harrison, Insko, Lucas, and Wainwright.	
Referred to:	Ways and Means.	

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO ENSURE FAMILY SUPPORT GRANTS ARE PROVIDED TO COMMUNITY-BASED AGENCIES TO IMPLEMENT ONLY FAMILY SUPPORT PROGRAMS THAT ARE RESEARCH-BASED AND HAVE BEEN EVALUATED FOR EFFECTIVENESS UNDER THE LAWS PERTAINING TO THE FAMILY RESOURCE CENTER GRANT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-152.10 reads as rewritten:

"**§ 143B-152.10. Family Resource Center Grant Program; creation; purpose; intent.**

(a) There is created in the Department of Health and Human Services the Family Resource Center Grant Program. The purpose of the program is to provide grants to ~~establish family resource centers~~implement family support programs that are research-based and have been evaluated for effectiveness that provide services to children from birth through ~~elementary school age~~17 years of age and to their families that:

(1) Enhance the children's development and ability to attain academic and social success;

(1a) Prevent child abuse and neglect by implementing program models that have been evaluated and found to improve outcomes for children and families;

(2) Ensure a successful transition from early childhood education programs and child care to the public schools;

(3) Assist families in achieving economic independence and self-sufficiency; and

(4) Mobilize public and private community resources to help children and families in need.

(b) It is the intent of the General Assembly to encourage and support broad-based collaboration among public and private agencies and among people who reflect the racial and socioeconomic diversity in communities to develop initiatives that (i) ~~prepare children to learn effectively and to have a successful school experience,~~improve outcomes for children by preventing child abuse and neglect, (ii) enhance and strengthen the ability of families to ensure the safety, health, and well-being of their children, (iii) enhance the ability of families to become advocates for and supporters of ~~education for~~ the children in their families, and ~~(iii)~~(iv) enhance the ability of families to function as nurturing and effective family units.

(c) It is further the intent of the General Assembly that this program shall be targeted to those neighborhoods that have disproportionately high levels of (i) children who would be less likely to attain educational or social success, (ii) families with low incomes, and (iii) crime and juvenile delinquency."

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

HOUSE BILL 696:
Amend Family Resource Ctr. Grant Program Laws-AB

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 11, 2007
Introduced by:	Reps. Glazier, Goodwin, Barnhart, Parmon	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: House Bill 696 amends the purpose of the Family Resource Center Grant program from providing grants to establish family resource centers to implementing family support programs that are research-based and have been evaluated for effectiveness, extends services to children from birth through 17 years of age (currently birth through elementary school age), and amends the stated legislative intent to include additional criteria for the initiatives developed.

[As introduced, this bill was identical to S979, as introduced by Sen. Boseman, which is currently in Senate Appropriations/Base Budget.]

CURRENT LAW:

G.S. 143B-152.10 created the Family Resource Center Grant Program within the Department of Health and Human Services. G.S. 143B-152.10(a) outlines that the purpose of the Program is to provide grants to establish family resource centers which provide services to children, from birth through elementary school age, and to their families. Services are provided that:

- Enhance the child's development and ability to attain academic and social success.
- Ensure successful transitions into the public schools.
- Assist families in achieving economic independence and self-sufficiency.
- Mobilize public and private community resources to help children and families in need.

G.S. 143B-152.10(b) provides that it is the intent of the General Assembly to encourage and support broad-based collaboration among public and private agencies and among people who reflect the racial and socioeconomic diversity in communities to develop initiatives that:

(i) Prepare children to learn effectively and have a positive school experience,

(ii) Enhance the family's ability to be an advocate and supporter of their children's education, and

(iii) Enhance the family's ability to function as a nurturing and effective family unit.

BILL ANALYSIS:

House Bill 696 amends G.S. 143B-152-10(a) to change the purpose of the program from providing grants to establish family resource centers to implementing family support programs that are research-based and have been evaluated for effectiveness. Additionally, the bill extends the age range for services from birth through elementary school age children, to children from birth through 17 years of age. Further, the bill amends the statutes to specify that the grants prevent child abuse and neglect by implementing program models that have been evaluated and found to improve outcomes for children and families.

Finally, the stated intent of the General Assembly provided in G.S. 143B-152.10(b) is amended to specify that the intent is to develop initiatives that:

(i) Improve outcomes for children by preventing child abuse and neglect,

(ii) Enhance and strengthen the ability of families to ensure the safety, health, and well-being of their children,

(iii) Enhance the ability of families to become advocates for and supporters of the children and their families, and
(iv) Enhance the ability of families to function as nurturing and effective family units.

This bill becomes effective when it becomes law.

BACKGROUND:

House Bill 696 is an agency bill from the Department of Health and Human Services. The changes were recommended by the State Task Force on Child Abuse Prevention. The proposed changes are encouraged, but not required for continued funding by the federal government.

**Kara McCraw contributed to this summary.*

H0696e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 836*

Short Title:	Bertie County Subdivisions.	(Local)
Sponsors:	Representatives Mobley; Allen, Bryant, and Wray.	
Referred to:	Local Government I.	

March 15, 2007

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-335 reads as rewritten:

"**§ 153A-335. "Subdivision" defined.**

(a) For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.

(2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.

(5) The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees) for as long as the use is appropriate under local ordinances. For the purposes

of this subdivision, the term "immediate family" includes only direct lineal descendants (children and grandchildren) and direct lineal ascendants (parents and grandparents). Divisions of land in this category must have access to an established public or private right-of-way or an easement for ingress and egress.

(b) A county may provide for expedited review of specified classes of subdivisions."

SECTION 2. This act applies to Bertie County only.

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

HOUSE BILL 836:
Bertie County Subdivisions

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 11, 2007
Introduced by:	Rep. Mobley	**Summary by:**	Sara Kamprath
Version:	First Edition		Legislative Analyst

SUMMARY: House Bill 836 would add an additional exception to the definition of 'subdivision' for the County of Bertie.

[As introduced, this bill was identical to S626, as introduced by Sen. Jones, which is currently in House Local Government I.]

CURRENT LAW: G.S. 153A-335 defines a subdivision of land as follows:

"All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets, **EXCEPT** any of the following:

1. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.
2. The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for widening or opening streets.
4. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations."

BILL ANALYSIS: House Bill 836 adds the following additional exception to the definition of subdivision included in G.S. 153A-335, but only as it applies in Bertie County:

5. The division of land by any method of transfer from a grantor to a grantee(s) who is a member of the grantor's immediate family, solely for the residential use of the grantee(s) for as long as the use is appropriate under local ordinances. The term "immediate family" shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother). A division of land under this subdivision must have access to an established public or private right of way or an easement of ingress and egress.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: Similar language was enacted for Pitt County in 2004. S.L. 2004-46.

Erika Churchill, counsel to the House Local Government Committee, contributed significantly to this summary.

H0836e1-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 925

Committee Substitute Favorable 3/29/07

Short Title: Granite Quarry-Faith Police Authority. (Local)

Sponsors:

Referred to:

March 21, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF GRANITE QUARRY AND THE TOWN OF FAITH TO ESTABLISH A JOINT POLICE AUTHORITY TO PROVIDE POLICE PROTECTION FOR THE TWO TOWNS.

The General Assembly of North Carolina enacts:

SECTION 1. The Town of Granite Quarry and the Town of Faith may establish a joint police authority to provide police protection for the two towns. The law enforcement officers employed by the joint police authority have the powers and authority set forth in Article 13 of Chapter 160A of the General Statutes to the same extent as if they were employed by either of the individual towns. The law enforcement officers shall be appointed by the authority and shall take the oath required for law enforcement officers generally.

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

HOUSE BILL 925:
Granite Quarry-Faith Police Authority

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 7, 2007
Introduced by:	Rep. Steen	**Summary by:**	Sara Kamprath
Version:	Second Edition		Legislative Analyst

SUMMARY: ***House Bill 925 authorizes the Towns of Granite Quarry and the Town of Faith to establish a joint police authority.***

CURRENT LAW: Under current general law, the Town of Granite Quarry and the Town of Faith in Rowan County can each establish its own police force, in accordance with Article 13 of Chapter 160A of the General Statutes, and its municipal charter.

BILL ANALYSIS: House Bill 925 authorizes the Town of Granite Quarry and the Town of Faith to establish a joint police authority, with the same powers and authority that the each separate force is currently are authorized to exercise.

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

Giles Perry, counsel to House Local Government II Committee, contributed significantly to this summary.

H0925e2-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 1141

Short Title:	Granite Quarry/Form of Government.	(Local)
Sponsors:	Representative Steen.	
Referred to:	Local Government II.	

March 28, 2007

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF GRANITE QUARRY TO ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5-1 of the Charter of the Town of Granite Quarry, being S.L. 2003-203, reads as rewritten:

"Section 5-1. **Town to Operate Under ~~Mayor-Council~~ Council-Manager Plan.** The Town of Granite Quarry ~~operates~~ shall operate under the ~~mayor-council~~council-manager plan as provided in ~~Part 3~~Part 2 of Article 7 of Chapter 160A of the General Statutes."

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

HOUSE BILL 1141:
Granite Quarry/Form of Government

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 11, 2007
Introduced by:	Rep. Steen	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: House Bill 1089 amends the Charter of the Town of Granite Quarry to provide for the Town's operation under the Council-Manager form of government.

CURRENT LAW:

Article 5, Part 4, Chapter 160A provides for the Modification of Form of Government for Cities and Towns. G.S. 160A-101(9) specifies the following:

§ 160A-101. Optional forms.

Any city may change its name or alter its form of government by adopting any one or combination of the options prescribed by this section:

...

(9) Form of government:

a. The city shall operate under the mayor-council form of government in accordance with Part 3 of Article 7 of this Chapter.

b. The city shall operate under the council-manager form of government in accordance with Part 2 of Article 7 of this Chapter and any charter provisions not in conflict therewith.

G.S. 160A-147 through G.S. 160A-152 provides for the following with regard to the Administration of Council-Manager Cities:

G.S. 160A-147 Appointment of city manager; dual office holding.

G.S. 160A-148 Powers and duties of manager.

G.S. 160A-149 Acting city manager.

G.S. 160A-150 Interim city manager.

G.S. 160A-151 Mayor and councilmen ineligible to serve or act as manager.

G.S. 160A-152 Applicability of Part.

BILL ANALYSIS:

Granite Quarry is currently operating under the Mayor-Council form of government.

House Bill 1089 amends Section 5-1 of the Charter of the Town of Granite Quarry to change the town's operation from the Mayor–Council to the Council-Manager form of government.

EFFECTIVE DATE:

This bill is effective when it becomes law.

H1141e1-SMSH

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Wednesday, June 12, 2007 at 12:00 Noon
Room1124, LB

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on June 12, 2007, in Room 1124 of the LB. Thirteen members of the committee were present. Senator Malcolm Graham, presided.

After Senator Graham introduced the pages, HB 382 (An Act To Provide That Elections In The Town Of Hemby Bridge Shall Be Determined By Plurality.) was explained by Representative Blackwood. A motion was made by Senator Albertson to accept a PCS and the motion carried. The bill received a favorable report unfavorable to the Original Bill. HB 489(Ashville Housing Authority.) was explained to the committee by Representative Fisher. After much discussion and questions from the committee, the bill was temporarily displaced due to several concerns of the committee, and it was suggested by Senator East that Senators Apodoca and Senator Nesbitt be contacted to see if they were in support of the bill since they were not aware of the bill. HB 696 (Amend Family Resource Ctr. Grant Program Laws-AB) was introduced to the committee by Representative Goodwin. Senator Dorsett made a motion that the bill received a favorable report and the motion carried. The next bill on the agenda was HB 836 (An Act Relating to the Definition Of Subdivisions Bertie County Subdivisions) presented by Representative Mobley. The bill received a favorable report from the committee. HB 925 was presented by Representative Steen and also received a favorable report. Representative Steen also presented last bill, HB 1141, (An Act Amending The Charter Of The Town Of Granite Quarry To Allow The Town To Operate Under The Council-Manager Form Of Government). HB 1141 received a favorable report.

The meeting adjourned at 12:25 PM.

Senator Malcolm Graham, Presiding Clerk

Anne Misenheimer, Committee

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, June 12, 2007

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

FAVORABLE

H.B. **696** Amend Family Resource Ctr. Grant Program Laws-AB
Sequential Referral: None
Recommended Referral: None

H.B. **836** Bertie County Subdivisions.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **925** Granite Quarry-Faith Police Authority.
Sequential Referral: None
Recommended Referral: None

H.B. **1141** Granite Quarry/Form of Government.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 4

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate State & Local Government — June 12, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	DHHS
MARINA CARLOW	DHHS
Jim Stegall	U.C.P.S.
Traci White	Bertie County
Andy Romanet	NCLM

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

AMENDED NOTICE #2: ADD: HB382, HB1197 REMOVE: HB1586

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 19, 2007	12:00 Noon	Room 1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 645	State Historical Records Advisory Board.-AB	Representative Haire
HB 695	Internship Council Agencies.-AB	Representative Adams Representative Hall Representative Luebke
HB 1202	Salisbury Historic District.	Representative Coates
HB 382	Hemby Bridge Elections.	Representative Blackwood, Jr.
HB 1197	Statesville Civil Service Change.	Representative Ray

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, June 19, 2007, 12:00 Noon
Room 1124

AGENDA

Senator Don East, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 382	Hemby Bridge Elections.	Representative Blackwood, Jr.
HB 645	State Historical Records Advisory Board.-AB	Representative Haire
HB 695	Internship Council Agencies.-AB	Representative Adams Representative Hall Representative Luebke
HB 1197	Statesville Civil Service Change.	Representative Ray
HB 1202	Salisbury Historic District.	Representative Coates

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 382
PROPOSED SENATE COMMITTEE SUBSTITUTE H382-CSRF-47 [v.1]

6/19/2007 11:28:54 AM

Short Title: Hemby Bridge Elections. (Local)

Sponsors:

Referred to:

February 27, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ELECTIONS IN THE TOWN OF HEMBY BRIDGE SHALL BE DETERMINED BY PLURALITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.1 of the Charter of Hemby Bridge, being S.L. 1998-143, reads as rewritten:

"Sec. 4.1. **Conduct of Town Elections.** Town officers shall be elected on a nonpartisan ~~election and runoff~~ plurality basis and results determined as provided in G.S. ~~163-293.~~ 163-292."

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

HOUSE BILL 382:
Hemby Bridge Elections

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 19, 2007
Introduced by:	Rep. Blackwood	**Summary by:**	Barbara Riley
Version:	PCS to First Edition H382-CSRF-47		Committee Counsel

SUMMARY: House Bill 382 would amend the Charter of the Town of Hemby Bridge to provide for election of town officers by the nonpartisan plurality method

CURRENT LAW: The Charter of the Town of Hemby Bridge currently provides for the election of its town officers by the nonpartisan election and runoff method under G.S. 163-293.

G.S. 163-293: Election and Runoff Method - The nonpartisan election and runoff method determines elections as follows:

- Elections are decided by a majority of the votes cast.
- If no candidate receives a majority, the candidate receiving the highest number of votes is declared elected, unless a runoff election is requested by the candidate receiving the second highest number of votes. The runoff election narrows the field to the two candidates with the highest number of votes.
- The law also provides for runoffs in group elections where two or more offices constituting a group are to be filled.
- In the event of a tie in the runoff election, the board of elections determines the winner by lot.

G.S. 163-292: Plurality Method - The plurality method determines elections as follows:

- For single offices, the candidate receiving the highest number of votes is declared the winner.
- For two or more offices constituting a group, the candidates receiving the highest number of votes, equal to the number of offices to be filled, are declared the winners.
- In the event of a tie, the board of election determines the winner by lot.

BILL ANALYSIS: House Bill 382 would amend the Charter of the Town of Hemby Bridge to require election of town officers by the nonpartisan plurality method set forth in G.S. 163-292.

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

BACKGROUND: The Town of Hemby Bridge was incorporated in 1998, and is located in Union County. .

Kara McCraw, Committee Counsel to House Election Law and Campaign Finance, substantially contributed to this summary.

H0382e1-SMRF-CSRF-47

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 645
Committee Substitute Favorable 4/16/07

Short Title: State Historical Records Advisory Board.-AB (Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

AN ACT CONTINUING THE STATE HISTORICAL RECORDS ADVISORY BOARD.

The General Assembly of North Carolina enacts:

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

"**§ 121-5.1. State Historical Records Advisory Board.**

(a) The State Historical Records Advisory Board, which was constituted in 1975 in accordance with 44 U.S.C. § 2501; 36 C.F.R. § 1206 is continued under State law and shall be located administratively in the Department of Cultural Resources. The Board shall consist of 10 members. Eight members shall be appointed by the Governor for three-year staggered terms, and each member shall have experience in the administration and use of historical records. All current members shall continue to serve until the expiration of their term unless a member is removed or the position becomes vacant, in which case the vacancy shall be filled in accordance with subsection (c) of this section. The Deputy Secretary of the Office of Archives and History and the State Archivist shall both serve as ex officio members of the Board.

(b) The Board's primary duty shall be to serve as the central advisory body for historical records coordination within the State and for the National Historical Publications and Records Commission (NHPRC). In addition, subject to the availability of funds, the Board shall:

(1) Offer assistance, advice, and consultation to State, county, and municipal governments, historic sites, museums, historical societies, and other institutions holding records of historical value concerning the care, preservation, and management of their records.

(2) Solicit, review, and assess grant proposals in connection with NHPRC grants or grants from other sources.

(3) Offer educational programs and conferences.

(4) Conduct statewide studies and surveys of the State's historical records.

(c) The Governor may remove any member for good cause shown. The Governor shall fill any vacancy on the Board. Appointees to fill vacancies shall serve the remainder of the unexpired term and until their successors have been appointed and qualified.

(d) Members of the Board shall receive per diem and reimbursement for travel and subsistence as provided in G.S. 138-5 and G.S. 138-6, as appropriate.

(e) The Governor shall appoint either the Deputy Secretary of the Office of Archives and History or the State Archivist as the State coordinator as required by NHPRC regulations. The State coordinator shall serve a four-year term and may be reappointed. The State coordinator may designate a deputy State coordinator from the Board's membership.

(f) The Board shall hold at least two meetings each year to conduct business. The Board shall establish the procedures for calling, holding, and conducting regular and special meetings. A majority of the members of the Board constitutes a quorum for the transaction of business."

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

HOUSE BILL 645:
State Historical Records Advisory Board.-AB

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 18, 2007
Introduced by:	Rep. Haire	**Summary by:**	Sara Kamprath
Version:	Second Edition		Committee Analyst

SUMMARY: ***House Bill 645 authorizes the continuation of the State Historical Records Advisory Board under State law.***

BILL ANALYSIS:

This bill would establish the existing Board under State law. The current membership would continue to serve until the expiration of their terms. The staggered rotation of members has already been established and would continue under this bill. The Board would be located administratively in the Department of Cultural Resources with the primary responsibility of serving as the central advisory board for historical records coordination within the State and for the NHPRC. The Board shall hold at least two meetings each year to conduct business.

BACKGROUND:

The State Historical Records Advisory Board was established in 1975, in accordance with federal regulations promulgated under the National Historical Publications and Records Commission (NHPRC). The federal regulations provide that each state participating in the NHPRC state program must appoint a Board following the Manual of Suggested Practices. In accordance with the regulations, the Governor appointed a 10-member Board. The Deputy Secretary of the Office of Archives and History and the State Archivist serve as ex officio members of the Board. The eight non ex officio members are appointed for three-year staggered terms and must have experience in the administration and use of historical records. The activities of the Board are currently funded by the federal government.

EFFECTIVE DATE:

This act would become effective when it becomes law.

H0645e2-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 3

HOUSE BILL 695

Committee Substitute Favorable 5/17/07

Third Edition Engrossed 5/21/07

Short Title: Internship Council Agencies.-AB (Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO EXPAND AGENCIES COVERED BY THE STATE GOVERNMENT INTERNSHIP PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-417 reads as rewritten:

"Part 18. North Carolina Internship Council.

"**§ 143B-417. North Carolina Internship Council – creation; powers and duties.**

There is hereby created the North Carolina Internship Council of the Department of Administration. The North Carolina Internship Council shall have the following functions and duties:

(1) To determine the number of student interns to be allocated to each of the following offices or departments:

a. Office of the Governor
b. Department of Administration
c. Department of Correction
d. Department of Cultural Resources
e. Department of Revenue
f. Department of Transportation
g. Department of Environment and Natural Resources
h. Department of Commerce
i. Department of Crime Control and Public Safety
j. Department of Health and Human Services
k. Office of the Lieutenant Governor
l. Office of the Secretary of State
m. Office of the State Auditor
n. Office of the State Treasurer
o. Department of Public Instruction
p. Department of Justice

q. Department of Agriculture and Consumer Services
r. Department of Labor
s. Department of Insurance
t. Office of the Speaker of the House of Representatives
u. Justices of the Supreme Court and Judges of the Court of Appeals
v. Community Colleges System Office
w. Office of State Personnel
x. Office of the Senate President Pro Tempore
y. Department of Juvenile Justice and Delinquency ~~Prevention;~~Prevention
z. Administrative Office of the Courts
aa. State Ethics Commission
bb. Employment Security Commission
cc. State Board of Elections

(2) To screen applications for student internships and select from these applications the recipients of student internships; and

(3) To determine the appropriateness of proposals for projects for student interns submitted by the offices and departments enumerated in subdivision (1) of this section."

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

HOUSE BILL 695:
Internship Council Agencies.-AB

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 18, 2007
Introduced by:	Reps. Luebke, Adams, Hall	**Summary by:**	Theresa Matula
Version:	Third Edition		Committee Staff

SUMMARY: ***House Bill 695 amends the duties of the North Carolina Internship Council of the Department of Administration to add the Department of Justice, the Administrative Office of the Courts, the State Ethics Commission, the Employment Security Commission, and the State Board of Elections to the list of offices or departments to which student interns are allocated.***

CURRENT LAW:

G.S. 143B-417 creates the North Carolina Internship Council and outlines the functions and duties.

G.S. 143B-418 establishes the membership of the Council which consists of 17 members.

G.S. 143B-419 provides that the North Carolina Internship Council may designate one representative from each office or department listed in G.S. 143B-417 to serve on a committee to assist, pursuant to the guidelines adopted by the Council, in the screening and selection of applicants for student internships.

BILL ANALYSIS:

House Bill 695 amends G.S. 143B-417 to add the following five offices or departments to the list of those for which the North Carolina Internship Council may determine student intern allocations:

- Department of Justice
- Administrative Office of the Courts
- State Ethics Commission
- Employment Security Commission
- State Board of Elections.

Under G.S. 143B-420, the Council may also designate one representative from each of the above entities to serve on a committee to screen and select applicants for student internships.

This act will become effective when it becomes law.

H0695e3-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 1197

Committee Substitute Favorable 5/4/07

Short Title: Statesville Civil Service Change. (Local)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO MODIFY THE POWERS AND DUTIES OF THE CIVIL SERVICE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Statesville, being S.L. 1977-289, as amended by S.L. 1981-799, reads as rewritten:

"CIVIL SERVICE BOARD.

"Sec. 5.1. Members; Term of Office. The Civil Service Board of the City, hereinafter referred to as the 'Board', shall consist of five members. Terms shall begin on the first day of July and expire on the last day of June.

The present members of the Board shall continue to serve until their present terms expire. That person appointed to fill the first term expiring shall be appointed to a three-year term. Of those appointed to the next three terms expiring, one shall serve a one-year term, one shall serve a two-year term, and one shall serve a three-year term. That person appointed to fill the last present term expiring shall serve a three-year term. These staggered terms are to ensure that a majority of the terms shall not expire during the same year. After the expiration of the term of these appointments, all appointments shall be for a three-year term.

"Sec. 5.2. Appointment of Members; Vacancies; Reappointments. All members of the Board shall be appointed by the senior Resident Judge of the Superior Court of the Judicial District of which Iredell County is a part. Vacancies on the Board shall be filled by appointment in the same manner, and any member appointed to fill a vacancy shall serve the remainder of the unexpired term. No member of the Board, after having served a full two or three-year term, shall be eligible for reappointment to the next succeeding term.

"Sec. 5.3. Qualifications; Removal From Office. Any person, other than a member of the City Council, an elective officer, a member or employee of the police or fire department, or an employee of the City, who is a qualified voter in the municipal elections in the City, shall be eligible for membership on the Board; provided that at

least two members shall be of a political party different from that of the majority of the Board. Each member of the Board shall take an oath (or affirmation) for the faithful discharge of the duties of his office. The members of the Board shall be subject to removal from office by the senior Resident Superior Court Judge for any cause which, in his discretion, makes such removal in the best interests of the public.

"Sec. 5.4. Election of Officers; Duties; Records Open to Public. The Board shall elect from its membership a chairman and a secretary for a term of one year. The chairman shall preside at all meetings of the Board. The secretary shall keep the minutes of the proceedings of the Board and shall be the custodian of all papers and records pertaining to the business of the Board, and shall perform such other duties as the Board may direct. All of the records of the Board shall be open to public inspection, during normal business hours at their place of keeping, except where otherwise prohibited by law.

"Sec. 5.5. Powers and Duties. ~~The Board shall establish and fix requirements of applicants for employment in the police department and the fire department of the City, not contrary to State law. These requirements shall be printed and made available for public inspection and for the use of the employees of and applicants for employment in such departments. The board shall institute an affirmative action program in locating, testing and employing qualified blacks for entry level positions in police and fire departments, maintain accurate records and report regularly to city council on progress made in complying with federal court order.~~The Board shall hear grievances as to promotions, demotions, suspensions, and terminations of members of the fire and police departments.

"Sec. 5.6. Compensation. The members of the Board shall receive as compensation for each meeting the sum of fifteen dollars ($15.00).

"Sec. 5.7. Rooms and Clerical Help. The City shall provide suitable rooms for the Board and shall provide all necessary clerical and stenographic help and all stationery, forms, and other supplies needed by the Board, and shall allow such reasonable use of the facilities of the City ~~for the holding of examinations, and such other use~~ as may be necessary for the proper conduct of its affairs.

~~"Sec. 5.8. Examination of Applicants. All applicants for sworn positions in the police department and qualified firefighters in the fire department of the City shall be subject to an examination by the Board, which examination shall be competitive and open to all persons, subject to a reasonable limitation as to age, health, moral character and general reputation. The examination shall relate to those matters which will fairly test the relative ability of the person examined to discharge in a proper fashion the duties of the position which he seeks to be appointed to, and shall include tests of physical, mental, and moral qualifications, but no applicant shall be examined concerning his political opinions or affiliations. Due regard shall be given by the Board in its examination of applicants for positions in the police department and fire department to the experience or training of any applicant which may qualify him for the duties which he would be called upon to discharge as a member of either department.~~

~~"Sec. 5.9. Notice of Examinations. Notice of the time and place of every examination shall be given by the Board by advertisement in some newspaper published in the City.~~

~~"Sec. 5.10. Eligibility List; Appointments. The Board shall prepare and keep an eligibility list of persons successfully passing its examinations for the positions of patrolmen and firefighters. Each person shall be graded according to his respective showing upon such examinations, and the Board shall make appointments to vacancies, which occur in the departments, on a basis of the grades made by the various applicants upon the examinations so given. All examinations given by the Board shall be made under the rules and regulations established by the Board.~~

~~All names which remain on the eligibility list for a period of two years shall be stricken therefrom; provided, however, any person who becomes eligible for appointment to either the police department or fire department, and is given proper notification that a vacancy exists, shall have seven days to accept or reject the appointment and if he rejects same, his name shall be removed immediately from the eligibility list.~~

~~"Sec. 5.11. Appointment of Policemen and Firemen; Responsible to Mayor and Council. The Chiefs and members of the Police and Fire Departments shall be appointed by a majority vote of the Board.~~

~~The Chiefs and members of the Police and Fire Departments shall be under the direction and control of, and shall be directly responsible to, the Mayor and City Council or, upon proper delegation, to the City Manager.~~

~~"Sec. 5.12. Promotions. All promotions shall be by competitive examination within the departments and shall be made by the respective chiefs, with the approval of the Board.~~

"Sec. 5.13. ~~Acting~~ Chiefs. ~~Notwithstanding any other section to the contrary, if~~ The City Manager shall hire and may terminate the Chiefs of the fire and police departments. If a vacancy occurs in the position of Chief and a new Chief is not immediately appointed, an acting Chief shall be appointed by the City Manager from within the department. The acting Chief shall have all the powers, duties and responsibilities as does the Chief. The acting Chief may be removed from office at any time by the City Manager, in which case he or she shall be restored to his former position.

"Sec. 5.14. Suspension of Fire and Police Chiefs. ~~The mayor and city council or, upon proper delegation, the city manager shall have the authority to suspend, demote or terminate from employment the chief of either the police or fire department, but no such suspension, demotion or termination shall become final until concurred in by the civil service board.~~The City Manager shall be responsible for the hiring, firing, and discipline of the police and fire Chiefs.

"Sec. 5.14.1. Hiring Members of Police and Fire Departments; Promotions. The Chiefs of the police and fire departments shall hire the members of their respective departments. All promotions shall be by competitive examination within the departments and shall be made by the respective Chiefs.

"Sec. 5.15. Suspensions; Demotions; Terminations. The Chief of the police or fire department may suspend, demote, or terminate from employment any member of their respective departments for the infraction of any departmental rules and regulations. The Chief may also suspend a departmental employee during the investigation, hearing, or trial of said employee on any criminal charge, when suspension would be in the best interest of the department; where the suspension is terminated by full reinstatement of the employee, back pay shall be recoverable. Suspensions for an infraction of departmental rules and regulations of more than 15 days at any one time, or one which would make the total number of days suspended exceed 25 during any six-month period; demotions in rank and terminations may be appealed to the Board, upon written request filed with the respective Chief within three days of notification of the disciplinary action taken. The rules and regulations of each department may provide for appeals in the case of all suspensions for infractions of departmental rules and regulations; the Board shall have the power to hear such appeals. Upon notification of an appeal, the Board may make such investigation as it may direct and shall hold a hearing at which the accused shall be given an opportunity to be heard and present evidence in his own behalf. The Board shall have power to subpoena witnesses and compel testimony.

~~The board shall have the authority to suspend, demote in rank, or terminate from employment any employee who has appealed.~~ The board shall have the authority to sustain the disciplinary action imposed by the chief or vacate the same or impose such disciplinary action as it may determine; provided that no such ~~suspension, demotion or termination~~ action shall become final until ~~concurred in~~ it is concurred by the city council.

~~Notwithstanding any provisions to the contrary herein, a~~ Any probationary employee of either department may be summarily discharged by the Chief of that department with no right to appeal to the Board.

Decisions regarding disciplinary actions made by the Chiefs, where no right to appeal exists, and all decisions of the Board under this section, shall be final and not subject to judicial review.

This section shall not apply to terminations due to a reduction in personnel.

"Sec. 5.16. Political Activity. No member or employee of the police department or the fire department shall contribute to or take part in any manner, directly or indirectly, in any election or function involving the election of a candidate for municipal office, other than casting his secret ballot.

No employee of the police department or the fire department shall seek a political office while employed as a member of either department, and shall not be granted a leave of absence prior to offering for election. Such employee shall automatically be dropped from the payroll of the City on the date the filing fee is paid to the Election Board."

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

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

HOUSE BILL 1197:
Statesville Civil Service Change

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 18, 2007
Introduced by:	Rep. Ray	**Summary by:**	Hal Pell
Version:	Second Edition		Committee Co-Counsel

SUMMARY: ***This act amends the Charter of the City of Statesville with regard to the powers and duties of the Civil Service Board, including removal of the Board's responsibility for establishing requirements for employment in the police and fire departments, as well as the Board's authority to hire and terminate the departments' Chiefs. This act is effective when it becomes law.***

CURRENT LAW: The Charter of the City of Statesville provides for a Civil Service Board that is authorized to establish the requirements for employment with the City's fire or police departments, conduct examinations of those applicants, make appointments to vacancies in the departments from a list of eligible persons successfully passing the exam, and appoint the chiefs of the fire and police departments.

The Charter further provides that the mayor and city council, or if delegated, the city manager, shall have the authority to suspend, demote, or terminate the chiefs of the fire or police departments, but that no such action shall become final until concurred in by the Civil Service Board.

Finally, the Charter currently provides for the Civil Service Board to approve promotions.

BILL ANALYSIS: House Bill 1197 repeals the authority of the Civil Service Board to set the requirements for employment with the City's police and fire departments, to examine applicants, appoint members and chiefs of the departments and approve promotions.

The bill also:

- Authorizes the Statesville Civil Service Board to hear grievances on promotions, demotions, suspensions, and terminations from employment in the departments. The Board has the authority to sustain the disciplinary action taken by the chiefs or vacate the action, provided that no action shall become final until it is concurred in by the city council.
- Clarifies that the city manager has sole authority to hire and terminate the chiefs of the police and fire departments.
- Adds a provision that the chiefs are responsible for the hiring of members of the police and fire departments.

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

Summary contribution by Barbara Riley, Staff Attorney.

H1197e2-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 1202

Short Title:	Salisbury Historic District.	(Local)
Sponsors:	Representative Coates.	
Referred to:	Local Government II.	

March 29, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF SALISBURY TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 160A-400.14, the City of Salisbury may adopt an ordinance providing that no structure within the City's Downtown Local Historic District ('H' Historic District Overlay, as adopted by the City Council on October 2, 2001) may be demolished without a permit issued by the City Council. The City Council shall consider the following in deciding whether to issue a permit: (i) the location of the structure within the historic district; (ii) the state of repair of the structure; (iii) the architectural and historical significance of the structure; (iv) the overall impact of the demolition of the structure on the historic district; and (vi) the issuance of a certificate of appropriateness for the demolition by the City's Historic Preservation Committee.

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

HOUSE BILL 1202:
Salisbury Historic District

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 18, 2007
Introduced by:	Rep. Coates	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY:

House Bill 1202 authorizes the City of Salisbury to adopt ordinances prohibiting the demolition of a structure within the City's Downtown Local Historic District without a permit issued by the City Council.

[As introduced, this bill was identical to S394, as introduced by Sen. Preston, which was reported favorably from Senate State & Local Government on March 28, 2007 and which is now pending in House Local Government I]

CURRENT LAW:

G.S. 160A-400.14 provides that a certificate of appropriateness authorizing the relocation or demolition of an historical building may not be denied, provided that a building or landmark determined by the State Historic Preservation Officer as having statewide significance may be denied except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return due to the denial. A certificate of appropriateness, however, may be delayed for up to 365 days to allow the preservation commission time to negotiate with the owner in an effort to find a way to preserve the property.

BILL ANALYSIS:

House Bill 1202 would allow the City of Salisbury to adopt an ordinance providing that no structure located within the City's Downtown Local Historic District ('H' Historic District Overlay, as adopted by the City council on October 2, 2001) may be demolished without a permit from the City Council. The City Council shall consider the following in deciding whether to issue a permit:

- The location of the structure within the historic district.
- The structure's state of repair.
- The structure's architectural and historical significance.
- The impact of the demolition of the structure on the historic district.
- The issuance of a certificate of appropriateness by the City's Historic Preservation Committee.

EFFECTIVE DATE:

The act is effective when it becomes law.

H1202e1-SMRF

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, June 19, 2007 at 12:00 Noon
Room 1124, LB

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on June 19, 2007, in Room 1124 of the Legislative Building. Thirteen members of the committee were present. Senator Don East, presided.

Senator East opened the meeting by introducing the pages.

The first bill discussed was HB382 (Hemby Bridge Elections.) Senator East stated that the proposed committee substitute needed to be adopted. Senator Apodaca motioned to adopt the proposed committee substitute. Proposed committee substitute changed it's method of electing officers. Senator Apodaca moved for favorable report and bill carried. Favorable to the proposed committee substitute but unfavorable as to the original bill.

HB645 (State Historical Records Advisory Board.-AB) was heard by Rep. Dickson for Rep. Haire. Senator Stevens moved for favorable report, bill carried.

Gerry Cohen explained that HB382 was in committee last week and a proposed committee substitute was adopted. When the bill was taken out of the committee it was never adopted on the floor and was removed from committee and sent back. The proposed committee substitute adopted is the same bill – there is no change. All that needs to be done is reconsider the proposed committee substitute and vote favorable. Senator Apodaca explained that maybe he wasn't clear but that is what he just did. Senator Apodaca moved for motion to accept the proposed committee substitute. Bill carried.

HB695 (Internship Council Agencies.-AB) was heard next by Rep. Hall. Senator McKissick moved for favorable report and bill carried.

HB1197 (Statesville Civil Service Change.) was heard by Rep. Ray. Local bill requested by the City of Statesville. Removed hiring provision from the civil service option and now is made by the City Manager. It will expedite the hiring process. Senator McKissick had a question regarding how it will affect affirmative action? Rep. Ray – everything was removed from the bill except for the hiring. The proposed committee removes the hiring process from the civil service board which 99% of all municipalities in the state do now. Statesville was having to go through the civil service process which is lengthy and they were losing good candidates to other municipalities. Senator Dorsett wanted to know whether or not the city has an affirmative action program? Rep. Ray asked that they bill be displaced to answer questions.

HB1202 (Salisbury Historic District.) was heard by Rep. Coates. Senator Soles wanted to know if they have the authority if someone wants to make changes to a structure. Rep. Coates stated that the Senate bill crossed over on April 3 and was in the house. Senator Apodaca moved for a favorable report. Bill carried.

The meeting adjourned at 12:17.

Senator Don East, Presiding

Anita Flintall, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, June 19, 2007

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

FAVORABLE

H.B.	**382**	Hemby Bridge Elections.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**645**	State Historical Records Advisory Board.-AB	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**695**	Internship Council Agencies.-AB	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**1202**	Salisbury Historic District.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 4

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 19, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
AL DEITZ	DOA/YAIO
Lisa Flint-Morris	DOA-YAIO
Stephanie Nantz	DOA/YAIO
Jeffrey Crow	DCR
Donna Rosfeld	DCR
[illegible]	Bill Drafting
Julia Watts	Intern
ROBERT SIMMONS	NC DOA
Andy Romanet	NCLM

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 26, 2007	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1136	ATV Use in Various Municipalities	Representative Haire Representative West
HB 1143	Stanly Co. Subdivision Roads.	Representative Almond, Jr.
HB 1197	Statesville Civil Service Change.	Representative Ray

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, June 26, 2007, 12:00 Noon
Room 1124 LB

AGENDA

Senator Malcolm Graham, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1143	Stanly Co. Subdivision Roads.	Representative Almond, Jr.
HB 1197	Statesville Civil Service Change.	Representative Ray
HB 638	ATV/Golf Cart Use for City of King/Maiden.	Representative Holloway

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 1143
PROPOSED SENATE COMMITTEE SUBSTITUTE H1143-CSRF-49 [v.1]

6/25/2007 5:14:54 PM

Short Title: Stanly Co. Subdivision Roads. (Local)

Sponsors:

Referred to:

March 28, 2007

A BILL TO BE ENTITLED

AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN STANLY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-335, as it applies to Stanly County pursuant to Chapter 930 of the 1987 Session Laws, as amended by S.L. 1991-504, S.L. 1993-574, S.L. 1998-37, and S.L.1998-217, reads as rewritten:

"**§ 153A-335. 'Subdivision' defined.**

For purposes of this Part, 'subdivision' means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or change in existing streets. The following shall not be included within this definition nor be subject to any regulations enacted pursuant to this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown by the regulations prescribed by this act;

(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for widening or opening streets;

~~(4) The conveyance of a tract or parcel of land with a minimum of 20,000 square feet exclusive of the State right-of-way for a road with at least 100 feet frontage upon a State-maintained road;~~

(5) The division of land pursuant to an order of the General Court of Justice;

(6) The conveyance of a lot or tract for the purpose of dividing land among tenants in common, all of whom inherited, by intestacy or by will, the land from a common ancestor; and

(7) The division of a tract in single ownership whose entire area is no greater than two acres into no more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the county, as shown by the subdivision regulations contained in this act."

SECTION 2. This act applies to Stanly County only.

SECTION 3. This act is effective when it becomes law and applies only to subdivisions submitted to the Stanly County Planning Department for approval on or after that date.

HOUSE BILL 1143:
Stanly Co. Subdivision Roads

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 25, 2007
Introduced by:	Rep. Almond	**Summary by:**	Barbara Riley
Version:	PCS to First Edition H1143-CSRF-49		Committee Counsel

SUMMARY: House Bill 1143 changes the definition of "subdivision" as it applies to Stanly County. The proposed committee substitute rewrites the effective date provision of the bill.

CURRENT LAW: Counties have authority to regulate subdivisions of land under Part 2 of Article 18 of Chapter 153A. Stanly County is subject to a local act that changes the definition of a "subdivision" that may be regulated by that County.

BILL ANALYSIS: House Bill 1143 changes the definition of "subdivision" that applies to Stanly County to eliminate the exclusion of the "conveyance of a tract or parcel of land with a minimum of 20,000 square feet exclusive of the State right-of-way for a road with at least 100 feet frontage upon a State maintained road" from the definition.

EFFECTIVE DATE: This act is effective when it becomes law and applies only to subdivisions submitted for approval to the Stanly County Planning Department on or after that date.

Giles Perry, counsel to House Local Government II, substantially contributed to this summary.

H1143e1-SMRF-CSRF-49

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 1197

Committee Substitute Favorable 5/4/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H1197-CSRK-47 [v.4]

6/26/2007 11:07:42 AM

Short Title: Statesville Civil Service Change. (Local)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO MODIFY THE POWERS AND DUTIES OF THE CIVIL SERVICE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Statesville, being S.L. 1977-289, as amended by S.L. 1981-799, reads as rewritten:

"CIVIL SERVICE BOARD.

"Sec. 5.1. Members; Term of Office. The Civil Service Board of the City, hereinafter referred to as the 'Board', shall consist of five members. Terms shall begin on the first day of July and expire on the last day of June.

The present members of the Board shall continue to serve until their present terms expire. That person appointed to fill the first term expiring shall be appointed to a three-year term. Of those appointed to the next three terms expiring, one shall serve a one-year term, one shall serve a two-year term, and one shall serve a three-year term. That person appointed to fill the last present term expiring shall serve a three-year term. These staggered terms are to ensure that a majority of the terms shall not expire during the same year. After the expiration of the term of these appointments, all appointments shall be for a three-year term.

"Sec. 5.2. Appointment of Members; Vacancies; Reappointments. All members of the Board shall be appointed by the senior Resident Judge of the Superior Court of the Judicial District of which Iredell County is a part. Vacancies on the Board shall be filled by appointment in the same manner, and any member appointed to fill a vacancy shall serve the remainder of the unexpired term. No member of the Board, after having served a full two or three-year term, shall be eligible for reappointment to the next succeeding term.

"Sec. 5.3. Qualifications; Removal From Office. Any person, other than a member of the City Council, an elective officer, a member or employee of the police or fire

department, or an employee of the City, who is a qualified voter in the municipal elections in the City, shall be eligible for membership on the Board; provided that at least two members shall be of a political party different from that of the majority of the Board. Each member of the Board shall take an oath (or affirmation) for the faithful discharge of the duties of his office. The members of the Board shall be subject to removal from office by the senior Resident Superior Court Judge for any cause which, in his discretion, makes such removal in the best interests of the public.

"Sec. 5.4. Election of Officers; Duties; Records Open to Public. The Board shall elect from its membership a chairman and a secretary for a term of one year. The chairman shall preside at all meetings of the Board. The secretary shall keep the minutes of the proceedings of the Board and shall be the custodian of all papers and records pertaining to the business of the Board, and shall perform such other duties as the Board may direct. All of the records of the Board shall be open to public inspection, during normal business hours at their place of keeping, except where otherwise prohibited by law.

"Sec. 5.5. Powers and Duties. ~~The Board shall establish and fix requirements of applicants for employment in the police department and the fire department of the City, not contrary to State law. These requirements shall be printed and made available for public inspection and for the use of the employees of and applicants for employment in such departments. The board shall institute an affirmative action program in locating, testing and employing qualified blacks for entry level positions in police and fire departments, maintain accurate records and report regularly to city council on progress made in complying with federal court order.~~The Board shall hear grievances as to promotions, demotions, suspensions, and terminations of members of the fire and police departments.

"Sec. 5.5.1 Equal Opportunity. The Board shall maintain a program to insure that all employment decisions made by any person under this Section shall be made without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition.

"Sec. 5.6. Compensation. The members of the Board shall receive as compensation for each meeting the sum of fifteen dollars ($15.00).

"Sec. 5.7. Rooms and Clerical Help. The City shall provide suitable rooms for the Board and shall provide all necessary clerical and stenographic help and all stationery, forms, and other supplies needed by the Board, and shall allow such reasonable use of the facilities of the City ~~for the holding of examinations, and such other use~~ as may be necessary for the proper conduct of its affairs.

~~"Sec. 5.8. Examination of Applicants. All applicants for sworn positions in the police department and qualified firefighters in the fire department of the City shall be subject to an examination by the Board, which examination shall be competitive and open to all persons, subject to a reasonable limitation as to age, health, moral character and general reputation. The examination shall relate to those matters which will fairly test the relative ability of the person examined to discharge in a proper fashion the duties of the position which he seeks to be appointed to, and shall include tests of physical, mental, and moral qualifications, but no applicant shall be examined~~

~~concerning his political opinions or affiliations. Due regard shall be given by the Board in its examination of applicants for positions in the police department and fire department to the experience or training of any applicant which may qualify him for the duties which he would be called upon to discharge as a member of either department.~~

~~"Sec. 5.9. Notice of Examinations. Notice of the time and place of every examination shall be given by the Board by advertisement in some newspaper published in the City.~~

~~"Sec. 5.10. Eligibility List; Appointments. The Board shall prepare and keep an eligibility list of persons successfully passing its examinations for the positions of patrolmen and firefighters. Each person shall be graded according to his respective showing upon such examinations, and the Board shall make appointments to vacancies, which occur in the departments, on a basis of the grades made by the various applicants upon the examinations so given. All examinations given by the Board shall be made under the rules and regulations established by the Board.~~

~~All names which remain on the eligibility list for a period of two years shall be stricken therefrom; provided, however, any person who becomes eligible for appointment to either the police department or fire department, and is given proper notification that a vacancy exists, shall have seven days to accept or reject the appointment and if he rejects same, his name shall be removed immediately from the eligibility list.~~

~~"Sec. 5.11. Appointment of Policemen and Firemen; Responsible to Mayor and Council. The Chiefs and members of the Police and Fire Departments shall be appointed by a majority vote of the Board.~~

~~The Chiefs and members of the Police and Fire Departments shall be under the direction and control of, and shall be directly responsible to, the Mayor and City Council or, upon proper delegation, to the City Manager.~~

~~"Sec. 5.12. Promotions. All promotions shall be by competitive examination within the departments and shall be made by the respective chiefs, with the approval of the Board.~~

"Sec. 5.13. ~~Acting~~ Chiefs. ~~Notwithstanding any other section to the contrary, if~~ The City Manager shall hire and may terminate the Chiefs of the fire and police departments. If a vacancy occurs in the position of Chief and a new Chief is not immediately appointed, an acting Chief shall be appointed by the City Manager from within the department. The acting Chief shall have all the powers, duties and responsibilities as does the Chief. The acting Chief may be removed from office at any time by the City Manager, in which case he or she shall be restored to his former position.

"Sec. 5.14. Suspension of Fire and Police Chiefs. ~~The mayor and city council or, upon proper delegation, the city manager shall have the authority to suspend, demote or terminate from employment the chief of either the police or fire department, but no such suspension, demotion or termination shall become final until concurred in by the civil service board.~~The City Manager shall be responsible for the hiring, firing, and discipline of the police and fire Chiefs.

"Sec. 5.14.1. Hiring Members of Police and Fire Departments; Promotions. The Chiefs of the police and fire departments shall hire the members of their respective departments. All promotions shall be by competitive examination within the departments and shall be made by the respective Chiefs.

"Sec. 5.15. Suspensions; Demotions; Terminations. The Chief of the police or fire department may suspend, demote, or terminate from employment any member of their respective departments for the infraction of any departmental rules and regulations. The Chief may also suspend a departmental employee during the investigation, hearing, or trial of said employee on any criminal charge, when suspension would be in the best interest of the department; where the suspension is terminated by full reinstatement of the employee, back pay shall be recoverable. Suspensions for an infraction of departmental rules and regulations of more than 15 days at any one time, or one which would make the total number of days suspended exceed 25 during any six-month period; demotions in rank and terminations may be appealed to the Board, upon written request filed with the respective Chief within three days of notification of the disciplinary action taken. The rules and regulations of each department may provide for appeals in the case of all suspensions for infractions of departmental rules and regulations; the Board shall have the power to hear such appeals. Upon notification of an appeal, the Board may make such investigation as it may direct and shall hold a hearing at which the accused shall be given an opportunity to be heard and present evidence in his own behalf. The Board shall have power to subpoena witnesses and compel testimony.

~~The board shall have the authority to suspend, demote in rank, or terminate from employment any employee who has appealed.~~ The board shall have the authority to sustain the disciplinary action imposed by the chief or vacate the same or impose such disciplinary action as it may determine; provided that no such ~~suspension, demotion or termination~~ action shall become final until ~~concurred in~~ it is concurred by the city council.

~~Notwithstanding any provisions to the contrary herein, a~~ Any probationary employee of either department may be summarily discharged by the Chief of that department with no right to appeal to the Board.

Decisions regarding disciplinary actions made by the Chiefs, where no right to appeal exists, and all decisions of the Board under this section, shall be final and not subject to judicial review.

This section shall not apply to terminations due to a reduction in personnel.

"Sec. 5.16. Political Activity. No member or employee of the police department or the fire department shall contribute to or take part in any manner, directly or indirectly, in any election or function involving the election of a candidate for municipal office, other than casting his secret ballot.

No employee of the police department or the fire department shall seek a political office while employed as a member of either department, and shall not be granted a leave of absence prior to offering for election. Such employee shall automatically be dropped from the payroll of the City on the date the filing fee is paid to the Election Board."

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

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

HOUSE BILL 1197:
Statesville Civil Service Change

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 25, 2007
Introduced by:	Rep. Ray	**Summary by:**	Hal Pell
Version:	PCS to Second Edition		Committee Co-Counsel

SUMMARY: This act amends the Charter of the City of Statesville with regard to the powers and duties of the Civil Service Board, including removal of the Board's responsibility for establishing requirements for employment in the police and fire departments, as well as the Board's authority to hire and terminate the departments' Chiefs. This act is effective when it becomes law.

CURRENT LAW: The Charter of the City of Statesville provides for a Civil Service Board that is authorized to establish the requirements for employment with the City's fire or police departments, conduct examinations of those applicants, make appointments to vacancies in the departments from a list of eligible persons successfully passing the exam, and appoint the chiefs of the fire and police departments.

The Charter further provides that the mayor and city council, or if delegated, the city manager, shall have the authority to suspend, demote, or terminate the chiefs of the fire or police departments, but that no such action shall become final until concurred in by the Civil Service Board.

Finally, the Charter currently provides for the Civil Service Board to approve promotions.

BILL ANALYSIS: House Bill 1197 repeals the authority of the Civil Service Board to set the requirements for employment with the City's police and fire departments, to examine applicants, appoint members and chiefs of the departments and approve promotions.

The bill also:

- Authorizes the Statesville Civil Service Board to hear grievances on promotions, demotions, suspensions, and terminations from employment in the departments. The Board has the authority to sustain the disciplinary action taken by the chiefs or vacate the action, provided that no action shall become final until it is concurred in by the city council.
- Clarifies that the city manager has sole authority to hire and terminate the chiefs of the police and fire departments.
- Adds a provision that the chiefs are responsible for the hiring of members of the police and fire departments.
- Requires the Board to have an equal opportunity program.

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

Summary contribution by Barbara Riley, Staff Attorney.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 638

Committee Substitute Favorable 5/7/07

Short Title: ATV/Golf Cart Use for King/Maiden. (Local)

Sponsors:

Referred to:

March 14, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF KING AND THE TOWN OF MAIDEN TO ALLOW LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO USE GOLF CARTS ON PUBLIC STREETS AND HIGHWAYS, OR ANY PROPERTY OWNED OR LEASED BY THE CITY OR TOWN.

The General Assembly of North Carolina enacts:

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

"**§ 20-114.4. Law enforcement and municipal employee all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less; golf carts on property owned or leased by a municipality.**

Law enforcement officers enforcing the laws of the State and municipal employees may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the municipality, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may also operate golf carts as defined in G.S. 20-4.01(12a) and owned or leased by the municipality on public streets or highways within the city limits and on any property owned or leased by the city for the purposes of conducting official city business."

SECTION 2. This act applies to the City of King and the Town of Maiden only.

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

HOUSE BILL 638:
ATV/Golf Cart Use for King/Maiden

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 22, 2007
Introduced by:	Rep. Holloway	**Summary by:**	Theresa Matula
Version:	Second Edition		Committee Staff

SUMMARY: House Bill 638 authorizes law enforcement officers and municipal employees in the City of King and the Town of Maiden to operate ATVs and golf carts on certain streets and under certain conditions.

CURRENT LAW:

All-Terrain Vechicles - Since 2004, local laws have been enacted to authorize law enforcement officers, municipal employees, and county employees to use all-terrain vehicles (ATVs) on public highways with speed limits of 35 mph or less. S.L. 2004-108, rewritten by S.L. 2005-305, S.L. 2006-25, S.L. 2006-116, and S.L. 2007-4 allows law enforcement officers and municipal employees in 27 cities and towns and five (5) counties to operate ATVs on public highways.

G.S. 14-159.3 pertains to trespassing on land while operating a motorized all terrain vehicle. For purposes of the section, G.S. 14-159.3(b) defines a "motorized all terrain vehicle" as a two or more wheeled vehicle designed for recreational off-road use.

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

G.S. 20-4.01.(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

BILL ANALYSIS:

House Bill 638 allows law enforcement officers and municipal employees of the City of King and the Town of Maiden to operate all-terrain vehicles, owned or leased by the municipality, on public highways with speed limits of 35 mph or less, and on non-fully controlled access highways with higher speed limits, for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 mph or less.

House Bill 638 also allows law enforcement officers and municipal employees to operate golf carts, owned or leased by the municipality, on public streets or highways within the municipal limits and on property owned or leased by the municipality for the purposes of conducting official business.

This bill is effective when it becomes law.

H0638e2-SMSH

SENATE STATE & LOCAL GOVERNMENT COMMITTEE

Tuesday, June 26, 2007 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on June 26, 2007, in Room 1124 of the Legislative Building. Nine members of the committee were present. Senator Malcolm Graham presided.

The first order of business was House Bill 1143, (An Act Relating To the Definition Of Subdivision In Stanly County.), presented by Representative Almond. The PCS to the bill was accepted by the committee. The Proposed Committee Substitute received a favorable report unfavorable as to the original. Next on the agenda, HB 1197, (An Act Amending The Charter Of The City Of Statesville To Modify The Powers And Duties Of The Civil Service Board.), A PCS was accepted on the motion of Senator Mckissick. HB 1197 received an unfavorable report but favorable to the Proposed Committee Substitute. Senator East explained HB Committee Substitute 638 (ATV/Golf Cart Use for King/Maiden) to the Committee and was given a favorable report.

The meeting adjourned at 12:20 pm.

Senator Malcolm Graham, Presiding

Anne Misenheimer, Committee Clerk

SENATE STATE & LOCAL GOVERNMENT COMMITTEE

Tuesday, June 26, 2007 at 12:00 Noon
Room 1124, Legislative Building

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The meeting adjourned at 12:20 pm.

Senator Malcolm Graham, Presiding

Anne Misenheimer, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, June 27, 2007

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

FAVORABLE

H.B.(CS #1) **638** ATV/Golf Cart Use for City of King/Maiden.
Sequential Referral: None
Recommended Referral: None

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

H.B. **1143** Stanly Co. Subdivision Roads.
Draft Number: PCS 10252
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Thursday, June 28, 2007

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

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

H.B.(CS #1) **1197** Statesville Civil Service Change.

Draft Number:	PCS 10253
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate State and Local Government — June 26, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Phelps	NCLM
Penny Griffin	Daily Bulletin
GERRY COHEN	Bill Drafting

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 3, 2007	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 181	12th Senatorial District Local Act-1.	Senator Smith
HB 278	ATV Use in North Topsail Beach.	Representative Grady
HB 279	Regulation of Golf Carts/North Topsail Beach.	Representative Grady
HB 513	Charlotte/Transit Procurements & Contracts.	Representative Saunders
HB 619	Louisburg/Unsafe Buildings.	Representative Allen
HB 635	Randolph/Audits of Volunteer Fire Departments.	Representative Brubaker Representative Hurley
HB 1136	ATV Use in Various Municipalities	Representative Haire Representative West
HB 1120	Pasquotank Subdivision Definition.	Representative Owens, Jr.
HB 1103	Currituck Commissioner Districts.	Representative Owens, Jr.
HB 1176	Tyrrell County Hunting.	Representative Owens, Jr.
HB 1555	Property Tax Commission Terms.	Representative Owens, Jr.

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, July 3, 2007, 12:00 Noon
Room 1124

AGENDA

Senator Don East, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 181	12th Senatorial District Local Act-1.	Senator Smith
HB 279	Regulation of Golf Carts/North Topsail Beach.	Representative Grady
HB 513	Charlotte/Transit Procurements & Contracts.	Representative Saunders
HB 619	Louisburg/Unsafe Buildings.	Representative Allen
HB 635	Randolph/Audits of Volunteer Fire Departments.	Representative Brubaker Representative Hurley
HB 1136	ATV Use in Various Municipalities	Representative Haire Representative West
HB 1120	Pasquotank Subdivision Definition.	Representative Owens, Jr.
HB 1103	Currituck Commissioner Districts.	Representative Owens, Jr.
HB 1176	Tyrrell County Hunting.	Representative Owens, Jr.
HB 1555	Property Tax Commission Terms.	Representative Owens, Jr.

Presentations

Other Business

Adjournment

Seq referral

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S D

SENATE BILL 181
PROPOSED COMMITTEE SUBSTITUTE S181-CSRK-53 [v.1]

7/3/2007 11:30:09 AM

Short Title: 12th Senatorial District Local Act-1. (Local)

Sponsors:

Referred to:

February 15, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CLAYTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE AND TO ALLOW THE TOWN OF CLAYTON TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE TOWN'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE TOWN'S SATELLITE CORPORATE LIMITS

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. G.S. 160A-58.1(b)(1) shall not apply to the Town of Clayton if the area proposed for annexation is contiguous to the Town's satellite corporate limits. For purposes of this act, the term "satellite corporate limits" means the corporate limits of any noncontiguous area annexed pursuant to Part 4 of Article 4A of Chapter 160A of the General Statutes by the Town of Clayton or pursuant to a local act enacted by the General Assembly authorizing or effecting noncontiguous annexations for the Town of Clayton.

SECTION 3. This act is effective when it becomes law and applies to the Town of Clayton only.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 279

Short Title:	Regulation of Golf Carts/North Topsail Beach.	(Local)
Sponsors:	Representative Grady.	
Referred to:	Local Government II.	

February 21, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF NORTH TOPSAIL BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-124, as amended by S.L. 2004-58, reads as rewritten:

"**SECTION 1.** Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the ~~Town~~ Towns of Beech ~~Mountain~~ Mountain, North Topsail Beach, and ~~the Town of~~ Seven Devils may, by ordinance, regulate the operation of golf carts and utility vehicles on any public street or road within the Town. By ordinance, the Town may require the registration of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles."

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

HOUSE BILL 279:
Regulation of Golf Carts/North Topsail Beach

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 2, 2007
Introduced by:	Rep. Grady	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: House Bill 279 authorizes the Town of North Topsail Beach to regulate, by ordinance, the operation of golf carts and utility vehicles on public streets or roads.

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

Definitions:

Golf Cart - G.S. 20-4.01.(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Utility Vehicle - G.S. 20-4.01(48c) defines a utility vehicle as a vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes, but does not include vehicles designed and used primarily for the transportation of persons or property on a street or highway.

S.L. 2003-124 authorized the Town of Beach Mountain to regulate the operation of golf carts and utility vehicles on any public street or road within the Town. (See reverse for S.L. 2003-124.) S.L. 2004-58 granted this authority to the Town of Seven Devils.

BILL ANALYSIS: House Bill 279 rewrites S.L. 2003-124, as amended by S.L. 2004-58, to authorize the Town of North Topsail Beach to enact an ordinance to authorize and regulate the operation of golf carts and utility vehicles on any public street or road within the Town. With regard to golf carts and utility vehicles, by ordinance, the Town may:

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

House Bill 279 would become effective when it becomes law.

BACKGROUND: The General Assembly has enacted similar legislation for utility vehicles and golf carts for the Towns of Beech Mountain and Seven Devils. The General Assembly has enacted similar legislation for golf carts in ten municipalities. Additionally, legislation has been enacted for golf carts that allow eleven municipalities to charge a fee for registration.

SESSION LAW 2003-124

HOUSE BILL 295

AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CARTS AND UTILITY VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Town of Beech Mountain may, by ordinance, regulate the operation of golf carts and utility vehicles on any public street or road within the Town. By ordinance, the Town may require the registration of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles.

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

In the General Assembly read three times and ratified this the 2nd day of June, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

H0279e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 513*

Committee Substitute Favorable 4/12/07

Short Title: Charlotte/Transit Procurements & Contracts. (Local)

Sponsors:

Referred to:

March 7, 2007

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DETERMINE WHETHER THE COMPETITIVE PROPOSAL METHOD IS APPROPRIATE FOR PUBLIC TRANSIT PURCHASES AND PROVIDING THAT THE CITY MAY LET CONTRACTS FOR THE ACQUISITION OR MAINTENANCE OF TRANSIT EQUIPMENT OR FACILITIES IN THE MANNER PRESCRIBED BY THE FEDERAL GOVERNMENT WHEN THE PROJECT IS FUNDED IN WHOLE OR IN PART WITH FEDERAL FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 8.87 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended by S.L. 2000-61 and S.L. 2003-197, reads as rewritten:

"Section 8.87. Transit Procurements. (a) In addition to other authorized methods of procurement, the City of Charlotte may contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes using the competitive proposal method provided in G.S. 143-129(h). The City Council may delegate to the City Manager, subject to any conditions or restrictions it deems appropriate, the authority to make findings of fact that procurement by competitive proposal is the most appropriate acquisition method prior to the issuance of requests for proposals, as required by G.S. 143-29(h).

(b) The City of Charlotte may contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes with any person or entity that, within the previous 60 months, after having completed a public formal bid process substantially similar to that required by Article 8 of Chapter 143 of the General Statutes or through the competitive proposal method provided in G.S. 143-129(h), has contracted to furnish the apparatus, supplies, materials, or equipment to any unit or agency approved in G.S. 143-129(g) if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and

conditions as those provided under the contract with the other unit or agency. Any purchase made under this section shall be approved by the City Council as provided in G.S. 143-129(g).

(c) All contracts for the acquisition, construction, enlargement, improvement, or maintenance of transit equipment or facilities shall be made pursuant to the laws of North Carolina governing the making of like contracts. However, where the acquisition, construction, improvement, enlargement, or maintenance of transit equipment or facilities is financed wholly or partly with federal funds, the City may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States and any rules, regulations, or other directives made thereunder notwithstanding any other State law to the contrary."

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

HOUSE BILL 513:
Charlotte/Transit Procurements & Contracts

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 2, 2007
Introduced by:	Rep. Saunders	**Summary by:**	Barbara Riley
Version:	Second Edition		Committee Counsel

SUMMARY:

House Bill 513 makes changes to the Charter of the City of Charlotte concerning public transit purchases.

[As introduced, this bill was identical to S644, as introduced by Sen. Dannelly, which is currently in Senate State & Local Government.]

CURRENT LAW:

Under the current Charter of the City of Charlotte, the City Council is authorized to make public transit purchases by competitive proposal, pursuant to the provisions of Chapter 143 of the General Statutes.

BILL ANALYSIS:

House Bill 513, applicable to the City of Charlotte, makes two changes to the City Charter, as follows:

- Authorizes the City Council to delegate to the City Manager its authority to determine if competitive proposal method is appropriate for public transit purchases.
- Authorizes the City to let contracts for transit facilities and equipment in compliance with federal law, if the purchase is financed in whole or in part by federal funds.

EFFECTIVE DATE:

This act is effective when it becomes law.

Giles Perry,, counsel to House Judiciary III, substantially contributed to this summary.

H0513e2-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 619
PROPOSED SENATE COMMITTEE SUBSTITUTE H619-CSRF-53 [v.2]

7/3/2007 11:02:51 AM

Short Title: Louisburg/Unsafe Buildings. (Local)

Sponsors:

Referred to:

March 14, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF LOUISBURG TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS, AND TO EXEMPT THE TOWN FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-425.1(d) reads as rewritten:

"(d) This ~~Section~~ section applies to the Cities of Clinton, Durham, Fayetteville, Goldsboro, High Point, Lumberton, and Whiteville, and the Towns of Garner, Franklin, ~~Hope Mills~~ Hope Mills, Louisburg, and Spring Lake only."

SECTION 2. G.S. 160A-432(a1) reads as rewritten:

"(a1) [Removal of Building: Certain Localities.] – In the case of a residential building or nonresidential building or structure declared unsafe under G.S. 160A-425.1, a city may, in lieu of taking action under subsection (a), cause the building or structure to be removed or demolished. The amounts incurred by the city in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of this Chapter. If the building or structure is removed or demolished by the city, the city shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The city shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

This subsection applies to the Cities of Clinton, Durham, Fayetteville, Goldsboro, High Point, and Lumberton, and the Towns of Garner, Franklin, ~~Hope Mills~~Hope Mills, Louisburg, and Spring Lake."

SECTION 3. The Town of Louisburg may contract for construction of the Louisburg Economic Development Project without being subject to the requirements of G.S. 143-128, G.S. 143-129, G.S. 143-131, and G.S. 143-132 provided that:

(1) The Town Council adopts a resolution approving the exemption of the Louisburg Economic Development Project from the competitive bidding requirements of Article 8 of Chapter 143 of the General Statutes;

(2) The Town Council conducts an annual independent audit of all contracts for construction work that would otherwise be subject to the competitive bidding requirements of Article 8 of Chapter 143 of the General Statutes;

(3) The Town Council makes public any contracts awarded pursuant to this act;

(4) The Town Council, after awarding a contract pursuant to this act, prepares, places in the public files, and makes available to the public a document setting forth the reasons for using the authority granted by this act to award the contract; and

(5) The Louisburg Economic Development Project complies with all applicable local zoning and land use regulations;

SECTION 4. This act is effective when it becomes law. Section 3 of this act shall expire January 1, 2009.

HOUSE BILL 619: Louisburg/Unsafe Buildings

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 2, 2007
Introduced by:	Rep. Allen	**Summary by:**	Barbara Riley
Version:	PCS to First Edition H619-CSRF-53		Committee Counsel

SUMMARY: House Bill 619 adds residential buildings in community development target areas to those buildings that the Town of Louisburg may condemn, demolish, and place a lien on under G.S. 160A-426(b). The proposed committee substitute would exempt the Town from the competitive bidding statutes for the construction of the Louisburg Economic Development Project.

CURRENT LAW: Current general law (G.S. 160A-426) authorizes municipalities to condemn, demolish, and place a lien on vacant and dilapidated *non-residential* property in a community development target area. A nonresidential building in a community development target area may be declared unsafe if it is both of the following:

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

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

Article 8 of Chapter 143 of the General Statutes contains the requirements for building contracts and the bidding procedures for public contracts. Any construction or repair contract in excess of $300,000 must be awarded according to the public bidding requirements of the Article.

G.S. 143-128 provides for the types of construction methods allowed. They include single-prime, separate-prime, dual bidding, construction management at risk and alternative methods approved by the State Construction Commission.

G.S. 143-129 provides the method by which bids are solicited, received, reviewed and awarded.

G.S. 143-131 provides for the letting of contracts by informal bidding.

G.S. 143-132 requires that at a public board receive at least three competitive bids for a project.

BILL ANALYSIS: House Bill 619 adds the Town of Louisburg to the list of municipalities with the authority to condemn, demolish, and place a lien on both non-residential and residen*tial* buildings in community development target areas.

The proposed committee substitute adds a new Section 3 that would allow the Town of Louisburg to construct the Louisburg Economic Development Project without complying with the competitive

bidding statutes listed above. To take advantage of the exception, the Town must also adopt a resolution approving the exemption, conduct an independent annual audit of all contracts awarded pursuant to this section, make public the contracts awarded, and prepare and make available a document providing the reasons for using the authority granted in this section. The project must also comply with all applicable zoning and land use regulations.

EFFECTIVE DATE: The act is effective when it becomes law. Section 3 providing the Town with the exemption from the competitive bidding laws expires January 1, 2009.

H0619e1-SMRF-CSRF-52

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 635
PROPOSED SENATE COMMITTEE SUBSTITUTE H635-CSRF-48 [v.2]

6/26/2007 1:43:00 PM

Short Title: Randolph/Audits of Volunteer Fire Departments. (Local)

Sponsors:

Referred to:

March 14, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE RANDOLPH COUNTY BOARD OF COMMISSIONERS TO OBTAIN CERTIFIED AUDITS OF VOLUNTEER FIRE DEPARTMENTS, NON PROFIT CORPORATIONS, AND VOLUNTEER ORGANIZATIONS THAT RECEIVE AD VALOREM TAXES.

The General Assembly of North Carolina enacts:

SECTION 1. The county board of commissioners may, by resolution, order a certified audit of any volunteer fire department, non profit corporation, or volunteer organization in the county that receives ad valorem taxes. As used in this section, the term "certified audit" means an audit in which a certified public accountant expresses his or her professional opinion that the accompanying statements fairly present the financial position of the volunteer fire department, non profit corporation, or volunteer organization in conformity with generally accepted accounting principles.

SECTION 2. This act applies to Randolph County only.

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

HOUSE BILL 635:
Randolph/Audits of Volunteer Fire Departments

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 2, 2007
Introduced by:	Reps. Brubaker, Hurley	**Summary by:**	Barbara Riley Committee Counsel
Version:	PCS to First Edition H635-CSRF-48		

SUMMARY:

House Bill 635 authorizes Randolph County, by resolution, to order a certified audit of any volunteer fire department that receives ad valorem taxes. The proposed committee substitute would add non profit corporations and volunteer organizations to the groups for which certified audits may be ordered.

EFFECTIVE DATE:

The act is effective when it becomes law.

H0635e1-SMRF-CCSRF-52

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 1136

Committee Substitute Favorable 4/12/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H1136-CSSH-44 [v.2]

6/22/2007 1:09:26 PM

Short Title: ATV Use in Various Municipalities. (Local)

Sponsors:

Referred to:

March 28, 2007

A BILL TO BE ENTITLED

AN ACT TO ADD THE TOWNS OF DAVIDSON, FRANKLIN, AND MURPHY TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2004-108, as rewritten by S.L. 2005-305, S.L. 2006-25, S.L. 2006-116, and S.L. 2007-4, reads as rewritten:

"**SECTION 3.** Section 1 of this act applies to the Towns of Beaufort, Highlands, Southern Shores, and Mint Hill only. Section 2 of this act applies to the Towns of Ansonville, Atlantic Beach, Burgaw, Carolina Beach, Cramerton, Dallas, Davidson, Duck, Emerald Isle, Franklin, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Murphy, Nags Head, North Topsail Beach, Oakboro, Ocean Isle Beach, ~~North Topsail Beach~~, Pine Knoll Shores, Stanley, Surf City, Sylva, Topsail Beach, and Wrightsville Beach, the Cities of Albemarle, Belmont, Cherryville, Gastonia, Kings Mountain, Mount Holly, and Rockingham and the Counties of Cleveland, Currituck, Gaston, Surry, and Wilkes only. The term 'municipal employee' shall include employees of a county."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

SESSION LAW 2004-108

HOUSE BILL 1422

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

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

"**§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-114.3. Law enforcement and municipal employee all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State and municipal employees may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 3. Section 1 of this act applies to the Town of Mint Hill only. Section 2 of this act applies to the City of Kings Mountain only.

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

In the General Assembly read three times and ratified this the 16th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

HOUSE BILL 1136:
ATV Use in Various Municipalities

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 22, 2007
Introduced by:	Reps. Haire, West	**Summary by:**	Theresa Matula
Version:	PCS to Second Edition H1136-CSSH-44		Committee Staff

SUMMARY: House Bill 1136 authorizes law enforcement officers and municipal employees in the Towns of Ansonville, Davidson, Franklin, Murphy, and Sylva to use ATVs on highways with speed limits of 35 mph or less.

CURRENT LAW: Since 2004, local laws have been enacted to authorize law enforcement officers, municipal employees, and county employees to use all-terrain vehicles (ATVs) on public highways with speeds limits of 35 mph or less. See reverse side for sections G.S. 20-114.2 and G.S. 114.3 added under S.L. 2004-108 and pertaining to the use of all-terrain vehicles by law enforcement and municipal employees.

G.S. 14-159.3 pertains to trespassing on land while operating a motorized all terrain vehicle. For purposes of the section, G.S. 14-159.3(b) defines a "motorized all terrain vehicle" as a two or more wheeled vehicle designed for recreational off-road use.

BILL ANALYSIS: The Proposed Committee Substitute for House Bill 1136 authorizes law enforcement officers and municipal employees of the Towns of Ansonville, Davidson, Franklin, Murphy, and Sylva to operate unregistered all-terrain vehicles owned or leased by the agency, on public highways with speed limits of 35 mph or less, and on non-fully controlled access highways with higher speed limits for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 mph or less. This bill is effective when it becomes law.

BACKGROUND: S.L. 2004-108, rewritten by S.L. 2005-305, S.L. 2006-25, S.L. 2006-116, and S.L. 2007-4 permit the following:

Law enforcement officers to use all-terrain vehicles (ATVs) in the following municipalities:

TOWNS:
- Beaufort
- Highlands
- Southern Shores
- Mint Hill

Law enforcement officers AND municipal employees to use all-terrain vehicles (ATVs) in the following locations:

TOWNS:
- Atlantic Beach
- Burgaw
- Carolina Beach
- Cramerton
- Dallas
- Duck
- Emerald Isle
- Indian Beach
- Kill Devil Hills
- Kitty Hawk
- Kure Beach
- Nags Head
- North Topsail Beach
- Oakboro
- Ocean Isle Beach
- Pine Knoll Shores
- Stanley
- Surf City
- Topsail Beach
- Wrightsville Beach

CITIES:
- Albemarle
- Belmont
- Cherryville
- Gastonia
- Kings Mountain
- Mount Holly
- Rockingham

COUNTIES:
- Cleveland
- Currituck
- Gaston
- Surry
- Wilkes

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 1120

Short Title:	Pasquotank Subdivision Definition.	(Local)
Sponsors:	Representative Owens (By Request).	
Referred to:	Local Government I.	

March 28, 2007

A BILL TO BE ENTITLED

AN ACT REPEALING THE LOCAL MODIFICATION RELATING TO THE DEFINITION OF SUBDIVISION IN PASQUOTANK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. S.L. 1993-194 is repealed.

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

HOUSE BILL 1120:
Pasquotank Subdivision Definition

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 2, 2007
Introduced by:	Rep. Owens	**Summary by:**	Sara Kamprath*
Version:	First Edition		Legislative Analyst

SUMMARY: House Bill 1120 repeals a 1993 local act amending the definition of 'subdivision' as it applies to Pasquotank County in its land use planning authority.

CURRENT LAW: Session Law 1993-194 provided that the definition of 'subdivision' in Pasquotank County means all divisions of a tract or parcel of land (in addition to the undivided remaining portion of the original undivided tract) into two or more lots, building sites, or other divisions for the purpose of sale or building development, EXCEPT any of the following:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;

(2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for widening or opening streets;

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations;

(5) The division of a tract of land into one lot where:
   a. The lot fronts upon a State-maintained road;
   b. The lot is served by a public water system;
   c. The lot is large enough to meet applicable State and local health codes and other local ordinances; and

(6) The gift by a property owner of a single lot to the property owner's child or parent or to each of the property owner's children or parents where:
   a. The lot fronts upon a State-maintained road;
   b. The lot is served by a public water system; and
   c. The lot is large enough to meet applicable State and local health codes and other local ordinances.

Items Number 1-4 are generally applicable statewide law. G.S. 153A-335. Items Number 5 and 6 are unique to Pasquotank County. S.L. 1993-194.

BILL ANALYSIS: House Bill 1120 would repeal the 1993 local act. From the effective date, G.S. 153A-335, 'Subdivision' defined, would apply to Pasquotank County.

EFFECTIVE DATE: Effective when it becomes law.

**R. Erika Churchill, Counsel for the House Local Government I Committee, contributed substantially to this summary.*

H1120e1-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 1103

Short Title:	Currituck Commissioner Districts.	(Local)
Sponsors:	Representative Owens.	
Referred to:	Local Government I.	

March 28, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW CURRITUCK COUNTY TO REDEFINE ITS RESIDENCY DISTRICTS IN 2007 AFTER PUBLIC INPUT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) As used in this act, 'Residency district' means a district in which the candidates reside and represent the district, but the candidates are voted on in the primaries and general elections by the qualified voters of the entire county. It includes districts established either by local act or under G.S. 153A-58(3)d.

SECTION 1.(b) The board of commissioners may by resolution redefine the residency districts.

SECTION 1.(c) No change in the boundaries of a residency district may affect the unexpired term of office of a commissioner residing in the district and serving on the board on the effective date of the resolution.

SECTION 1.(d) Before any resolution may be adopted pursuant to this section, the board of commissioners shall hold at least two public hearings on it. The two hearings shall be held at separate locations in different parts of the county, and shall be held at least a week apart. A notice of the public hearings shall be given once a week for three successive weeks in a newspaper having general circulation in the county. The notice shall be published for the first time not less than 20 days nor more than 30 days before the date fixed for the first hearing. The proposed resolution shall also be published on the Internet Web site of the county at least 20 days prior to the hearing. The resolution may not be adopted less than 30 days after the date of the second hearing. Any resolution under this section is only valid if adopted prior to October 1, 2007.

SECTION 1.(e) Not later than 10 days after the day on which a resolution becomes effective, the clerk shall file in the Secretary of State's office, in the office of the register of deeds of the county, and with the chairman of the county board of elections, a certified copy of the resolution.

SECTION 2. This act applies to Currituck County only.

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

HOUSE BILL 1103:
Currituck Commissioner Districts

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 2, 2007
Introduced by:	Rep. Owens	**Summary by:**	Sara Kamprath*
Version:	First Edition		Legislative Analyst

SUMMARY: ***House Bill 1103 would authorize the County of Currituck to redefine its residency districts for the board of county commissioners after public input.***

CURRENT LAW: Part 4 of Article 4 of Chapter 153A sets forth a process by which counties can alter the structure of the board of commissioners. That alteration of structure requires a referendum of the voters of the county to become effective. The structure can be altered to increase the size of the board, decrease the size of the board, change the term of office, change the mode of election, or change the method of selection of the chairman.

As to the change in mode of election, one of the options a county may select is: members must reside in and represent the districts according to the apportionment plan, but all of the qualified voters of the county vote for that member. G.S. 153A-58(3)d.

Apportionment plans adopted by counties may be redefined by that county if the county finds there is substantial inequality of population among the districts. No changes may affect the unexpired term of a sitting commissioner. The change is done by resolution of the board of county commissioners, and is effective upon its adoption unless it is adopted between 150 days before the primary and the general election. The resolution is to be filed with the Secretary of State, register of deeds, and county board of elections. These provisions do not apply to districts that are for residency purposes only, like those adopted under G.S. 153A-58(3)d.

BILL ANALYSIS: The bill would authorize the Currituck County Board of Commissioners to redefine their residency districts by resolution. The resolution could:

- Not affect the unexpired term of a sitting commissioner.
- Be adopted without the Board holding at least 2 public hearings.
- Must be adopted at least 30 days after the last public hearing.
- Must be adopted prior to October 1, 2007.
- Must be filed with the Secretary of State, register of deeds and county board of elections.

EFFECTIVE DATE: When it becomes law.

**R. Erika Churchill, Counsel to the House Local Government I Committee, contributed substantially to this summary.*

H1103e1-SMRJ

HOUSE BILL 1176:
Tyrrell County Hunting

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 2, 2007
Introduced by:	Rep. Owens	**Summary by:**	Hal Pell
Version:	PCS to First Edition		Committee Co-Counsel

SUMMARY: ***House Bill 1176 prohibits the reckless use of weapons in Tyrell County, prohibits roadhunting in the County, and requires written permission of the landowner in order to hunt on the land of another. The act becomes effective October 1, 2007.***

BILL ANALYSIS:

Section 1: Provides that it is unlawful in Tyrell County to recklessly discharge a firearm, bow and arrow, or crossbow. Reckless behavior is defined to include the use of such weapons in a manner that poses a hazard to any person or property or involves the discharge of a firearm across the property of another.

Section 2: Prohibits both hunting and the discharge of a weapon from, on, or across the right-of-way of a State maintained road.

Section 3: The provisions of Section 2 do not apply to someone recovering dogs as long as the hunter's weapons remain in the motor vehicle or to someone shooting bullfrogs with a .22.

Section 4: Makes it unlawful for any person to possess a loaded firearm while on the right of way of a State maintained road outside the confines of the passenger area of a motor vehicle.

Section 5: Makes it unlawful for a person to hunt on the land of another, or possess a loaded firearm outside the confines of the passenger area of a motor vehicle, without the written permission of the landowner or lessee of the land. The written permission must be dated and shall be valid for no more than one year. Exceptions are provided to the written permission requirement for the lessee of land for the purpose of hunting and members of a hunting club with a current and valid membership card while hunting on club land.

The act applies only to Tyrrell County.

Violation of the act is a Class 3 misdemeanor, unless the person's conduct is covered under some other provision of State law providing greater punishment.

The act is enforceable by wildlife officers, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction.

EFFECTIVE DATE:

The act becomes effective October 1, 2007.

Summary contribution by Barbara Riley, Staff Attorney.

H1176e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 1176
PROPOSED SENATE COMMITTEE SUBSTITUTE H1176-CSRK-20 [v.1]

4/24/2007 9:40:15 AM

Short Title: Tyrrell County Hunting. (Local)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to use a firearm, bow and arrow, or crossbow carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of others. Such reckless use of a weapon includes using a firearm, bow and arrow, or crossbow in a manner that poses a hazard to any person or property or involves the discharge of a firearm, sending a projectile across the property of another.

SECTION 2. It is unlawful to hunt, take, or kill, or to attempt to hunt, take, or kill, any wild animal or wild bird with a firearm, bow and arrow, or crossbow on, from, or across the right-of-way of any State-maintained road, or to discharge any firearm, bow and arrow, or crossbow on, from, or across the right-of-way of any State-maintained road or highway.

SECTION 3. Section 2 of this act does not apply to:

(1) A hunter lawfully recovering dogs so long as all the hunter's weapons remain in a motor vehicle.

(2) A person lawfully engaged in the act of taking bullfrogs with a rimfire weapon.

SECTION 4. It is unlawful for any person to possess a loaded firearm while on the right-of way of any State-maintained road or highway outside the confines of the passenger area of the vehicle.

SECTION 5. It is unlawful for any person to hunt, take, or kill any wild animal or wild bird with a firearm, bow and arrow, crossbow, or dogs, or to possess a loaded firearm outside the confines of the passenger area of the vehicle, on the land of another, without the written permission of the landowner or lessee of the land. The written permission shall be dated and may be valid for no more than one year.

SECTION 6. Section 5 of this act does not apply to:

(1) A person who leases land for the purpose of hunting, while hunting on that leased land.

(2) A member of a hunting club with a current and valid membership card, while hunting on club land.

SECTION 7. Unless a person's conduct is covered under some other provision of law providing greater punishment, a violation of this act is a Class 3 misdemeanor.

SECTION 8. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 9. This act applies only to Tyrrell County.

SECTION 10. This act becomes effective October 1, 2007.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 1555
PROPOSED SENATE COMMITTEE SUBSTITUTE H1555-CSRJ-29 [v.1]

7/2/2007 5:20:17 PM

Short Title: Property Tax Commission Terms. (Public)

Sponsors:

Referred to:

April 18, 2007

A BILL TO BE ENTITLED

AN ACT PROVIDING FOUR-YEAR TERMS FOR ALL APPOINTMENTS TO THE PROPERTY TAX COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-288(a) reads as rewritten:

"(a) Creation and Membership. – The Property Tax Commission is created. It consists of five members, three of whom are appointed by the Governor and two of whom are appointed by the General Assembly. Of the two appointments by the General Assembly, one shall be made upon the recommendation of the Speaker of the House of Representatives and the other shall be made upon the recommendation of the President Pro Tempore of the Senate. The terms of the members ~~appointed by the Governor and of the member appointed upon the recommendation of the President Pro Tempore of the Senate are for four years. Of the members appointed for four-year terms, two expire on June 30 of each odd-numbered year. The term of the member appointed upon the recommendation of the Speaker of the House of Representatives is for two years and it expires on June 30 of each odd-numbered year~~ are for four years and expire on June 30. The General Assembly shall make its appointments in accordance with G.S. 120-121 and shall fill a vacancy in accordance with G.S. 120-122. A vacancy occurs on the Commission when a member resigns, is removed, or dies. The person appointed to fill a vacancy shall serve for the balance of the unexpired term. The Governor may remove any member for misfeasance, malfeasance, or nonfeasance.

The Commission shall have a chair and a vice-chair. The Governor shall designate one of the Commission members as the chair, to serve at the pleasure of the Governor. The members of the Commission shall elect a vice-chair from among its membership. The vice-chair serves until the member's regularly appointed term expires."

SECTION 2. This act is effective when it becomes law and applies to appointments made after July 1, 2007.

HOUSE BILL 1555:
Property Tax Commission Terms

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 3, 2007
Introduced by:	Rep. Owens	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition H1555-CSRJ-29		Legislative Analyst

SUMMARY: ***The PCS for House Bill 1555 would increase the term of the Speaker's recommended appointment to the Property Tax Commission from two years to fours years and make the term equal to the term of all other appointments.***

CURRENT LAW: G.S. 105-288(a) provides for a Property Tax Commission consisting of five members. The Governor appoints three members and the General Assembly appoints two members, one at the recommendation of the Speaker of the House of Representatives and one at the recommendation of the President Pro Tempore of the Senate. The terms of the members appointed by the Governor and the member appointed upon the recommendation of the President Pro Tempore of the Senate are for four years. The term of the member appointed upon the recommendation of the Speaker of the House of Representatives is for two years.

BILL ANALYSIS: The PCS for House Bill 1555 would provide that the term for all appointments to the Property Tax Commission is for four years.

EFFECTIVE DATE: The bill is effective when it becomes law and applies to appointments made after July 1, 2007.

H1555e1-SMRJ-CSRJ-29

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, July 3, 2007 at 12:00 Noon
Room 1124, LB

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on July 3, 2007 in Room 1124 of the LB. Eleven members of the committee were present. Senator Don East presided.

Senator East called the meeting to order and introduced the pages in attendance. The first Bill to be heard was HB 619 (Louisburg/Unsafe Buildings.). Senator Dorsett made a motion to waive the 24 hr. rule. Representative Allen introduced the bill to the committee. A motion by Senator Brunstetter and seconded by Senator Stevens to give the bill an unfavorable report but favorable to Senate Committee Substitute Bill carried. The next bill to be heard was HB 1120, (Pasquotank Subdivision Definition). Represented Owens explained the bill. A Motion was made by Senator Blake for a favorable report and seconded by Senator Stevens. The Bill carried. Representative Owens explained his next bill HB 1103, (Currituck Commission Districts), to the committee and it also received a favorable report on the motion of Stevens. HB 1176, (An Act To Prohibit The Reckless Use Of A Firearm Or Bow And Arrow And To Regulate Hunting From The State Right-Of-Way In Tyrrell County), was presented by Representative Owens. A motion by Senator Brunstetter to accept the PCS was approved and the bill received an Unfavorable Report, but Favorable as to Senate Committee Substitute Bill.

The next bill introduced was HB 155, (An Act Providing Four-Year Terms For All Appointments To The Property Tax Commission.). A motion to approve a PCS was made by Senator Blake. Representative Owens explained the bill. Senator Jones moved for a favorable report for the PCS and the bill Carried. The next bill to be heard was HB 635, (Randolph/Audits Of Volunteer Fire Departments), a motion to adopt a PCS was made by Senator Brunstetter and it was adopted. Representative Tillman explained the bill. The PCS received a favorable report as to Senate Committee Substitute Bill but unfavorable as to the original bill. Next on the agenda was HB 279 (An Act To Allow The Town Of North Topsail Beach To Adopt Ordinances Regulating Golf Carts And Utility Vehicles.). Representative Grady explained the Bill. Senator Stevens moved for a favorable report and the bill carried. Representative Saunders presented House Bill Committee Substitute 513, Short Title, (Charlotte/Transit Procurements & Contracts). Senator Clodfelter made a motion to give HB 513 a Favorable Report and the bill Carried. Senate Bill 181, (12th Senatorial District Local Act-1), was next. A motion was made to wave the 24 hr. rule by Senator Stevens and the rule was waived. Senator East asked if the bill was time sensitive and Chris Thompson, an Attorney representing the town of Clayton, answered that it was. Senator East called on Counsel, Hal Pell, to explain the PCS. Senator Blake moved to adopt the PCS and, Senator Stevens moved to give the PCS a Favorable Report and send the bill to the Senate Finance Committee. The motions carried.

The meeting adjourned at 12:55.

Senator Don East, Presiding

Anne Misenheimer, Committee Clerk

NORTH C State & Local Gov. ReportAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Thursday, July 05, 2007

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

FAVORABLE

H.B. **279** Regulation of Golf Carts/North Topsail Beach.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **513** Charlotte/Transit Procurements & Contracts.
Sequential Referral: None
Recommended Referral: None

H.B. **1103** Currituck Commissioner Districts.
Sequential Referral: None
Recommended Referral: None

H.B. **1120** Pasquotank Subdivision Definition.
Sequential Referral: None
Recommended Referral: None

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

S.B. **181** 12th Senatorial District Local Act-1.
Draft Number: PCS 65264
Sequential Referral: None
Recommended Referral: Finance
Long Title Amended: Yes

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

H.B. **619** Louisburg/Unsafe Buildings.
Draft Number: PCS 50728
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

H.B. **635** Randolph/Audits of Volunteer Fire Departments.
Draft Number: PCS 10255
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

H.B. **1176** Tyrrell County Hunting.

Draft Number:	PCS 30509
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

H.B. **1555** Property Tax Commission Terms.

Draft Number:	PCS 30510
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 9

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate State & Local Government — July 3, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Thomas Dixon	Rep. Allen's intern
Bre Carmichael	CAPS
David Baker	NCDOR
Nick Tosco	Sen. Clodfelter
Boyd Cable	City of Charlotte
Beau Mills	NC Motor Coalition
BRUCE THOMPSON	PARKER POE
Tracy Kinlaw	Parker Poe
JERRY COHEN	Bill Drafting
Andy Romanet	NCAM
Penny Hufstin	Daily Bulletin

VISITOR REGISTRATION SHEET

Senate State & Local Government — July 3, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAN CRAWFORD	Electricities of NC
Karen Leonard	NCSR
Ben Comstock	NCSR

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 10, 2007	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 483	Chapel Hill Campaign Finance Options.	Representative Insko
HB 1412	Clarify Veterans Preference.	Representative Martin Representative Hall
HB 1413	Add Veteran to State Personnel Comm.	Representative Martin Representative Coleman
HB 469	Reduce Notice Time/Method for Street Closures.	Representative Clary Representative Neumann, IV Representative Current, Sr.
HB 489	Asheville Housing Authority.	Representative Thomas Representative Goforth Representative Fisher
HB 254	Allow Conover to Regulate Golf Carts.	Representative Hilton

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, July 10, 2007, 12:00 Noon
Room 1124 LB

AGENDA

Senator Malcolm Graham, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 483	Chapel Hill Campaign Finance Options.	Representative Insko
HB 1412	Clarify Veterans Preference.	Representative Martin Representative Hall
HB 1413	Add Veteran to State Personnel Comm.	Representative Martin Representative Coleman
HB 489	Asheville Housing Authority.	Representative Thomas Representative Goforth Representative Fisher
HB 254	Allow Conover to Regulate Golf Carts.	Representative Hilton
HB 469	Reduce Notice Time/Method for Street Closures.	Representative Clary Representative Neumann, IV Representative Current, Sr.

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 483

Committee Substitute Favorable 5/22/07

Short Title: Chapel Hill Campaign Finance Options. (Local)

Sponsors:

Referred to:

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.6 is amended by adding a new subdivision to read:

"(17a) The term 'public campaign financing program' means a uniform program of a governmental entity that offers support for the campaigns of candidates for elective office within the jurisdiction of that governmental entity under the following conditions: (i) the candidates participating in the program must demonstrate public support and voluntarily accept strict fund-raising and spending limits in accordance with a set of requirements drawn by that government, (ii) the requirements are drawn to further the public purpose of free and fair elections and do not discriminate for or against any candidate on the basis of race, creed, position on issues, status of incumbency or nonincumbency, or party affiliation, (iii) any public funds provided to candidates are restricted to use for campaign purposes according to guidelines drawn by the State Board of Elections, and (iv) unspent public funds are required to be returned to that governmental entity. Funds paid pursuant to such a program are not subject to the contribution limitations of G.S. 163-278.13 and the prohibitions on corporate contributions of G.S. 163-278.15 or G.S. 163-278.19 but shall be reported as if they were contributions in all campaign reports required by law to be filed by the campaigns receiving the payments."

SECTION 2. Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-499.1. Uniform, nondiscriminatory program of public financing of election campaigns.

(a) A governing body of a city may appropriate funds for a public campaign financing program as defined in G.S. 163-278.6(17a) for city office in that city's jurisdiction if the city has held at least one public hearing on the program before adopting it and the program is approved by the State Board of Elections. The State Board of Elections shall develop guidelines for the basic components needed in a program to meet the criteria set forth in G.S. 163-278.6(17a) and shall approve a city's program that meets the criteria. Any city exercising authority under this section shall provide full notice to the county board of elections in any county in which it has territory.

(b) The governing body of a city appropriating funds as provided by this section shall prepare a report no later than six months after the second election in which it appropriates funds under this section that analyzes its experience in implementing a public campaign financing program by that date, including percent of candidates participating in a program, sources and amounts of funding, litigation involving a program, administrative issues, and recommendations for changes in this statute. The report shall be presented by that date to the Joint Legislative Commission on Governmental Operations, to the Fiscal Research Division of the Legislative Services Office, and to the committees in the House of Representatives and Senate to which election-related bills are primarily referred."

SECTION 3. This act applies to the Town of Chapel Hill only.

SECTION 4. This act is effective when it becomes law and expires July 1, 2012.

HOUSE BILL 483:
Chapel Hill Campaign Finance Options

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 25, 2007
Introduced by:	Rep. Insko	**Summary by:**	Sara Kamprath
Version:	PCS to Second Edition H483-CSRR-30		Legislative Analyst

SUMMARY: ***The PCS for the Second Edition of House Bill 483 would authorize the Town of Chapel Hill and the Town of Carrboro to appropriate local funds to implement a program of public funding of campaigns for local offices. The PCS would require the program to have certain components and would require approval by the State Board of Elections. The towns would be required to report to several bodies in the General Assembly after the second election in which it appropriated funds to the program. Effective when the bill becomes law, and expiring 7-1-2012.***

CURRENT LAW: Currently, North Carolina has a program of public funding of campaigns for Supreme Court and Court of Appeals. There is also public funding of political parties, based on an income-tax check-off. But otherwise, there is not authorization for the public funding of campaigns.

BILL ANALYSIS: The PCS would authorize the Town of Chapel Hill and the Town of Carrboro to use public money to conduct a program of public financing of campaigns for town offices.

Section 1 would create a definition in the campaign finance law for "public campaign financing program." Such a program would be one adopted by a governmental entity for offices within its jurisdiction, would require participating candidates to demonstrate public support and accept fund-raising and spending limits, would further the public purpose of free and fair elections and be nondiscriminatory, would restrict the candidates' use of public funds to campaign purposes, and would require unspent funds to be returned to the government. Payments to candidates under the program would not be subject to the limitations of regular contributions, but would be required to be reported.

Section 2 would add a statute authorizing cities to spend public money to conduct "public campaign financing programs." They could do so only after holding at least one public hearing, and after approval of its program by the State Board of Elections. After spending money on the program in two elections, the city would be required to report to the Joint Legislative Commission on Governmental Operations (Gov Ops), to the Fiscal Research Division, and to the committees in the House and Senate that handle election laws.

EFFECTIVE DATE: Effective when it becomes law, and expiring July 1, 2012. That gives the town the ability to have two elections, in 2009 and 2011.

BACKGROUND: In recent years, the Town of Cary attempted to implement a program of public funding of campaigns for local offices. After the town distributed payments to candidates under the program, the State Board of Elections, on the theory that the town had no authority to conduct such a program, declared the payment from the town to be illegal contributions to the candidates.

William R. Gilkeson, Committee Co-Counsel to the House Election Law and Campaign Finance Reform Committee, contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 1412

Short Title:	Clarify Veterans Preference.	(Public)
Sponsors:	Representatives Martin, Hall (Primary Sponsors); Boylan, Bryant, Cotham, Faison, Glazier, Grady, Harrison, Pate, Pierce, Samuelson, Thomas, Underhill, and Wainwright.	
Referred to:	Homeland Security, Military and Veterans Affairs, if favorable, State Personnel.	

April 12, 2007

A BILL TO BE ENTITLED

AN ACT TO CLARIFY VETERANS PREFERENCE WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 128-15 reads as rewritten:

"**§ 128-15. Employment preference for veterans and their spouses or surviving spouses.**

(a) It shall be the policy of the State of North Carolina that, in appreciation for their service to this State and this country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, veterans shall be granted preference in employment with every State department, agency, and institution.

(b) As used in this section:

(1) "A period of war" includes World War I (April 16, 1917, through November 11, 1918), World War II (December 7, 1941, through December 31, 1946), the Korean Conflict (June 27, 1950, through January 31, 1955), the period of time between January 31, 1955, and the end of the hostilities in Vietnam (May 7, 1975), or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

(2) "Veteran" means a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions.

(3) "Eligible veteran" means:

a. A veteran who served during a period of war; or

b. The spouse of a disabled veteran; or

c. The surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly as the result of such service; or

d. A veteran who suffered a disabling injury for service-related reasons during peacetime; or

e. The spouse of a veteran described in subdivision d. of this subsection; or

f. The surviving spouse or dependent of a person who served in the Armed Forces of the United States on active duty, for reasons other than training, who dies for service-related reasons during peacetime.

(c) Hereafter, in all evaluations of applicants for positions with this State or any of its departments, institutions or agencies, a preference shall be awarded to all eligible veterans who are citizens of the State and who served the State or the United States honorably in either the army, navy, marine corps, nurses' corps, air corps, air force, coast guard, or any of the armed services during a period of war. This preference applies to initial employment with the State and extends to other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers.

(d) The provisions of this section shall be subject to the provisions of Article 1 of Chapter 165 of the General Statutes, and Parts 13 and 19 of Article 9 of Chapter 143B of the General Statutes."

SECTION 2. G.S. 126-82 reads as rewritten:

"**§ 126-82. State Personnel Commission to provide for preference.**

(a) The State Personnel Commission shall provide that in evaluating the qualifications of an eligible veteran against the minimum requirements for obtaining a position, credit shall be given for all military service training or schooling and experience that bears a reasonable and functional relationship to the knowledge, skills, and abilities required for the position. This preference applies to initial employment with the State and extends to other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers.

(b) The State Personnel Commission shall provide that if an eligible veteran has met the minimum requirements for the position, after receiving experience credit under subsection (a) of this section, he shall receive experience credit as determined by the Commission for additional related and unrelated military service. This preference applies to initial employment with the State and extends to other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers.

(c) The State Personnel Commission may provide that in reduction in force situations where seniority or years of service is one of the considerations for retention, an eligible veteran shall be accorded credit for military service.

(d) Any eligible veteran who has reason to believe that he or she did not receive a veteran's preference in accordance with the provisions of this Article or rules adopted under it may appeal directly to the State Personnel Commission.

(e) The willful failure of any employee subject to the provisions of Article 8 of this Chapter to comply with the provisions of this Article or rules adopted under it

constitutes personal misconduct in accordance with the provisions and promulgated rules of this Chapter, including those for suspension, demotion, or dismissal."

SECTION 3. The State Personnel Commission and State agencies, departments, and institutions shall adopt rules to implement this act.

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

HOUSE BILL 1412:
Clarify Veterans Preference

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 9, 2007
Introduced by:	Reps. Martin, Hall	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: This act clarifies the policy of the State that there shall be a preference for eligible veterans for employment, and that the preference applies to initial employment, as well as other employment events, such as subsequent hirings, promotions, reassignments, and horizontal transfers. The act is effective when it becomes law.

CURRENT LAW: An eligible veteran and their surviving spouses, or surviving spouses, are awarded a preference in their applications for employment with the State. The State Personnel Commission is required to provide credit for military service training or schooling, and if an eligible veteran meets the minimum requirements for a position, the eligible veteran must receive experience credit for additional related or unrelated military service. Eligible veterans are defined as:

- a veteran who served during a period of war;
- the spouse of a disabled veteran; the surviving spouse or dependent of a veteran who dies on active duty;
- a veteran who suffered a disabling injury for service-related reasons during peacetime and the veterans spouse;
- the surviving spouse or dependent of a person who served in the Armed Forces on active duty, for reasons other than training, who dies for service-related reasons during peacetime.

The policy provides for preference in initial selection, and provides that, "After applying the preference, the qualified eligible veteran shall be hired when overall qualifications are substantially equal to one or more nonveterans or non-eligible veterans in the most qualified applicant pool. Substantially equal qualifications occur when the employer cannot make a reasonable determination that the qualifications held by one or more persons are significantly better suited for the position than the qualifications held by another person."

BILL ANALYSIS:

Sections 1 and 2 amend G.S. 128-15 and G.S. 126-82 to provide that the preference given to veterans extends beyond initial employment and applies to the following: subsequent hirings, promotions, reassignments, and horizontal transfers.

Section 3 directs the State Personnel Commission and State agencies, departments, and institutions to adopt rules to implement the act.

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

Summary contribution by Theresa Matula, Legislative Analyst.

H1412-SMRK-02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 1413

Committee Substitute Favorable 5/17/07

Short Title: Add Veteran to State Personnel Comm. (Public)

Sponsors:

Referred to:

April 12, 2007

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE DESIGNATED APPOINTMENT OF A VETERAN OF THE ARMED FORCES TO THE STATE PERSONNEL COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-2(b)(3) reads as rewritten:

"(3) Two State employees subject to the State Personnel Act serving in nonexempt positions, appointed by the ~~Governor.~~ Governor, including one of whom is a veteran of the armed forces appointed upon the nomination of the Veterans' Affairs Commission. One employee shall serve in a State government position having supervisory duties, and one employee shall serve in a nonsupervisory position. Neither employee may be a human resources professional. The Governor shall consider nominations submitted by the State Employees Association of North Carolina. The initial members appointed under this subdivision shall serve terms expiring June 30, 2001; the terms of subsequent appointees shall be six years."

SECTION 2. This act is effective when it becomes law and applies upon the next vacancy arising under G.S. 126-2(b)(3) on or after that date.

HOUSE BILL 1413:
Add Veteran to State Personnel Comm

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 5, 2007
Introduced by:	Reps. Martin, Coleman	**Summary by:**	Sara Kamprath
Version:	Second Edition		Legislative Analyst

SUMMARY: House Bill 1413 requires that of the two State employees appointed by the Governor to the State Personnel Commission, one shall be a veteran of the armed forces appointed upon the nomination of the Veterans' Affairs Commission.

CURRENT LAW:

G.S. 126-2 establishes the State Personnel Commission. The Commission consists of nine members and includes attorneys, persons from private business or industry, State employees subject to the State Personnel Act, local government employees subject to the State Personnel Act and a member of the public at large. The terms of the appointees are six years. The Commission is required to meet quarterly and at other times at the call of the chair.

Subject to the approval of the Governor, the State Personnel Commission establishes policies and rules governing a wide range of items regarding State employment: position classification plans; compensation plans; reasonable qualifications; recruitment programs; hours and days of work, holidays, vacation, sick leave, and other matters pertaining to the conditions of employment including the legal public holidays, which are limited by statute; the appointment, promotion, transfer, demotion and suspension of employees; cooperation with education agencies of the State and other appropriate resources in developing programs; the separation of employees; a program of meritorious service awards; the investigation of complaints and the issuing of binding corrective orders or other appropriate action concerning employment, promotion, demotion, transfer, discharge, and reinstatement; programs of employee assistance, productivity incentives, equal opportunity, safety and health as required by law; reinstatement or back pay and the assessment of reasonable attorneys' fees and witnesses' fees against the State agency involved; recognition of State employees, public personnel management, and management excellence; the comprehensive compensation system; an alternative dispute resolution procedure; and delegation of authority for approval of personnel actions through decentralization agreements.

BILL ANALYSIS:

House Bill 1413 amends G.S. 126-2(b)(3)to require that of the two State employees appointed by the Governor to the State Personnel Commission, one must be a veteran of the armed forces appointed upon the nomination of the Veterans' Affairs Commission.

EFFECTIVE DATE:

This act is effective when it becomes law and applies upon the next vacancy arising under G.S. 126-2(b)(3) on or after that date.

Theresa Matula, Committee Staff for House State Personnel Committee, substantially contributed to this summary.

H1413e2-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 489
PROPOSED SENATE COMMITTEE SUBSTITUTE H489-CSRF-54 [v.7]

7/10/2007 11:34:58 AM

Short Title: Asheville Housing Authority. (Local)

Sponsors:

Referred to:

March 6, 2007

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FROM FIVE YEARS TO FOUR YEARS AND TO AUTHORIZE THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR TEACHERS, POLICE OFFICERS, AND FIREFIGHTERS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 157-5(d) reads as rewritten:

"(d) The mayor shall designate overlapping terms of not less than one nor more than five years for the commissioners first appointed. Thereafter, the term of office shall be ~~five~~ four years. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. A majority of the commissioners shall constitute a quorum. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but he or she shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his or her duties."

SECTION 1.(b) This section applies to the City of Asheville only.

SECTION 1.(c) This section applies to terms of office commencing on or after the date it becomes law.

SECTION 2.(a) Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, and subject to the restrictions set out in this section, the City of Asheville and the Asheville City Board of Education may enter into a partnership, joint venture, land trust, or similar arrangement with each other to construct and provide affordable housing on property now owned by the City of Asheville or the Asheville City Board of Education.

SECTION 2.(b) Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, this section authorizes the City of Asheville and the Asheville City Board of Education to convey property they own to such partnership, joint venture, land trust, or similar entity for the purposes of constructing, providing, and maintaining affordable housing for Asheville City Schools teachers and City of Asheville police officers and firefighters, and, if units remain available, to Asheville City Schools professional staff. The City of Asheville and the Asheville City Board of Education shall not transfer to the partnership, joint venture, land trust, or other entity created pursuant to this act, property acquired on or after the effective date of this act through the exercise of eminent domain.

SECTION 2.(c) Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, the City of Asheville, the Asheville City Board of Education, or the partnership, joint venture, land trust, or similar entity referenced above may contract with any person, partnership, corporation, or other business entity to finance, construct, or maintain such affordable housing.

SECTION 2.(d) Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of Chapter 160A of the General Statutes, or any other provision of law, the City of Asheville, the Asheville City Board of Education, or the partnership, joint venture, land trust, or similar entity referenced above may rent or sell such housing units for residential use; provided that the rental or sale of such units is exclusively restricted to Asheville City Schools teachers and to City of Asheville police officers and firefighters, and, if units remain not leased or sold, to Asheville City Schools professional staff; provided further that, while the housing units may be rented or sold, the land may only be leased and not sold. The City, the Board, and the partnership, joint venture, land trust, or similar entity referenced above shall have the authority to establish reasonable rents or sales prices for any such housing units and may in their discretion charge below-market rates and offer below-market financing so as to provide housing for families earning less than 100% of the area median income for families of the same size for which they pay no more than 30% of their gross household income. The City, the Board, and the partnership, joint venture, land trust, or similar entity referenced above may also place reasonable restrictions and buyback provisions on the resale of the housing units to maintain the purposes set forth in this section.

SECTION 2.(e) This section shall not exempt any affordable housing units constructed pursuant to this act from compliance with applicable building codes, zoning ordinances, or any other health and safety statutes, rules, or regulations.

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

HOUSE BILL 489:
Asheville Housing Authority

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 9, 2007
Introduced by:	Reps. Fisher, Goforth, Thomas	**Summary by:**	Barbara Riley
Version:	PCS to First Edition H489-CSRF-54		Committee Counsel

SUMMARY:

House Bill 489 reduces the terms of members of the Asheville Housing Authority from 5 years to 4 years. The proposed committee substitute adds a provision that would allow the City of Asheville and the Asheville Board of Education to enter into a joint venture or other arrangement to construct and provide affordable housing, on land owned by the City or the Board of Education for the City's school teachers and, if units are available, for professional staff, and the City's firefighters and police officers. The City, Board and Entity shall have the authority to establish reasonable rents or sales prices, and may charge below market rates so as to provide housing to families earning less than 100% of the area median income for which they pay no more than 30% of their gross household income.

CURRENT LAW:

Article 1 of Chapter 157 is the Housing Authorities law.. G.S. 157-5 provides for the appointment, qualifications and tenure of housing authority commissioners. In particular, G.S. 157-5(d) establishes 5 year terms for housing authority members..

G.S. 66-58, the Umstead Act, generally prohibits the sale of goods and services by the government in competition with the citizens of the State.

G.S. 115C-518 provides for the disposition of school property by the local board of education. The law provides for the property to be offered to the county commissioners at fair market or a negotiated price and if the commissioners decline the offer, to dispose of the property according to the provisions of Article 12 of Chapter 160A.

Article 12 of Chapter 160A provides for the sale and disposal of property by municipalities, counties and other units of local government, such as school boards. Generally, property may be disposed of by (1) private negotiation and sale, (2) advertisement for sealed bids, (3) negotiated offer, (40 public auction, or (5) exchange. Real property may be disposed of by private negotiation and sale only when the property is of architectural, cultural, or historical interest, or significant for its natural, scenic, or open condition and the property is to be sold to a nonprofit corporation whose purposes include the preservation or conservation of such property.

BILL ANALYSIS:

Section 1 of House Bill 489 provides that members of the Asheville Housing Authority shall serve 4 year terms.

Section 2(a) of the bill allows the City of Asheville and the Ashville City Board of Education to enter into a partnership or other arrangement with each other to construct and provide affordable housing on property now owned by the City or the Board.

Section 2(b) authorizes the City and the Board to convey such property to the partnership, joint venture, land trust or other entity created for the purposes of constructing, providing and maintaining affordable housing for Asheville City Schools teachers and, if units are available, for professional staff, and City police and fire fighters. The City and Board may not transfer land to the joint venture that is acquired by eminent domain on or after the effective date of the act.

Section 2(c) allows the City, Board, or entity created pursuant to Section 2(a) to contract with any person to finance, construct, or maintain the affordable housing.

Section 2(d) authorizes the rental or sale of the affordable housing units for residential use. The rental or sale of the units is restricted to Asheville City Schools teachers and, if available to professional staff, City police and firefighters. Section 2(d) also provides that although the housing units may be sold, the land on which the units are constructed may not be sold, but leased only. The City, Board or entity created by the City and Board may establish reasonable rental and sales prices for the housing units so that housing may be provided for families earning less than 100% of the area median income for families of that size for which they pay no more than 30% of their gross household income. Reasonable buy back provisions on the resale of the units may also be imposed to maintain the purposes of the act.

Section 2(e) provides that the housing units to be constructed pursuant to this Section shall not be exempt from applicable building codes, zoning ordinances or other health and safety rules.

EFFECTIVE DATE:

The act is effective when it becomes law and applies to terms of office commencing on or after that date.

BACKGROUND:

Legislation authorizing local governments and school boards to construct and provide affordable housing to teachers has been enacted for Dare County (S.L. 2004-16). Bertie County (S.L. 2006-61), and Hertford County (S.L. 2006-86).

H0489e1-SMRF-CSRF-54

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, July 10, 2007 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on July 10, 2007, in Room 1124 of the Legislative Building. Thirteen members of the committee were present. Senator Malcolm Graham, presided.

Senator Graham stated that they will skip around the agenda. The first bill to be heard was HB 1412 (Clarify Veterans Preference.) Rep. Martin explained that the bill clarifies the General Assembly's intent was that veterans preference applies throughout the veterans employment with state government. Senator Soles moved for favorable report. Senator Clodfelter seconded.

HB1413 (Add Veterans to State Personnel Comm.) Senator Stevens moved for a favorable report and bill carried.

HB489 (Asheville Housing Authority.) Senator Graham asks for a motion to adopt the proposed committee substitute. Senator Apodaca moved to adopt the proposed committee substitute. Rep. Fisher explained that the bill was heard a few weeks ago and she was answering questions to the bill. First, it reduces the terms of the members of the Asheville Housing Authority from 5 to 4 years. Secondly, City Council is in favor of the bill voted 5-1 with one member absent. What defines affordable housing – explained where the definition is in the bill. After further discussion Senator McKissick moved for favorable report and bill carried. Favorable to the proposed committee substitute but unfavorable as to the original bill.

HB483 (Chapel Hill Campaign Finance Options.) was heard by Rep. Insko. Senator Soles moved for a favorable report and bill carried.

HB254 (Allow Conover to Regulate Golf Carts.) hold over till next week until bill sponsor is present.

The meeting adjourned at 12.17.

Senator Malcolm Graham, Presiding

Anita Flintall, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, July 11, 2007

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

FAVORABLE

H.B.(CS #1) **483** Chapel Hill Campaign Finance Options.
Sequential Referral: None
Recommended Referral: None

H.B. **1412** Clarify Veterans Preference.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1413** Add Veteran to State Personnel Comm.
Sequential Referral: None
Recommended Referral: None

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

H.B. **489** Asheville Housing Authority.
Draft Number: PCS 70578
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate State and Local Government — July 10, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Kleinschmidt	Town of Chapel Hill Council Member
Chase Foster	NCVCE
David Kelly	Intern - Rep. Insko
Bob Hall	Democracy North Carolina
Tom Bowlin	NC National Guard
John Phelps	NCLM
Steve Guess	NC Vet Council
Evon DiGregorio	NC Vet Council
Frank Stancil	The American Legion
Hugh Connen	The American Legion
Cam Cavel	BPMHL
Cleale Mankof	BPMH&L
Eric David	BPMHL

VISITOR REGISTRATION SHEET

Senate State and Local Government — July 10, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Josh Glasser	Common Cause NC
Sheréa Burnett	common cause - NC
Carl Dean	OSP
Paula A. Wolff	League of Women Voters of NC
Rick Zechini	NC Assoc. of Realtors
Jim KENT	NC Assn of REALTORS
Penny Griffin	Daily Bulletin
Gene Ainsworth	A & A
Wayne Goodwin	NCDOI
Jon Hogg	NC Center for Voter Education
Damon Circosta	NC Cent Fo- Voter Ed.

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 17, 2007	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 254	Allow Conover to Regulate Golf Carts.	Representative Hilton
HB 941	Brunswick Property Disposition.	Representative Stiller
HB 1136	ATV Use in Various Municipalities	Representative Haire Representative West
HB 1182	Sugar Mountain/Mayor's Term.	Representative Frye

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, July 17, 2007, 12:00 Noon
Room 1124 LB

AGENDA

Senator Don East, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 254	Allow Conover to Regulate Golf Carts.	Representative Hilton
HB 941	Brunswick Property Disposition.	Representative Stiller
HB 1136	ATV Use in Various Municipalities	Representative Haire
HB 1182	Sugar Mountain/Mayor's Term.	Representative West Representative Frye

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 254

Committee Substitute Favorable 3/14/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H254-CSSH-49 [v.1]

7/16/2007 2:36:55 PM

Short Title: Allow Conover to Regulate Golf Carts. (Local)

Sponsors:

Referred to:

February 20, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF CONOVER TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-124, as amended by S.L. 2004-58 and S.L. 2007-204, reads as rewritten:

"**SECTION 1.** Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Towns of Beech Mountain, North Topsail Beach, and Seven ~~Devils~~ Devils, and the City of Conover may, by ordinance, regulate the operation of golf carts and utility vehicles on any public street or road within the City or Town. By ordinance, the City or Town may require the registration of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles."

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

HOUSE BILL 254:
Allow Conover to Regulate Golf Carts

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 16, 2007
Introduced by:	Rep. Hilton	**Summary by:**	Theresa Matula
Version:	PCS to Second Edition H254-CSSH-49		Committee Staff

SUMMARY: House Bill 254 authorizes the City of Conover to regulate, by ordinance, the operation of golf carts and utility vehicles on public streets or roads.

(The Proposed Committee Substitute is needed to make a technical correction reflecting S.L. 2007-204 which was recently enacted.)

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

Definitions:

Golf Cart - G.S. 20-4.01.(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Utility Vehicle - G.S. 20-4.01(48c) defines a utility vehicle as a vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes, but does not include vehicles designed and used primarily for the transportation of persons or property on a street or highway.

S.L. 2003-124 authorized the Town of Beach Mountain to regulate the operation of golf carts and utility vehicles on any public street or road within the Town. (See reverse for S.L. 2003-124.) S.L. 2004-58 granted this authority to the Town of Seven Devils and S.L. 2007-204 extended it to North Topsail Beach.

BILL ANALYSIS: House Bill 254 rewrites S.L. 2003-124, as amended by S.L. 2004-58 and S.L. 2007-204, to authorize the City of Conover to enact an ordinance to authorize and regulate the operation of golf carts and utility vehicles on any public street or road within the City. With regard to golf carts and utility vehicles, by ordinance, the City may:

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

House Bill 254 becomes effective when it becomes law.

BACKGROUND: The General Assembly has enacted similar legislation for utility vehicles and golf carts for the Towns of Beech Mountain, North Topsail Beach, and Seven Devils. The General Assembly has enacted similar legislation for golf carts in ten municipalities. Additionally, legislation has been enacted for golf carts that allow eleven municipalities to charge a fee for registration.

SESSION LAW 2003-124

HOUSE BILL 295

AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CARTS AND UTILITY VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Town of Beech Mountain may, by ordinance, regulate the operation of golf carts and utility vehicles on any public street or road within the Town. By ordinance, the Town may require the registration of golf carts and utility vehicles, specify the persons authorized to operate golf carts and utility vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf carts and utility vehicles.

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

In the General Assembly read three times and ratified this the 2nd day of June, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

H0254e2-SMSH-CSSH-49

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 941

Short Title:	Brunswick Property Disposition.	(Local)
Sponsors:	Representative Stiller.	
Referred to:	Local Government II.	

March 21, 2007

A BILL TO BE ENTITLED

AN ACT TO REPEAL A LOCAL ACT ON DISPOSITION OF PROPERTY BY BRUNSWICK COUNTY SO THE GENERAL LAW WILL APPLY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 302 of the 1943 Session Laws is repealed.

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

HOUSE BILL 941:
Brunswick Property Disposition

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 12, 2007
Introduced by:	Rep. Stiller	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: SUMMARY: House Bill 941 repeals a 1943 local act on disposition of real property by Brunswick County. This act is effective when it becomes law.

CURRENT LAW: Chapter 302 of the 1943 Session Laws, applicable to Brunswick County, requires the County to dispose of County-owned real property at public auction.

BILL ANALYSIS: House Bill 941 repeals the 1943 local act, so that the general law provisions on disposal of county real property will apply. (G.S. 153A-176 and G.S. 160A-266 provide for disposition of county property by exchange; advertisement and sealed bids; negotiated offer, advertisement, and upset bid; or public auction).

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

Summary contribution by Giles Perry, Staff Attorney.

H0941e1-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 1136

Committee Substitute Favorable 4/12/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H1136-CSSH-44 [v.2]

6/22/2007 1:09:26 PM

Short Title: ATV Use in Various Municipalities. (Local)

Sponsors:

Referred to:

March 28, 2007

A BILL TO BE ENTITLED

AN ACT TO ADD THE TOWNS OF DAVIDSON, FRANKLIN, AND MURPHY TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2004-108, as rewritten by S.L. 2005-305, S.L. 2006-25, S.L. 2006-116, and S.L. 2007-4, reads as rewritten:

"**SECTION 3.** Section 1 of this act applies to the Towns of Beaufort, Highlands, Southern Shores, and Mint Hill only. Section 2 of this act applies to the Towns of Ansonville, Atlantic Beach, Burgaw, Carolina Beach, Cramerton, Dallas, Davidson, Duck, Emerald Isle, Franklin, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Murphy, Nags Head, North Topsail Beach, Oakboro, Ocean Isle Beach, ~~North Topsail Beach~~, Pine Knoll Shores, Stanley, Surf City, Sylva, Topsail Beach, and Wrightsville Beach, the Cities of Albemarle, Belmont, Cherryville, Gastonia, Kings Mountain, Mount Holly, and Rockingham and the Counties of Cleveland, Currituck, Gaston, Surry, and Wilkes only. The term 'municipal employee' shall include employees of a county."

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

HOUSE BILL 1136:
ATV Use in Various Municipalities

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 16, 2007
Introduced by:	Reps. Haire, West	**Summary by:**	Theresa Matula
Version:	PCS to Second Edition H1136-CSSH-44		Committee Staff

SUMMARY: House Bill 1136 authorizes law enforcement officers and municipal employees in the Towns of Ansonville, Davidson, Franklin, Murphy, and Sylva to use ATVs on highways with speed limits of 35 mph or less.

CURRENT LAW: Since 2004, local laws have been enacted to authorize law enforcement officers, municipal employees, and county employees to use all-terrain vehicles (ATVs) on public highways with speeds limits of 35 mph or less. See reverse side for sections G.S. 20-114.2 and G.S. 114.3 added under S.L. 2004-108 and pertaining to the use of all-terrain vehicles by law enforcement and municipal employees.

G.S. 14-159.3 pertains to trespassing on land while operating a motorized all terrain vehicle. For purposes of the section, G.S. 14-159.3(b) defines a "motorized all terrain vehicle" as a two or more wheeled vehicle designed for recreational off-road use.

BILL ANALYSIS: The Proposed Committee Substitute for House Bill 1136 authorizes law enforcement officers and municipal employees of the Towns of Ansonville, Davidson, Franklin, Murphy, and Sylva to operate unregistered all-terrain vehicles owned or leased by the agency, on public highways with speed limits of 35 mph or less, and on non-fully controlled access highways with higher speed limits for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 mph or less. This bill is effective when it becomes law.

BACKGROUND: S.L. 2004-108, rewritten by S.L. 2005-305, S.L. 2006-25, S.L. 2006-116, and S.L. 2007-4 permit the following:

Law enforcement officers to use all-terrain vehicles (ATVs) in the following municipalities:

TOWNS:
- Beaufort
- Highlands
- Southern Shores
- Mint Hill

Law enforcement officers AND municipal employees to use all-terrain vehicles (ATVs) in the following locations:

TOWNS:
- Atlantic Beach
- Burgaw
- Carolina Beach
- Cramerton
- Dallas
- Duck
- Emerald Isle
- Indian Beach
- Kill Devil Hills
- Kitty Hawk
- Kure Beach
- Nags Head
- North Topsail Beach
- Oakboro
- Ocean Isle Beach
- Pine Knoll Shores
- Stanley
- Surf City
- Topsail Beach
- Wrightsville Beach

CITIES:
- Albemarle
- Belmont
- Cherryville
- Gastonia
- Kings Mountain
- Mount Holly
- Rockingham

COUNTIES:
- Cleveland
- Currituck
- Gaston
- Surry
- Wilkes

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

SESSION LAW 2004-108

HOUSE BILL 1422

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

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

"**§ 20-114.2. Law enforcement all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-114.3. Law enforcement and municipal employee all-terrain vehicles permitted on highways with speed limits of 35 miles per hour or less.**

Law enforcement officers enforcing the laws of the State and municipal employees may use all-terrain vehicles, as defined in G.S. 14-159.3(b) and owned or leased by the governmental agency, on public highways where the speed limit is 35 miles per hour or less. Law enforcement officers and municipal employees may operate all-terrain vehicles on nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less."

SECTION 3. Section 1 of this act applies to the Town of Mint Hill only. Section 2 of this act applies to the City of Kings Mountain only.

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

In the General Assembly read three times and ratified this the 16th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 1182

Short Title:	Sugar Mountain/Mayor's Term.	(Local)
Sponsors:	Representative Frye.	
Referred to:	Local Government II.	

March 29, 2007

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE VILLAGE OF SUGAR MOUNTAIN TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.4 of the Charter of the Village of Sugar Mountain, being Chapter 395 of the 1985 Session Laws, as amended by S.L. 2000-63, reads as rewritten:

"Sec. 3.4. Election of Mayor; term of office. Until a Mayor is elected in accordance with this section, Marjorie Unrath shall serve as Mayor. In ~~1985~~ 2007 and ~~biennially~~ quadrennially thereafter, a Mayor shall be elected for a ~~two-year~~ four-year term."

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

HOUSE BILL 1182:
Sugar Mountain/Mayor's Term

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 16, 2007
Introduced by:	Rep. Frye	**Summary by:**	Sara Kamprath
Version:	First Edition		Legislative Analyst

SUMMARY: House Bill 1182 amends the charter of the Village of Sugar Mountain to change the term of Mayor from two years to four years.

CURRENT LAW: Section 3.4 of the current charter provides that, beginning in 1985, the mayor of Sugar Mountain shall be elected every two years for a two-year term.

BILL ANALYSIS: House Bill 1182 amends Section 3.4 of the charter of the Village of Sugar Mountain to provide that, beginning in 2007, the mayor of Sugar Mountain shall be elected every four years for a four-year term.

According to G.S. 160A-66, unless otherwise provided by its charter, the term of a city's mayor is two years.

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

H1182e1-SMRJ

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, July 17, 2007

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

FAVORABLE

H.B. **941** Brunswick Property Disposition.
Sequential Referral: None
Recommended Referral: None

H.B. **1182** Sugar Mountain/Mayor's Term.
Sequential Referral: None
Recommended Referral: None

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

H.B.(CS #1) **254** Allow Conover to Regulate Golf Carts.
Draft Number: PCS 70586
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

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

H.B.(CS #1) **1136** ATV Use in Various Municipalities
Draft Number: PCS 70587
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, July 17, 2007 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on July 17, 2007, in Room 1124 of the Legislative Building. Nine members of the committee were present. Senator Don East presided.

After calling the meeting to order, Senator East introduced the pages. House Bill 254 Committee Substitute, (An Act To Allow The City Of Conover To Adopt Ordinances Regulating Golf Carts And Utility Vehicles), was heard. Senator Clodfelter moved that a PCS be adopted and Senator Albertson made a motion to give the Senate Committee Substitute bill a favorable report but unfavorable to the Committee Substitute bill No.1. HB 941 was temporarily displaced. HB 1136 Committee Substitute, (An Act To Add The Towns Of Davidson, Franklin, And Murphy To Areas Law Enforcement Officers and Employees May Use All-Terrain Vehicles On Highways With Posted Speed Limits Of Thirty-Five Miles Per Hour Or Less.), was presented by Representative West. Senator Clodfelter moved to adopt the PCS and Senator Albertson made the motion for a favorable report. The bill was reported out as unfavorable as to committee Substitute Bill No. 1 but favorable as to Senate Committee Substitute bill. Representative Frye presented House Bill 1182, (An Act Amending The Charter Of The Village Of Sugar Mountain To Extend The Mayor's Term Of Office From Two Years To Four Years.), to the committee. The bill received a favorable report.

The meeting adjourned at 12:20 pm

HB 941, (An Act To Repeal A Local Act On Disposition Of Property By Brunswick County So The General Law Will Apply.), was heard around Senator East's desk in Chambers at 2:55 pm. right before Session. The Bill received a favorable report

Senator Don East, Presiding

Anne Misenheimer, Committee Clerk

VISITOR REGISTRATION SHEET

State & Local Government — July 17, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Griffin	Daily Bulletin

Anne Misenheimer (Sen. East)

From: Anita Flintall (Sen. Graham)
Sent: Thursday, July 19, 2007 12:48 PM
Subject: State and Local Government Committee Notice 07-24-2007

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 24, 2007	12:00 Noon	Room 1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 671	Replacing Officials Called to Active Duty.	Representative Martin Representative Killian
HB 1060	Local Government Surplus Property Donations.	Representative Faison
HB 1176	Tyrrell County Hunting.	Representative Owens, Jr.
HB 1649	Increase Appointees/Governor's Crime Comm.	Representative McLawhorn

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, July 24, 2007, 12:00 Noon
1124 LB

AGENDA

Senator Malcolm Graham, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 671	Replacing Officials Called to Active Duty.	Representative Martin Representative Killian
HB 1060	Local Government Surplus Property Donations.	Representative Faison
HB 1176	Tyrrell County Hunting.	Representative Owens, Jr.
HB 1649	Increase Appointees/Governor's Crime Comm.	Representative McLawhorn

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 671

Committee Substitute Favorable 4/2/07

Short Title: Replacing Officials Called to Active Duty. (Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 128-39 reads as rewritten:

"**§ 128-39. Leaves of absence for State ~~officials.~~officials for protracted illness or other reason.**

Any elective or appointive State official may obtain leave of absence from ~~his duties for military or naval service, protracted illness,~~the official's duties for protracted illness or other reason satisfactory to the Governor, for such period as the Governor may designate. ~~Such~~ The leave shall be obtained only upon application by the official and with the consent of the Governor. The official shall receive no salary during the period of leave unless the leave of absence is granted by reason of protracted illness, in which event the granting of a leave of absence shall not ~~operate to deprive any such~~deprive the official of the benefits of cumulative sick leave to which ~~he~~ the official may be entitled under rules and regulations adopted pursuant to G.S. 143-37 or to which he may otherwise be entitled by law. The period of leave may be extended upon application to and with the approval of the Governor if the reason for the original leave still exists, and it may be shortened if the ~~said~~ reason shall unexpectedly terminate: Provided, that no leave or extension thereof shall operate to extend the term of office of any official beyond the period for which ~~he~~the official was elected or appointed. If, by reason of the length of the period of absence or the nature of the duties of the official, the Governor deems it necessary, the Governor may appoint any citizen of the State, without regard to

residence or district, as ~~acting official or substitute~~a temporary replacement for the period of the official's leave of ~~absence, such appointee to~~absence. This appointee shall have all the authority, duties, perquisites, and emoluments of ~~his principal.~~the official temporarily replaced. The appointee shall possess all the qualifications required by law for holding the office for which the temporary replacement official is appointed."

SECTION 2. Chapter 128 of the General Statutes is amended by adding a new section to read:

"**§ 128-39A. Leaves of absence for State officials for military or naval service.**

(a) Any elective or appointive State official may obtain leave of absence from the official's duties when the official enters active duty in the armed forces of the United States or the North Carolina National Guard as a result of being voluntarily or involuntarily activated, drafted, or otherwise called to duty. The official shall receive no salary during the period of leave. No vacancy is created by a State official obtaining a leave of absence under this section.

(b) If the official will be on active duty for a period of at least 30 days, a leave of absence may be obtained, and a temporary replacement for the official may be appointed in the following manner:

(1) If the official is not a member of the General Assembly:

a. Leave of absence shall be obtained by filing a copy of the official's active duty orders with the Office of the Governor.

b. G.S. 128-39 shall provide the procedure for selecting a temporary replacement official.

(2) If the official is a member of the General Assembly:

a. Leave of absence shall be obtained by filing a copy of the official's active duty orders with the clerk of the house of the General Assembly of which the official is a member.

b. The Governor shall select a person to serve as the temporary replacement representative or senator. The Governor's selection shall be all of the following:

1. A resident of the legislative district represented by the legislator being temporarily replaced.

2. A member of the same political party as the legislator being temporarily replaced.

The person selected must be qualified for office under Section 6 of Article II of the North Carolina Constitution if a senator or Section 7 of Article II of the North Carolina Constitution if a representative.

(c) If the official will be on active duty for a period of less than 30 days, a temporary replacement official shall not be appointed, even if a leave of absence is obtained.

(d) The Governor shall appoint the temporary replacement to begin service on the date specified in writing by the official being temporarily replaced as the date the official will enter active military service, or as soon as practicable thereafter. A

temporary replacement official shall have all the authority, duties, perquisites, and emoluments of the official temporarily replaced.

(e) The term of the temporary replacement official appointed under this section shall terminate as soon as any of the following occurs:

(1) On the third day after the last day of active duty status of the official who is temporarily replaced.

(2) The clerk of the appropriate house of the General Assembly receives written notice from the official who is temporarily replaced that the official is ready and able to resume the duties of his or her office.

(3) The term of office of the official who is temporarily replaced expires."

SECTION 3. G.S. 128-40 reads as rewritten:

"**§ 128-40. Leaves of absence for county ~~officials.~~officials for protracted illness or other reason.**

Any elective or appointive county official may obtain leave of absence from ~~his duties for military or naval service, protracted illness,~~the official's duties for protracted illness or other reason satisfactory to the board of county commissioners of his county, for such period as the board of county commissioners may designate. ~~Such~~ The leave shall be obtained only upon application by the official and with the consent of the board of county commissioners. The official shall receive no salary during the period of leave unless the leave of absence is granted by reason of protracted illness, in which event the granting of a leave of absence shall not ~~operate to deprive any such~~ deprive the official of the benefits of any sick leave to which ~~he~~ the official may be entitled by law. The period of leave may be extended upon application to and with the approval of the board of county commissioners if the reason for the original leave still exists, and it may be shortened if the ~~said~~ reason shall unexpectedly terminate: Provided, that no leave or extension thereof shall operate to extend the term of office of any official beyond the period for which ~~he~~ the official was elected or appointed. If, by reason of the length of the period of absence or the nature of the duties of the official, the board of county commissioners deems it necessary, the board may appoint any qualified citizen of the county as ~~acting official or substitute~~a temporary replacement for the period of the official's leave of ~~absence, such appointee to~~absence. This appointee shall have all the authority, duties, perquisites, and emoluments of ~~his principal.~~the official temporarily replaced. The appointee shall possess all the qualifications required by law for holding the office for which the temporary replacement official is appointed."

SECTION 4. G.S. 128-41 reads as rewritten:

"**§ 128-41. Leaves of absence for municipal ~~officers.~~officials for protracted illness or other reason.**

Any elective or appointive municipal official may obtain leave of absence from ~~his duties for military or naval service, protracted illness,~~the official's duties for protracted illness or other reason satisfactory to the governing body of the municipality, for such period as the governing body may designate. ~~Such~~ The leave shall be obtained only upon application by the official and with the consent of the governing body. The official shall receive no salary during the period of leave unless the leave of absence is granted by reason of protracted illness, in which event the granting of a leave of absence shall

not ~~operate to deprive any such~~deprive the official of the benefits of any sick leave to which ~~he~~ the official may be entitled by law. The period of leave may be extended upon application to and with the approval of the governing body of the municipality if the reason for the original leave still exists, and it may be shortened if the ~~said~~ reason shall unexpectedly terminate: Provided, that no leave or extension thereof shall operate to extend the term of office of any official beyond the period for which ~~he~~ the official was elected or appointed. If, by reason of the length of the period of absence or the nature of the duties of the official, the governing body deems it necessary, it may appoint any qualified citizen of the municipality as ~~acting official or substitute~~a temporary replacement for the period of the official's leave of ~~absence, such appointee to~~absence. This appointee shall have all the authority, duties, perquisites, and emoluments of ~~his principal~~the official temporarily replaced. The appointee shall possess all the qualifications required by law for holding the office for which the temporary replacement official is appointed."

SECTION 5. Chapter 128 of the General Statutes is amended by adding a new section to read:

"§ 128-42. Leaves of absence for county or municipal officials for military or naval service.

(a) Any elective or appointive county or municipal official may obtain leave of absence from the official's duties when the official enters active duty in the armed forces of the United States or the North Carolina National Guard as a result of being voluntarily or involuntarily activated, drafted, or otherwise called to duty. The official shall receive no salary during the period of leave. No vacancy is created by a county or municipal official obtaining a leave of absence under this section.

(b) If the official will be on active duty for a period of at least 30 days, a leave of absence may be obtained, and a temporary replacement for the official may be appointed in the following manner:

(1) Leave of absence shall be obtained by placing a copy of the official's active duty orders with the clerk.

(2) G.S. 128-41 shall govern the procedure for selecting a temporary replacement official if the official being temporarily replaced is a municipal official; otherwise, G.S. 128-40 shall govern.

(c) If the official will be on active duty for a period of less than 30 days, a temporary replacement official shall not be appointed, even if a leave of absence is obtained.

(d) The appropriate authority under G.S. 128-40 or G.S. 128-41 shall appoint the temporary replacement to begin service on the date specified in writing by the official being temporarily replaced as the date the official will enter active military service, or as soon as practicable thereafter. A temporary replacement official shall have all the authority, duties, perquisites, and emoluments of the official temporarily replaced. The appointee shall possess all the qualifications required by law for holding the office for which the temporary replacement official is appointed.

(e) The term of the temporary replacement official appointed under this section shall terminate as soon as any of the following occurs:

(1) On the third day after the last day of active duty status of the official who is temporarily replaced.

(2) The clerk receives written notice from the official who is temporarily replaced that the official is ready and able to resume the duties of his or her office.

(3) The term of office of the official who is temporarily replaced expires.

(f) As used in this section, the term 'clerk' means the city clerk as defined in G.S. 160A-171 if the official being temporarily replaced is a municipal official and means the clerk to the board of county commissioners as defined in G.S. 153A-1(2) if the official being temporarily replaced is a county official."

SECTION 6. This act becomes effective July 1, 2007.

HOUSE BILL 671:
Replacing Officials Called to Active Duty

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 23, 2007
Introduced by:	Reps. Martin, Killian	**Summary by:**	Barbara Riley Committee Counsel
Version:	Second Edition		

SUMMARY: This bill would create new statutory leave of absence provisions for State, county, or municipal officials who enter active duty in the Armed Forces. The act becomes effective July 1, 2007.

CURRENT LAW: Based upon military service, protracted illness, or other satisfactory reason, elected or appointed officials may obtain a leave of absence as follows: State officials from the Governor; county officials from the board of county commissioners; and municipal officials from the governing body of the municipality.

BILL ANALYSIS: The bill amends the respective statutes that allow leaves of absence for State, county, or municipal officers to delete the "military service" basis for the leave, and to provide that replacement appointees possess all qualifications required by law. The act then enacts statutory provisions that are specific to officials entering onto active duty in the Armed Forces. All provisions provide that "no vacancy" in the office occurs during the leave of absence, and that replacements possess all qualifications required by law for the position.

I. State officials: If the official is on active duty at least 30 days, then the official may obtain a leave of absence, and a temporary replacement appointed.

- Non-member of the General Assembly: A leave of absence is obtained by filing a copy of the official's active duty orders with the Office of the Governor. The procedure in G.S. 128-39 is used to select a temporary replacement. The Governor may appoint any qualified citizen, and there is no district or residency requirement for the replacement official.
- If the official is a member of the General Assembly, then the Governor selects a replacement who is a resident of the official's district, and of the same political party. The person must be qualified as a senator or representative under the State constitution. The temporary replacement has all the authority and duties of the official temporarily displaced.

  The term of the replacement ends on the earliest of: (1) The third day after the last day of active duty status of the temporarily displaced official; (2) The clerk of the appropriate house receives notice from the official that the official is ready to resume their duties; or (3) The term of the temporarily replaced official expires.

II. County or Municipal Officials: If the official is on active duty at least 30 days, then the official may obtain a leave of absence, and a temporary replacement appointed. The leave of absence is obtained by filing a copy of the official's orders with the clerk. The appointment of a temporary replacement is governed by G.S. 128-40 if a county official, and G.S. 128-41 if a municipal official. These statutes provide for a "qualified replacement" to be appointed by the governing body.

EFFECTIVE DATE: The act is effective July 1, 2007.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 1060

Committee Substitute Favorable 4/26/07

Short Title: Local Government Surplus Property Donations. (Public)

Sponsors:

Referred to:

March 27, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 12 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-280. Donations of personal property to other governmental units.**

(a) A city or a county may donate to another governmental unit any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused. The governing board of the city or county shall post a public notice at least five days prior to the adoption of a resolution approving the donation. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property.

(b) For the purposes of this section, the term 'governmental unit' shall have the same meaning as defined by G.S. 160A-274(a).

(c) The authority granted to a city, county, or governmental unit under this section is in addition to any authority granted under any other provision of law."

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

HOUSE BILL 1060:
Local Government Surplus Property Donations

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 23, 2007
Introduced by:	Rep. Faison	**Summary by:**	Sara Kamprath*
Version:	Second Edition		Legislative Analyst

SUMMARY: House Bill 1060 authorizes cities and counties to donate surplus, obsolete or unused personal property to other governmental units. This act is effective when it becomes law.

CURRENT LAW: G.S. 160A-274 provides that any governmental unit, including a city or a county, may exchange, lease, or sell real or personal property, with or without consideration, to another governmental unit.

§ 160A-274. Sale, lease, exchange and joint use of governmental property.

(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

(c) Action under this section shall be taken by the governing body of the governmental unit. Action hereunder by any State agency, except the Department of Transportation, shall be taken only after approval by the Department of Administration. Action with regard to State property under the control of the Department of Transportation shall be taken by the Department of Transportation or its duly authorized delegate. Provided, any county board of education or board of education for any city administrative unit may, upon such terms and conditions as it deems wise, lease to another governmental unit for one dollar ($1.00) per year any real property owned or held by the board which has been determined by the board to be unnecessary or undesirable for public school purposes.

§ 153A-176. Disposition of property.

A county may dispose of any real or personal property belonging to it according to the procedures prescribed in Chapter 160A, Article 12. For purposes of this section references in Chapter 160A, Article 12, to the "city," the "council," or a specific city official are deemed to refer, respectively, to the county, the board of commissioners, and the county official who most nearly performs the same duties performed by the specified city official. For purposes of this section, references in G.S. 160A-266(c) to "one or more city officials" are deemed to refer to one or more county officials designated by the board of county commissioners.

BILL ANALYSIS: House Bill 1060 adds a new section to Chapter 160A regarding donations of personal property to other governmental units. The bill authorizes cities and counties to donate to other governmental units, any real or personal property deemed to be surplus, obsolete, or unused. The bill requires the governing board of the city or county to adopt a resolution approving the donation prior to making the donation, and to give public notice at least 5 days before the adoption of the resolution. For purposes of this new section, "governmental unit" includes city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution (as defined in G.S. 160A-274(a)).

* *Karen Cochrane-Brown, Committee Counsel to House JII Committee and Theresa Matula, staff to Senate State and Local Government Committee, substantially contributed to this summary.*

H1060e2-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 1176

Senate State & Local Government Committee Substitute Adopted 7/5/07
PROPOSED SENATE COMMITTEE SUBSTITUTE H1176-CSRK-61 [v.1]

7/23/2007 2:34:25 PM

Short Title: Tyrrell County Hunting. (Local)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to use a firearm, bow and arrow, or crossbow carelessly or heedlessly or in willful or wanton disregard for the rights or safety of others. Such reckless use of a weapon includes using a firearm, bow and arrow, or crossbow in a manner that poses a hazard to any person or property or involves the discharge of a firearm, sending a projectile across the property of another.

SECTION 2. It is unlawful to hunt, take, or kill, or to attempt to hunt, take, or kill, any wild animal or wild bird with a firearm, bow and arrow, or crossbow on, from, or across the right-of-way of any State-maintained road, or to discharge any firearm, bow and arrow, or crossbow on, from, or across the right-of-way of any State-maintained road or highway.

SECTION 3. Section 2 of this act does not apply to:

(1) A hunter lawfully recovering dogs so long as all the hunter's weapons remain in a motor vehicle.

(2) A person lawfully engaged in the act of taking bullfrogs with a rimfire weapon.

SECTION 4. It is unlawful for any person to possess a loaded firearm while on the right-of-way of any State-maintained road or highway outside the confines of the passenger area of the vehicle. This section shall not apply to any handgun that the possessor may carry concealed under State or federal law.

SECTION 5. It is unlawful for any person to hunt, take, or kill any wild animal or wild bird with a firearm, bow and arrow, crossbow, or dogs or to possess a loaded firearm outside the confines of the passenger area of the vehicle, on the land of

another, without the written permission of the landowner or lessee of the land. The written permission shall be dated and may be valid for no more than one year.

SECTION 6. Section 5 of this act does not apply to:

(1) A person who leases land for the purpose of hunting while hunting on that leased land.

(2) A member of a hunting club with a current and valid membership card while hunting on club land.

SECTION 7. Unless a person's conduct is covered under some other provision of law providing greater punishment, a violation of this act is a Class 3 misdemeanor.

SECTION 8. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 9. This act applies only to Tyrrell County.

SECTION 10. This act becomes effective October 1, 2007.

HOUSE BILL 1176:
Tyrrell County Hunting

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 23, 2007
Introduced by:	Rep. Owens	**Summary by:**	Hal Pell Committee Co-Counsel
Version:	PCS to Second Edition H1176-CSRK		

SUMMARY: House Bill 1176 prohibits the reckless use of weapons in Tyrell County, prohibits roadhunting in the County, and requires written permission of the landowner in order to hunt on the land of another. The act becomes effective October 1, 2007.

[**NOTE:** This proposed committee substitute amends Section 4 of the bill that was adopted by the Committee on July 5, 2007. The amendment clarifies that a person may possess, under the circumstances described, a handgun that the person may lawfully carry concealed, under State or federal law]

BILL ANALYSIS:

Section 1: Provides that it is unlawful in Tyrell County to recklessly discharge a firearm, bow and arrow, or crossbow. Reckless behavior is defined to include the use of such weapons in a manner that poses a hazard to any person or property or involves the discharge of a firearm across the property of another.

Section 2: Prohibits both hunting and the discharge of a weapon from, on, or across the right-of-way of a State maintained road.

Section 3: The provisions of Section 2 do not apply to someone recovering dogs as long as the hunter's weapons remain in the motor vehicle or to someone shooting bullfrogs with a .22.

Section 4: Makes it unlawful for any person to possess a loaded firearm while on the right of way of a State maintained road outside the confines of the passenger area of a motor vehicle. The bill exempts persons who are carrying a handgun that they may lawfully carry concealed.

Section 5: Makes it unlawful for a person to hunt on the land of another, or possess a loaded firearm outside the confines of the passenger area of a motor vehicle, without the written permission of the landowner or lessee of the land. The written permission must be dated and shall be valid for no more than one year. Exceptions are provided to the written permission requirement for the lessee of land for the purpose of hunting and members of a hunting club with a current and valid membership card while hunting on club land.

The act applies only to Tyrrell County.

Violation of the act is a Class 3 misdemeanor, unless the person's conduct is covered under some other provision of State law providing greater punishment.

The act is enforceable by wildlife officers, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction.

EFFECTIVE DATE: The act becomes effective October 1, 2007.

Summary contribution by Barbara Riley, Staff Attorney.

H1176e2-SMRK-02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 1649

Short Title:	Increase Appointees/Governor's Crime Comm.	(Public)
Sponsors:	Representatives McLawhorn; and Wray.	
Referred to:	Ways and Means.	

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE GOVERNOR'S CRIME COMMISSION FROM THIRTY-SIX TO THIRTY-EIGHT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-478 reads as rewritten:

"**§ 143B-478. Governor's Crime Commission – creation; composition; terms; meetings, etc.**

(a) There is hereby created the Governor's Crime Commission of the Department of Crime Control and Public Safety. The Commission shall consist of ~~36~~ 38 voting members and six nonvoting members. The composition of the Commission shall be as follows:

(1) The voting members shall be:

a. The Governor, the Chief Justice of the Supreme Court of North Carolina (or his alternate), the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of the Department of Correction, the Secretary of the Department of Juvenile Justice and Delinquency Prevention, and the Superintendent of Public Instruction;

b. A judge of superior court, a judge of district court specializing in juvenile matters, a chief district court judge, a clerk of superior court, and a district attorney;

c. A defense attorney, three sheriffs (one of whom shall be from a "high crime area"), three police executives (one of whom shall be from a "high crime area"), ~~six~~ eight citizens (two with knowledge of juvenile delinquency and the public school system, two of whom shall be under the age of 21 at the time of their appointment, one advocate for victims of all crimes, one

representative from a domestic violence or sexual assault program, one representative of a "private juvenile delinquency program," and one in the discretion of the Governor), three county commissioners or county officials, and three mayors or municipal officials;

d. Two members of the North Carolina House of Representatives and two members of the North Carolina Senate.

(2) The nonvoting members shall be the Director of the State Bureau of Investigation, the Secretary of the Department of Crime Control and Public Safety, the Assistant Secretary of Intervention/Prevention of the Department of Juvenile Justice and Delinquency Prevention, the Assistant Secretary of Youth Development of the Department of Juvenile Justice and Delinquency Prevention, the Director of the Division of Prisons and the Director of the Division of Community Corrections.

(b) The membership of the Commission shall be selected as follows:

(1) The following members shall serve by virtue of their office: the Governor, the Chief Justice of the Supreme Court, the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of the Department of Correction, the Director of the State Bureau of Investigation, the Secretary of the Department of Crime Control and Public Safety, the Director of the Division of Prisons, the Director of the Division of Community Corrections, the Secretary of the Department of Juvenile Justice and Delinquency Prevention, the Assistant Secretary of Intervention/Prevention of the Department of Juvenile Justice and Delinquency Prevention, the Assistant Secretary of Youth Development of the Department of Juvenile Justice and Delinquency Prevention, and the Superintendent of Public Instruction. Should the Chief Justice of the Supreme Court choose not to serve, his alternate shall be selected by the Governor from a list submitted by the Chief Justice which list must contain no less than three nominees from the membership of the Supreme Court.

(2) The following members shall be appointed by the Governor: the district attorney, the defense attorney, the three sheriffs, the three police executives, the ~~six~~ eight citizens, the three county commissioners or county officials, the three mayors or municipal officials.

(3) The following members shall be appointed by the Governor from a list submitted by the Chief Justice of the Supreme Court, which list shall contain no less than three nominees for each position and which list must be submitted within 30 days after the occurrence of any vacancy in the judicial membership: the judge of superior court, the clerk of

superior court, the judge of district court specializing in juvenile matters, and the chief district court judge.

(4) The two members of the House of Representatives provided by subdivision (a)(1)d. of this section shall be appointed by the Speaker of the House of Representatives and the two members of the Senate provided by subdivision (a)(1)d. of this section shall be appointed by the President Pro Tempore of the Senate. These members shall perform the advisory review of the State plan for the General Assembly as permitted by section 206 of the Crime Control Act of 1976 (Public Law 94-503).

(5) The Governor may serve as chairman, designating a vice-chairman to serve at his pleasure, or he may designate a chairman and vice-chairman both of whom shall serve at his pleasure.

(c) The initial members of the Commission shall be those appointed under subsection (b) above, which appointments shall be made by March 1, 1977. The terms of the present members of the Governor's Commission on Law and Order shall expire on February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other than those serving by virtue of their office, to serve staggered terms; seven shall be appointed for one-year terms, seven for two-year terms, and seven for three-year terms. At the end of their respective terms of office their successors shall be appointed for terms of three years and until their successors are appointed and qualified. The Commission members from the House and Senate shall serve two-year terms effective March 1, of each odd-numbered year; and they shall not be disqualified from Commission membership because of failure to seek or attain reelection to the General Assembly, but resignation or removal from office as a member of the General Assembly shall constitute resignation or removal from the Commission. Any other Commission member no longer serving in the office from which he qualified for appointment shall be disqualified from membership on the Commission. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, disability, or disqualification of a member shall be for the balance of the unexpired term.

(d) The Governor shall have the power to remove any member from the Commission for misfeasance, malfeasance or nonfeasance.

(e) The Commission shall meet quarterly and at other times at the call of the chairman or upon written request of at least eight of the members. A majority of the voting members shall constitute a quorum for the transaction of business."

SECTION 2. Notwithstanding the provisions of G.S. 143B-478, as enacted in Section 1 of this act, the members appointed by the Governor, one of whom is an advocate for victims of all crimes and one of whom is a representative from a domestic violence or sexual assault program, shall each serve a three-year term to commence when this act becomes effective. Members described in this section shall serve for the terms for which they were appointed and until their successors are appointed and qualified.

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

HOUSE BILL 1649:
Increase Appointees/Governor's Crime Comm

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 20, 2007
Introduced by:	Rep. McLawhorn	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: House Bill 1649 increases, by two, the number of voting members on the Governor's Crime Commission.

CURRENT LAW:

The Governor's Crime Commission is in the Department of Crime Control and Public Safety and currently consists of 36 voting members and six (6) non-voting members.

G.S. 143B-479 outlines the following powers and duties of the Governor's Crime Commission:

- To serve, along with its adjunct committees, as the chief advisory board to the Governor and to the Secretary of the Department of Crime Control and Public Safety on matters pertaining to the criminal justice system.
- To recommend a comprehensive statewide plan for the improvement of criminal justice throughout the State which is consistent with and serves to established goals of the criminal justice system.
- To advise State and local law-enforcement agencies in improving law enforcement and the administration of criminal justice.
- To make studies and recommendations for the improvement of law enforcement and the administration of criminal justice.
- To encourage public support and respect for the criminal justice system in North Carolina.
- To seek ways to continue to make North Carolina a safe and secure State for its citizens.
- To recommend objectives and priorities for the improvement of law enforcement and criminal justice throughout the State.
- To recommend recipients of grants for use in pursuing its objectives, under such conditions as are deemed to be necessary.
- To serve as a coordinating committee and forum for discussion of recommendations from its adjunct committees formed pursuant to G.S. 143B-480.
- To serve as the primary channel through which local law- enforcement departments and citizens can lend their advice, and state their needs, to the Department of Crime Control and Public Safety.

BILL ANALYSIS:

House Bill 1649 increases, from six to eight, the number of citizens on the Governor's Crime Commission. One of the new members must serve as an advocate for victims of all crimes. The other new member must serve as a representative from a domestic violence or sexual assault program. The two new members will be appointed by the Governor, as are the current six citizens on the Commission. Section 2 of the bill specifies that the new members shall each serve a three-year term to commence when the act becomes effective.

EFFECTIVE DATE:

The bill will become effective when it becomes law.

H1649e1-SMSH

VISITOR REGISTRATION SHEET

Senate State and Local Government — July 24, 2007

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barry Bryant	Governor's Crime Commission
John Phelps	NCLM
John Melby	GOV OFFICE
Colleen Kochanek	NCCADV
Penny Griffin	Daily Bulletin
Jennifer Wells	Wilkes County Govt.
GERRY COTTER	Bill Drafting

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, July 24, 2007 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on July 24, 2007, in Room 1124 of the Legislative Building. Fourteen members of the committee were present. Senator Malcolm Graham, presided.

Senator Graham opened the meeting by introducing the pages.

The first bill to be heard HB1060 (Local Government Surplus Property Donations.) by Rep. Faison allows a state or local government agency to give away obsolete property to another state or local government agency that can use it. Donate without having to bid. Senator Malone moved for a favorable report and bill carried.

HB1649 (Increase Appointees/Governor's Crime Comm.) Rep. McLawhorn explained this bill is to add two additional members to the Governor's Crime Commission for 3 year terms. One would be an advocate for Victims of all Crimes and the second would represent Victims of Domestic Violence/Sexual Assault. Senator Boseman moved for a favorable report and bill carried.

HB671 (Replacing Officials Called to Active Duty.) Rep. Martin explained the bill is to allow the governor to appoint a temporary replacement to a seat in the General Assembly if that person is called to active duty. It guarantees that the seat will become available when the person return from active duty. After lengthy discussion and questions the bill is displaced to allow the bill sponsor time to address questions.

HB1176 (Tyrrell County Hunting.) Senator Graham asked that the proposed committee substitute be adopted. Senator Berger motioned to adopt the proposed committee substitute. Hal Pell (Research Staff) explained that it is the same bill voted out of committee on July 5th. The only change to bill is Section 4 line 23 and 24. Senator Jones motioned for a favorable report and bill carried. Favorable to the proposed committee substitute but unfavorable as to the original bill.

The meeting adjourned at 12:32.

Senator Malcolm Graham, Presiding

Anita Flintall, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, July 24, 2007

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

FAVORABLE

H.B.(CS #1) **1060** Local Government Surplus Property Donations.
Sequential Referral: None
Recommended Referral: None

H.B. **1649** Increase Appointees/Governor's Crime Comm.
Sequential Referral: None
Recommended Referral: None

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

H.B.(SCS #1) **1176** Tyrrell County Hunting.
Draft Number: PCS 30519
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, July 25, 2007

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

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

H.B.(CS #1) **671** Replacing Officials Called to Active Duty.

Draft Number:	PCS 70601
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

HB 849 has been added to the Agenda

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Friday	July 27, 2007	11:55	Senate Chamber

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 398	Winston-Salem Ordinances.	Representative Parmon Representative Brown Representative Womble Representative McGee
HB 849	Regulation of Golf Carts in Morrisville.	Representative Harrell

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Friday, July 27, 2007, 11:55 am
Senate Chamber

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 398	Winston-Salem Ordinances.	Representative Parmon Representative Brown Representative Womble Representative McGee
HB 849	Regulation of Golf Carts in Morrisville.	Representative Harrell

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 398

Second Edition Engrossed 3/27/07

Short Title:	Winston-Salem Ordinances.	(Local)
Sponsors:	Representatives Womble, Parmon, Brown, and McGee (Primary Sponsors).	
Referred to:	Local Government II.	

February 28, 2007

A BILL TO BE ENTITLED

AN ACT PROVIDING THE TOWN OF SPRING LAKE AND THE CITY OF WINSTON-SALEM WITH ADDITIONAL OPTIONS FOR SERVICE OF NOTICE OF VIOLATION OF THE CITY'S GARBAGE AND TRASH ORDINANCE AND THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-120 reads as rewritten:

"**SECTION 1.** A municipality may notify a chronic violator of the municipality's garbage and trash ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property in accordance with G.S. 160A-193. The initial annual notice shall be served by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality gave a notice of violation at least three times under any provision of the garbage and trash ordinance."

SECTION 2. Section 1 of S.L. 1999-58, as amended by Section 2 of S.L. 2003-120, reads as rewritten:

"**Section 1.** A municipality may notify a chronic violator of the municipality's overgrown vegetation ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. When service is made by

registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality gave a notice of violation at least three times under any provision of the overgrown vegetation ordinance."

SECTION 3. This act applies to the Town of Spring Lake and the City of Winston-Salem only.

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

HOUSE BILL 398:
Winston-Salem Ordinances

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 26, 2007
Introduced by:	Reps. Womble, Parmon, Brown, McGee	**Summary by:**	Barbara Riley
Version:	Second Edition		Committee Counsel

SUMMARY:

House Bill 398 allows the City of Winston-Salem and the Town of Spring Lake to provide notice to a "chronic violator" of the municipalities' garbage and trash, or overgrown vegetation ordinances by serving the notice by registered or certified mail and also sending a copy by regular mail. Service shall be deemed sufficient if the registered/certified mail is unclaimed or refused, but the regular mail is not returned to the post office within 10 days.

CURRENT LAW: S.L. 2003-120 provided Winston Salem with additional authority to enforce its garbage and trash ordinances against chronic violators. S.L. 1999-58, as amended by S.L. 2003-120 provided similar authority to Winston Salem with respect to chronic violators of the overgrown vegetation ordinances. These local acts define "chronic violator" as a person who owns property and who was given at least 3 notifications of violation of the garbage and trash, or overgrown vegetation ordinance in the last calendar year. In the following calendar year, if the person violates that ordinance, the city may send a notice of violation via registered or certified mail and then take action to remedy the violation and charge the expense to the owner. If the expense is not paid, it becomes a lien against the property.

BILL ANALYSIS:

House Bill 398 authorizes the City of Winston Salem and the Town of Spring Lake to provide notice to a chronic violator of the garbage and trash or overgrown weed ordinances by serving the violator with notice by registered or certified mail with a copy sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is either unclaimed or refused, but the regular mail is not returned to the Post Office within 10 days. A "chronic violator" is a person who owns property and who was given at least 3 notifications of violation of the garbage and trash, or overgrown vegetation ordinance in the last calendar year.

EFFECTIVE DATE:

The act is effective when it becomes law.

H0398e2-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 849

PROPOSED SENATE COMMITTEE SUBSTITUTE H849-CSSH-51 [v.1]

7/27/2007 11:31:40 AM

Short Title: Regulation of Golf Carts in Morrisville. (Local)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE TOWN OR ON PROPERTY OWNED OR LEASED BY THE TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2006-27, as amended by S.L. 2007-72, reads as rewritten:

"**SECTION 1.** This act applies to the City of Saluda and the Towns of Badin, Carolina Beach, Emerald Isle, Fremont, Faison, Indian Beach, Kings Mountain, Kure Beach, Morrisville, Shelby and Wrightsville Beach only."

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

HOUSE BILL 849:
Regulation of Golf Carts in Morrisville

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 27, 2007
Introduced by:	Rep. T. Harrell	**Summary by:**	Theresa Matula
Version:	PCS to First Edition H849-CSSH-51		Committee Counsel

SUMMARY: ***House Bill 849 authorizes the Town of Morrisville to regulate the operation of golf carts on public streets or highways within the Town, as well as on any property owned or leased by the Town, and it allows the Town to charge a fee for registration. The bill becomes effective when it becomes law. The Proposed Committee Substitute reflects changes enacted by S.L. 2007-72.***

[As introduced, this bill was identical to S531, as introduced by Sen. Cowell, which is currently in House Local Government II. Senate State and Local Government gave a favorable report to S 531 on April 25, 2007.]

CURRENT LAW:

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

G.S. 20-4.01.(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

BILL ANALYSIS:

The PCS for House Bill 849 amends S.L. 2006-27, which was amended by S.L. 2007-72, to allow the Town of Morrisville to enact an ordinance to regulate the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the town. With regard to golf carts, by ordinance, the town may:

- require registration,
- charge a fee for the registration,
- specify the persons authorized to operate,
- specify required equipment,
- specify load limits, and
- specify hours and methods of operation.

BACKGROUND:

- The General Assembly has enacted legislation for golf carts in the following locations: Lake Waccamaw (S.L. 2001-356), Cary (S.L. 2001-485), Whispering Pines (S.L. 2002-82), Seven Lakes (S.L. 2002-82).
- The General Assembly has enacted legislation for golf carts and utility vehicles in: Beech Mountain (S.L. 2003-124) and Seven Devils (S.L. 2004-58).
- The General Assembly has enacted golf cart legislation allowing fees to be charged in: the Town of Lake Waccamaw (S.L. 2001-356); the Village of Bald Head Island (S.L. 2002-129); and the Towns of Elizabethtown, Rose Hill, and Bladenboro (S.L. 2005-11); Benson, Chadbourn and Tabor City (S.L. 2006-149); and Clarkton (S.L. 2006-152).
- The General Assembly has enacted legislation to allow the Town of Caswell Beach to regulate golf carts on any street or road within the confines of the municipal limits (S.L. 2006-149).
- The General Assembly has enacted legislation to allow the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the town in: the City of Saluda and the Town of Faison (S.L. 2006-27) and Badin, Carolina Beach, Emerald Isle, Fremont, Indian Beach, Kings Mountain, Kure Beach, Shelby, and Wrightsville Beach (S.L. 2007-72).

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

SESSION LAW 2006-27
SENATE BILL 1328

AN ACT TO AUTHORIZE THE CITY OF SALUDA AND THE TOWN OF FAISON TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to the City of Saluda and the Town of Faison only.

SECTION 2. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a town may, by ordinance, regulate the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the city.

By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts.

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

In the General Assembly read three times and ratified this the 28th day of June, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

H0849e1-SMSH-CSSH-51

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Friday, July 27, 2007 at 11:55 am
Room Senate Chamber

MINUTES

The Senate State & Local Government Committee met at 11:55 am on July 27, 2007 in the Senate Chamber around Senator Don East's desk. Seven members of the committee were present. Senator East presided.

House Bill 398 (Winston-Salem Ordinances) was presented by Senator Garrou. Senator Dorsett made a motion for a favorable report and the bill carried. The other bill to be considered was House Bill 849 (Regulation of golf Carts in Morrisville). Senator Dorsett moved to adopt the PCS. The proposed Senate Committee Substitute was adopted. The PCS received a favorable report.

The meeting adjourned at 12:00 pm.

Don W. East
Senator East, Presiding

Anne Misenheimer
Anne Misenheimer, Committee Clerk

HOUSE BILL 849:
Regulation of Golf Carts in Morrisville

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 27, 2007
Introduced by:	Rep. T. Harrell	**Summary by:**	Theresa Matula
Version:	PCS to First Edition H849-CSSH-51		Committee Counsel

SUMMARY: ***House Bill 849 authorizes the Town of Morrisville to regulate the operation of golf carts on public streets or highways within the Town, as well as on any property owned or leased by the Town, and it allows the Town to charge a fee for registration. The bill becomes effective when it becomes law. The Proposed Committee Substitute reflects changes enacted by S.L. 2007-72.***

[As introduced, this bill was identical to S531, as introduced by Sen. Cowell, which is currently in House Local Government II. Senate State and Local Government gave a favorable report to S 531 on April 25, 2007.]

CURRENT LAW:

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

G.S. 20-4.01.(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

BILL ANALYSIS:

The PCS for House Bill 849 amends S.L. 2006-27, which was amended by S.L. 2007-72, to allow the Town of Morrisville to enact an ordinance to regulate the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the town. With regard to golf carts, by ordinance, the town may:

- require registration,
- charge a fee for the registration,
- specify the persons authorized to operate,
- specify required equipment,
- specify load limits, and
- specify hours and methods of operation.

BACKGROUND:

- The General Assembly has enacted legislation for golf carts in the following locations: Lake Waccamaw (S.L. 2001-356), Cary (S.L. 2001-485), Whispering Pines (S.L. 2002-82), Seven Lakes (S.L. 2002-82).
- The General Assembly has enacted legislation for golf carts and utility vehicles in: Beech Mountain (S.L. 2003-124) and Seven Devils (S.L. 2004-58).
- The General Assembly has enacted golf cart legislation allowing fees to be charged in: the Town of Lake Waccamaw (S.L. 2001-356); the Village of Bald Head Island (S.L. 2002-129); and the Towns of Elizabethtown, Rose Hill, and Bladenboro (S.L. 2005-11); Benson, Chadbourn and Tabor City (S.L. 2006-149); and Clarkton (S.L. 2006-152).
- The General Assembly has enacted legislation to allow the Town of Caswell Beach to regulate golf carts on any street or road within the confines of the municipal limits (S.L. 2006-149).
- The General Assembly has enacted legislation to allow the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the town in: the City of Saluda and the Town of Faison (S.L. 2006-27) and Badin, Carolina Beach, Emerald Isle, Fremont, Indian Beach, Kings Mountain, Kure Beach, Shelby, and Wrightsville Beach (S.L. 2007-72).

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

SESSION LAW 2006-27
SENATE BILL 1328

AN ACT TO AUTHORIZE THE CITY OF SALUDA AND THE TOWN OF FAISON TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to the City of Saluda and the Town of Faison only.

SECTION 2. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a town may, by ordinance, regulate the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the city.

By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts.

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

In the General Assembly read three times and ratified this the 28th day of June, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

H0849e1-SMSH-CSSH-51

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Friday, July 27, 2007

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

FAVORABLE

H.B. **398** Winston-Salem Ordinances.

Sequential Referral:	None
Recommended Referral:	None

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

H.B. **849** Regulation of Golf Carts in Morrisville.

Draft Number:	PCS 80491
Sequential Referral:	None
Recommended Referral:	Finance
Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

State and Local Government Committee
2007-2008 Membership

SENATOR	CLERK	ROOM	PHONE
Senator Don East, Co-Chair	Anne Misenheimer	1120 LB	3-5743
Senator Malcolm Graham, Co-Chair	Tracey Holloway	620 LOB	3-5650
Senator Katie Dorsett, Vice Chair	Phyllis Cameron	2106 LB	5-3042
Senator Charles W. Albertson	Cindy Davis	525 LOB	3-5705
Senator Tom Apodaca	Airen Blaine	1127 LB	3-5745
Senator Phil Berger	Barbara Eldridge	1026 LB	3-5708
	Sara Clapp Cody Hand Darrell Malcolm		
Senator Harris Blake	Anna Kidd	517 LOB	3-4809
Senator Julia Boseman	Laura Holt-Kabel Karen Campbell	309 LOB	5-2525
Senator Pete Brunstetter	Genie Clark	1419 LB	3-7850
Senator Daniel Clodfelter	Wanda Joyner	408 LOB	5-8331
Senator Fletcher Hartsell	Gerry Johnson	518 LOB	3-7223
Senator Ed Jones	Irma Avent-Hurst Alexis Pugh	623 LOB	3-3032
Senator Vernon Malone	Bonnie McNeil Claudette Howell	313 LOB	3-5880
Senator Floyd McKissick	Bernie David Yerumo	621 LOB	3-4599
Senator Joe Sam Queen	Sarah Wilson	1117 LB	3-34600
Senator Fred Smith	Blair Keen	520 LOB	
Sen. R.C. Soles, Jr.	Janet Blalock Mona Fitzgerald Joan Leatherman	2022 LB	3-5963
Sen. Richard Stevens	Kleist Rhodes	406 LOB	3-5653
Staff:			
Barbara Riley, Counsel		545 LOB	3-2578
Hal Pell, Counsel		201CC	3-2578
Theresa Matula, Legislative Analyst		545 LOB	3-2578
Joe Moore Research Analyst		500 LOB	3-9390
Sara Kamprath Research			
Committee Assistants	Anne Misenheimer Tracey Holloway	1120 LB 620 LOB	3-5743 3-5650

Anne Misenheimer

Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	May 27, 2008	12:00 Noon	1124 LB

The following will be considered: **Agenda To Be Announced**

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, May 27, 2008, 12:00 Noon
1124 LB
Senator Dorsett - Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1579	Cary Electronic Notices.	Senator Stevens
SB 1590	Bald Head Island Clerk Appointment.	Senator Soles, Jr.
SB 1597	Cary Energy Efficiency Incentive.	Senator Cowell
SB 1598	Allow Town of Hobgood to Regulate Golf Carts.	Senator Jones
SB 1602	Caswell Beach/Building Height Limit.	Senator Soles, Jr.
SB 1622	Locust and Oakboro to Regulate Golf Carts.	Senator Purcell

Presentations

Other Business

Adjournment

SENATE BILL 1579:
Cary Electronic Notices

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 27, 2008
Introduced by:	Sen. Stevens	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

SUMMARY: Senate Bill 1579 would authorize the Town of Cary to adopt local ordinances providing for notice of public hearings to be given by electronic means.

[As introduced, this bill was identical to H2094, as introduced by Reps. Dollar, Weiss, T. Harrell, which is currently in House Local Government I.]

CURRENT LAW: Generally, notice of public meetings must be given in accordance with G.S. 143-318.12. That statute requires a public body to publish a schedule of its regular meetings and to give notice of special meetings and emergency meetings. Generally, notice of special and emergency meetings may be requested by anyone, and that notice must be sent to the person requesting the notice.

Public hearings are often statutorily required prior to adoption of certain ordinances or amendments to ordinances. Often, the statute requiring the public hearing will require notice of the public hearing to be given in the form of publication in a newspaper of general circulation within a specified timeframe.

BILL ANALYSIS: The bill amends S.L. 2007-86 to allow the Town of Cary to adopt local ordinances providing for electronic notice of public hearings. The local ordinance may not:

1. Supersede any State law that requires notice by mail to certain classes of people or the posting of signs on certain property.
2. Alter the publication schedule for any public notice.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: S.L. 2007-86 was enacted for Apex, Garner and Knightdale. Similar legislation has previously been enacted for Raleigh and Lake Waccamaw. S.L. 2003-161.

S1579e1-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 1579*

Short Title:	Cary Electronic Notices.	(Local)
Sponsors:	Senators Stevens and Cowell.	
Referred to:	State & Local Government.	

May 14, 2008

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Sections 1 and 2 of S.L. 2007-86 read as rewritten:

"**SECTION 1.** The governing body of a city or town may adopt ordinances providing that notice of public hearings may be given through electronic means, including, but not limited to, the Town's Internet site. Ordinances adopted pursuant to this section shall not supersede any State law that requires notice by mail to certain classes of people or the posting of signs on certain property and shall not alter the publication schedule for any public notice.

"**SECTION 2.** This act applies only to the Towns of Apex, Cary, Garner, and Knightdale."

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

SENATE BILL 1590:
Bald Head Island Clerk Appointment

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 26, 2008
Introduced by:	Sen. Soles	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY:

Senate Bill 1590 transfers the authority to appoint, discipline, or remove the Bald Head Island village clerk from the Village Council to the Village Manager.

[As introduced, this bill was identical to H2157, as introduced by Reps. Stiller, Hill, which is currently in House Local Government II.]

CURRENT LAW:

The Charter of the Village of Bald Head Island provides that the Village Manager shall have hiring and supervisory authority over the employees in the administrative service of the Village other than the Village Attorney, Village Clerk, and any other official whose appointment or removal is specifically vested in the Village Council by the Charter or general law.

BILL ANALYSIS:

Senate Bill 1590 transfers the authority to appoint, supervise, and remove the Village Clerk from the Village Council to the Village Manager.

EFFECTIVE DATE:

The act is effective when it becomes law.

S1590e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 1590*

Short Title:	Bald Head Island Clerk Appointment.	(Local)
Sponsors:	Senator Soles.	
Referred to:	State & Local Government.	

May 14, 2008

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND RELATING TO THE APPOINTMENT OF THE TOWN CLERK.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.3 of the Charter of the Village of Bald Head Island, being S.L. 1997-324, reads as rewritten:

"Section 4.3. **Manager's Personnel Authority; Role of Elected Officials.** As chief administrator, the Village Manager shall have the power to appoint, suspend, and remove all officers, department heads, and employees in the administrative service of the Village, with the exception of the Village ~~Attorney, the Village Clerk,~~ Attorney and any other official whose appointment or removal is specifically vested in the Council by this Charter or by general law. Neither the Council nor any of its members shall take part in the appointment or removal of officers and employees in the administrative service of the Village, except as provided by this Charter. Except for the purpose of inquiry, or for consultation with the Village Attorney, the Council and its members shall deal with the administrative service solely through the Village Manager, Acting Manager, or Interim Manager, and neither the Council nor any of its members shall give any specific orders to any subordinates of the Village Manager, Acting Manager, or Interim Manager, either publicly or privately."

SECTION 2. Section 4.5 of the Charter of the Village of Bald Head Island, being S.L. 1997-324, reads as rewritten:

"Section 4.5. **Village Clerk.** The Village ~~Council~~ Manager shall appoint a Village Clerk to keep a journal of the proceedings of the Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Manager ~~Council~~ may direct. The Village Manager shall supervise and may remove the Village Clerk."

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

SENATE BILL 1597:
Cary Energy Efficiency Incentive

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 26, 2008
Introduced by:	Sen. Cowell	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY: Senate Bill 1597 would authorize the Town of Cary to provide incentives in exchange for construction of new development or reconstruction of existing development that reduces energy consumption.

[As introduced, this bill was identical to H2134, as introduced by Reps. Weiss, Dollar, T. Harrell, which is currently in House Local Government I, if favorable, Energy and Energy Efficiency.]

BILL ANALYSIS: Senate Bill 1597 amends S.L. 2007-241 and adds the Town of Cary to those municipalities that may adopt ordinances to provide incentives to developers within the municipalities and their extraterritorial jurisdiction who agree to construct new development or reconstruct existing development in a manner that the municipalities' determine makes a significant contribution to the reduction of energy consumption. Incentives include density bonuses, adjustments to otherwise applicable development requirements, and other incentives. Density bonus ordinances permit developers to increase the number of units allowed on a piece of property.

The cities of Asheville, Charlotte and Wilmington, and the Towns of Carrboro and Chapel Hill were granted this authority under the 2007 legislation.

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

S1597e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 1597*

Short Title:	Cary Energy Efficiency Incentive.	(Local)
Sponsors:	Senators Cowell and Stevens.	
Referred to:	State & Local Government.	

May 15, 2008

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF CARY TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 1 and 2 of S.L. 2007-241 read as rewritten:

"**SECTION 1**. Land-Use Development Incentives. Cities and towns, for the purpose of reducing the amount of energy consumption by new development, and thereby promoting the public health, safety, and welfare, may adopt ordinances to grant a density bonus, make adjustments to otherwise applicable development requirements, or provide other incentives to a developer within the municipality and its extraterritorial planning jurisdiction if the developer agrees to construct new development or reconstruct existing development in a manner that the municipality determines, based on generally recognized standards established for such purposes, makes a significant contribution to the reduction of energy consumption.

"**SECTION 2.** This act applies only to the Cities of Asheville, Charlotte, and Wilmington, and to the Towns of ~~Carrboro~~ Carrboro, Cary, and Chapel Hill."

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

SENATE BILL 1598:
Allow Town of Hobgood to Regulate Golf Carts

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 27, 2008
Introduced by:	Sen. Jones	**Summary by:**	Theresa Matula
Version:	PCS to First Edition S1598-CSSH-54		Committee Staff

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 1598 allows the Towns of Beulaville, Butner, Hobgood, Locust, and Oakboro to each regulate the operation of golf carts on public streets or highways within the town, or on property owned or leased by the town, and allows each town to charge a fee for registration. The bill becomes effective when it becomes law.***

The Proposed Committee Substitute combines SB 1622 (Locust, Oakboro), SB 1722 (Beulaville), SB 1645 (Butner), and SB 1598 (Hobgood).

This bill allows a fee should be referred to Senate Finance.

CURRENT LAW:

G.S. 160A-300.5 allows for the regulation of golf carts on streets in certain localities. Notwithstanding G.S. 20-50 and G.S. 20-52, this section allows a town, by ordinance, to regulate the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the city. It also allows a town, by ordinance, to require the registration of golf carts, charge a fee for registration, specify who is authorized to operate, and specify the required equipment, load limits, and the hours and methods of operation. (S.L.2006-27, S.L. 2007-72, and S.L. 2007-336 became codified in G.S. 160A-300.5)

§ 160A-300.5. Regulation of golf carts on streets in certain localities.

(a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a town may, by ordinance, regulate the operation of golf carts on any public street or highway within the city limits, or on any property owned or leased by the city.

(b) By ordinance, a city may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts.

(c) This section applies to the City of Saluda and the Towns of Badin, Carolina Beach, Emerald Isle, Faison, Fremont, Indian Beach, Kings Mountain, Kure Beach, Morrisville, Shelby, and Wrightsville Beach only.

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

G.S. 20-4.01.(12a) defines a golf cart as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

BILL ANALYSIS:

The PCS for Senate Bill 1598 amends G.S. 160A-300.5 (c) to allow the towns of Beulaville, Butner, Hobgood, Locust, and Oakboro to enact an ordinance to regulate the operation of golf carts on any public street or highway within the town limits, or on any property owned or leased by the town. With regard to golf carts, by ordinance, the town may:

- require registration,
- specify the persons authorized to operate,
- specify load limits, and
- charge a fee for the registration,
- specify required equipment,
- specify hours and methods of operation.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 1598

Short Title:	Allow Town of Hobgood to Regulate Golf Carts.	(Local)
Sponsors:	Senator Jones.	
Referred to:	State & Local Government.	

May 15, 2008

A BILL TO BE ENTITLED

AN ACT TO ADD THE TOWN OF HOBGOOD TO THE CITIES AND TOWNS THAT MAY REGULATE GOLF CARTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.5(c) reads as rewritten:

"(c) This section applies to the City of Saluda and the Towns of Badin, Carolina Beach, Emerald Isle, Faison, ~~Fremont,~~Fremont, Hobgood, Indian Beach, Kings Mountain, Kure Beach, Morrisville, Shelby, and Wrightsville Beach only."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 1598
PROPOSED COMMITTEE SUBSTITUTE S1598-CSSH-54 [v.2]

5/23/2008 12:30:19 PM

Short Title: Regulation of Golf Carts Various Localities. (Local)

Sponsors:

Referred to:

May 15, 2008

A BILL TO BE ENTITLED

AN ACT TO ADD THE TOWNS OF BEULAVILLE, BUTNER, HOBGOOD, LOCUST, AND OAKBORO TO THE CITIES AND TOWNS THAT MAY REGULATE GOLF CARTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.5(c) reads as rewritten:

"(c) This section applies to the City of Saluda and the Towns of ~~Badin,~~ Badin, Beulaville, Butner, Carolina Beach, Emerald Isle, Faison, ~~Fremont,~~Fremont, Hobgood, Indian Beach, Kings Mountain, Kure ~~Beach,~~ Beach, Locust, ~~Morrisville,~~ Morrisville, Oakboro, Shelby, and Wrightsville Beach only."

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

SENATE BILL 1602:
Caswell Beach/Building Height Limit

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	May 22, 2008
Introduced by:	Sen. Soles	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: This Caswell Beach local act limits the height of buildings built after the effective date of the act. The act is effective when it becomes law.

[As introduced, this bill was identical to H2154, as introduced by Rep. Stiller, which is currently in House Local Government I, if favorable, Judiciary II.]

CURRENT LAW: Several localities have building height limitations, *e.g.*, Kure Beach, Oak Island, and Hendersonville.

BILL ANALYSIS: Buildings constructed after the effective date are limited to 26 feet above the regulatory flood protection elevation or 35 feet above the mean elevation. The Town is not authorized to issue variances. The height limitation does not apply to functional building appurtenances, including chimneys and ventilators.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

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SENATE BILL 1602*

Short Title:	Caswell Beach/Building Height Limit.	(Local)
Sponsors:	Senator Soles.	
Referred to:	State & Local Government.	

May 15, 2008

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE HEIGHT OF STRUCTURES IN THE TOWN OF CASWELL BEACH.

The General Assembly of North Carolina enacts:

SECTION 1. No building erected within the corporate limits of the Town of Caswell Beach may have a height that exceeds the limitation provided in this section unless the building was erected before the effective date of this act. For purposes of this act, the term "height" means the vertical distance of a building measured from the mean of the finished grade along the front of the building to: (i) the midpoint between eaves and ridges or to the highest point of any architectural design element extending above the ridge, including a belfry, cupola, widow's walk, observation deck, or steeple, of a gable, hip, or gambrel roof; (ii) the highest point of a flat roof; and (iii) the deck line of a mansard roof. The vertical distance shall not exceed the higher of 26 feet above the regulatory flood protection elevation or 35 feet above the mean elevation. Variances of the height limitation shall not be granted by the Town or the Town Board of Adjustment.

SECTION 2. The height limitation created by Section 1 of this act does not apply to functional building appurtenances, including chimneys and ventilators, that are incidental to but necessary for human occupancy of the building.

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

VISITOR REGISTRATION SHEET

Senate State and Local Government — May 27, 2008

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kathy Hawkins	Progress Energy
Kam Johnson	Electric Cities
Lisa Martin	NC Home Builders Assoc.
Jessica Hayes	NC Home Builders Assoc.
Pete Jarvis	gov office
Aana Wherry	NCCN
Laura Ellen Pisoni	NCCN
Erin Kuipers	NC Conservation Network
[illegible]	Town of Cary
Lana Hyde	Town of Cary
Sue Rowland	Town of Cary

VISITOR REGISTRATION SHEET

Senate State and Local Government — May 27, 2008

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jack Cozart	Town of Cary
Sandy Sands	WCSR
R. Paul Wilms	NCMBA
Cam Cerven	BPMHC
John Phelps	NCLM
Spencer Pleggers	DOR
FRANK FOLGER	SZD WICKER
DANIEL ROTH	KENNEDY COVINGTON
Dana DeCamillis	IOG

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair
Senator Katie Dorsett, Vice-Chair

Wednesday, May 28, 2008

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

FAVORABLE

S.B. **1579** Cary Electronic Notices.
Sequential Referral: None
Recommended Referral: None

S.B. **1597** Cary Energy Efficiency Incentive.
Sequential Referral: None
Recommended Referral. None

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

S.B. **1598** Allow Town of Hobgood to Regulate Golf Carts.
Draft Number: PCS55712
Sequential Referral: None
Recommended Referral: Finance
Long Title Amended: Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, May 27, 2008 at 12:00 Noon
Room 1124, Legislative Building

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on May 27, 2008, in Room 1124 of the Legislative Building. Ten members of the committee were present. Vice Chair Senator Katie Dorsett, presided.

Senator Dorsett introduced the pages and the Sergeant-at- arms.

Local Bill 1579, An Act Authorizing the town of Cary To Use Electronic Means To provide Public Notice For Certain Public Hearings was explained by Senator Richard. After questions and discussion, Senator Apodoca moved for a Favorable Report and unanimously carried. **Favorable Report.**

Local Bill SB 1597, An Act To Authorize The Town Of Cary To Provide Development Incentives In Exchange For Reductions In Energy Consumption was explained to the Committee by Senator Janet Cowell and received a Favorable Report on the Motion of Senator Albertson. **Favorable Report.**

Local Bill SB 1598, An Act To Add The Town Of Hobgood To the Cities And Towns That May Regulate Golf Carts was explained to The Committee by Senator Ed Jones. The Bill was combined with Senate Bills 1722, 1645, and 1622. **The proposed Committee for SB 1598**, An Act To Add The Towns Of Beulaville, Butner, Hobgood, Locust, And OakBoro To The Cities And Towns That May Regulate Golf Carts. A motion was made to accept the Proposed Committee Substitute and carried unanimously. **Unfavorable As To Bill, But Favorable as to Committee Substitute.**

Local SB 1590 and Local Bill 1602 will be heard at a later meeting.

With no further business, Senator Dorsett adjourned the meeting.

The meeting adjourned at 12:20 pm.

Senator Dorsett, Presiding

Anne Misenheimer, Committee Clerk

ATTENDANCE

Committee: State and Local Government – 2007-2008

DATES NAMES	5-27														
Senator Don East, Co-Chair	✓														
Senator Malcolm Graham, Co-Chair															
Senator Katie Dorsett, Vice Chair	✓														
Senator Charles W. Albertson	✓														
Senator Tom Apodoca	✓														
Senator Phillip E. Berger															
Senator Harris Blake															
Senator Julia Boseman															
Senator Brunstetter	✓														
Senator Daniel Clodfelter	✓														
Senator Ed Jones	✓														
Senator Vernon Malone	✓														
Senator Floyd McKissick	✓														
Senator Joe Sam Queen															
Senator Fred Smith															
Senator R. C. Soles, Jr.															
Senator Richard Stevens	✓														
Staff:															
Theresa Matula, Legislative Analyst	✓														
Joe Moore, Research Assistant	✓														
Hal Pell, Counsel	✓														
Barbara Riley, Counsel															
Sara Kamprath	✓														
Tracey Holloway Committee Assistant	✓														
Anne Misenheimer, Com. Assistant	✓														

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 3, 2008	12:00 Noon	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 1650	Nash County Building Permits.	Senator Swindell IV
SB 1653	Mt. Airy Overgrown Vegetation Ordinance.	Senator East
SB 1828	Wingate/Marshville Vegetation Ordinances.	Senator Goodall
SB 1970	Wilson Historic Structures.	Senator Swindell IV
SB 1971	Wilson/Community Development Target Areas.	Senator Swindell IV
SB 1989	Craven Fox Trapping Season.	Senator Preston
HB 710	Wilmington Council/Mayor Pro Tem.	Representative Justice Representative McComas
HB 1195	Pleasant Garden Recall.	Representative Jones

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Tuesday, June 3, 2008, 12:00 Noon
1124
Senator Don East Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1650	Nash County Building Permits.	Senator Swindell IV
SB 1653	Mt. Airy Overgrown Vegetation Ordinance.	Senator East
SB 1828	Wingate/Marshville Vegetation Ordinances.	Senator Goodall
SB 1970	Wilson Historic Structures.	Senator Swindell IV
SB 1971	Wilson/Community Development Target Areas.	Senator Swindell IV
SB 1989	Craven Fox Trapping Season.	Senator Preston
HB 1195	Pleasant Garden Recall.	Representative Jones
SB 2136	Concord Economic Enhancement Authorization.	Senator Hartsell
HB 710	Wilmington Council/Mayor Pro Tem.	Representative Justice Representative McComas

Presentations

Other Business

Adjournment

SENATE BILL 1650:
Nash County Building Permits

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 2, 2008
Introduced by:	Sen. Swindell	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY: Senate Bill 1650 would allow Nash County to follow the general law with respect to the threshold amount over which a building permit is required. Under current statutes, a building project for a single family home or farm building costing more than $5,000 requires a building permit.

[As introduced, this bill was identical to H2255, as introduced by Reps. Bryant, Allen, which is currently in House Local Government II.]

CURRENT LAW: In 1983, the General Assembly amended G.S. 160A-417, G.S. 153A-357, and G.S. 143-138(b) to increase the threshold amount (from $2,500 to $5,000) for a permit for the construction, installation, repair, replacement, or alteration in a single family residence or farm building, unless the change involves load bearing structures or other specific changes set out in the statute. The provisions of the law did not apply to Wilson, Nash, or Edgecombe County.

BILL ANALYSIS: Senate Bill 1650 places Nash County under the provisions of the general law. Building permits will be required when the cost for a building project is more than $5,000.

EFFECTIVE DATE: The act becomes effective September 1, 2008.

S1650e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

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SENATE BILL 1650*

Short Title:	Nash County Building Permits.	(Local)
Sponsors:	Senator Swindell.	
Referred to:	State & Local Government.	

May 20, 2008

A BILL TO BE ENTITLED

AN ACT TO INCLUDE NASH COUNTY WITHIN THE PROVISIONS OF A 1983 ACT WHICH INCREASED THE VALUE OF WORK THAT MAY BE DONE WITHOUT A BUILDING PERMIT FOR SMALL JOBS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of Chapter 614 of the 1983 Session Laws reads as rewritten:

"Sec. 5. This act shall not apply to ~~Wilson, Nash~~ Wilson and Edgecombe Counties."

SECTION 2. This act becomes effective September 1, 2008.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S D

SENATE BILL 1653*
PROPOSED COMMITTEE SUBSTITUTE S1653-CSRF-67 [v.1]

6/3/2008 9:27:23 AM

Short Title: Mt. Airy Overgrown Vegetation Ordinance. (Local)

Sponsors:

Referred to:

May 20, 2008

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITIES OF LOUISBURG AND MOUNT AIRY AND THE TOWNS OF FRANKLINTON, PINETOPS, AND YADKINVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-200(b) reads as rewritten:

"(b) This section applies to the Towns of Ahoskie, Ayden, Franklinton, Leland, Pineville, Pinetops, ~~and Spring Lake,~~ Spring Lake, and Yadkinville, and to the Cities of Durham, Eden, Gastonia, Greensboro, High Point, Lexington, Louisburg, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Rockingham, Rocky Mount, and Winston-Salem only."

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

SENATE BILL 1653:
Mt. Airy Overgrown Vegetation Ordinance

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 2, 2008
Introduced by:	Sen. East	**Summary by:**	Barbara Riley Committee Counsel
Version:	S1653-CSRF-67		

SUMMARY: ***Senate Bill 1653 authorizes the City of Mt. Airy to provide annual notification to chronic violators of the City's overgrown vegetation ordinance and to remedy the violation. The bill provides that the expense of remedying the violation would become a lien upon the property and collected as unpaid taxes.***

The proposed committee substitute adds the Towns of Pinetops, Franklinton, and Yadkinville, and the City of Louisburg.

[As introduced, this bill was identical to H2603, as introduced by Rep. J. Harrell, which is currently in House Local Government I.]

CURRENT LAW: G.S. 160A-200 authorizes cities and towns to notify a landowner who is a chronic violator of an overgrown vegetation ordinance that if the owner's property is found in violation of the ordinance again during the calendar year, the City will remedy the violation without further notice, and the expense shall become a lien upon the property and collected as unpaid taxes. The statute currently applies to 17 municipalities.

BILL ANALYSIS: Senate Bill 1653 adds the Cities of Louisburg and Mt. Airy and the Towns of Franklinton, Pinetops, and Yadkinville to he provisions of G.S. 160A-200.

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

S1653e1-SMRF

SENATE BILL 1828:
Wingate/Marshville Vegetation Ordinances

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 2, 2008
Introduced by:	Sen. Goodall	**Summary by:**	Sara Kamprath
Version:	First Edition		Legislative Analyst

SUMMARY: Senate Bill 1828 authorizes the Town of Marshville and the Town of Wingate to provide annual notification to chronic violators of the Towns' overgrown vegetation ordinance and to remedy the violation. The bill provides that the expense of remedying the violation would become a lien upon the property and collected as unpaid taxes.

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

BILL ANALYSIS: Senate Bill 1828 authorizes the Town of Marshville and the Town of Wingate to notify a landowner who is a chronic violator of the Towns' overgrown vegetation ordinance that if the owner's property is found in violation of the ordinance again during the calendar year, the Town will remedy the violation without further notice, and the expense shall become a lien upon the property and collected as unpaid taxes.

A chronic violator is a person who owns property and who has been notified at least three times during the previous calendar year that the property is in violation of the overgrown vegetation ordinance.

The bill adds the Town of Marshville and the Town of Wingate to the list of towns and cities in G.S. 160A-200 that are authorized to give annual notice to chronic violators of overgrown vegetation ordinances.

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

§ 160A-200. Annual notice to chronic violators of overgrown vegetation ordinances.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

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SENATE BILL 1828

Short Title:	Wingate/Marshville Vegetation Ordinances.	(Local)
Sponsors:	Senator Goodall.	
Referred to:	State & Local Government.	

May 22, 2008

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWNS OF MARSHVILLE AND WINGATE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWNS' OVERGROWN VEGETATION ORDINANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-200(b) reads as rewritten:

"(b) This section applies to the Towns of Ahoskie, Ayden, Leland, Marshville, Pineville, ~~and Spring Lake,~~ Spring Lake, and Wingate, and to the Cities of Durham, Eden, Gastonia, Greensboro, High Point, Lexington, Monroe, Reidsville, Roanoke Rapids, Rockingham, Rocky Mount, and Winston-Salem only."

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

SENATE BILL 1970: Wilson Historic Structures

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 2, 2008
Introduced by:	Sen. Swindell	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: Senate Bill 1970 allows the city of Wilson to adopt ordinances regulating the demolition of historic structures within the corporate limits and extraterritorial jurisdiction.

CURRENT LAW: **S.L. 2007-66** allows a municipality to adopt ordinances to regulate the demolition of historic structures within its municipal corporate limits and extraterritorial jurisdiction, for the stated purpose of preserving and enhancing valuable and unique natural resources, preserving property values, and promoting the general welfare of citizens. S.L. 2007-66 defines a historic structure as follows:

(1) Any designated local, State, or national landmark; or,

(2) Any structure that is:

a. Individually listed in the National Register of Historic Places;

b. Individually identified as a contributing structure in a historic district listed in the National Register of Historic Places;

c. Certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

d. Individually listed in the State inventory of historic places;

e. Individually listed in the county Register of Historic Places; or,

f. Individually listed in a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program (including certified local governments) as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Section 1(b) of S.L. 2007-66 requires a public hearing before the governing board of the municipality prior to adopting an ordinance to regulate the demolition of historic structures. Notice of the hearing must be given in accordance with G.S. 160A-364. G.S. 160A-364 requires a notice of the public hearing be given once a week for two successive calendar weeks in a newspaper having general circulation in the area and requires that the notice be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.

Ordinances adopted pursuant to the act may not prohibit the demolition of historic structures except in accordance with Part 3C, Article 19 of Chapter 160A. Part 3C of Article 19 of Chapter 160A allows municipalities to designate historic districts and historic landmarks if they establish or designate a historic preservation commission, and follow the numerous landmark designation procedures. Designation procedures include: preparing and adopting guidelines and procedures; conducting investigations and reports; and consulting with the Department of Cultural Resources. An individual must file an application for a certificate of appropriateness prior to altering the exterior, relocating, or demolishing a building in the district. An ordinance may not prohibit the demolition of an historic structure unless the structure has statewide significance as defined in the criteria of the National Register of Historic Places, as determined by the State Historic Preservation Officer.

S.L. 2007-66 currently applies to the towns of Wake Forest and Cary. The Town of Apex also has a similar provision in Section 2, S.L. 2003-88.

BILL ANALYSIS: Senate Bill 1970 amends Section 2 of S.L. 2007-66 to add the City of Wilson to those municipalities that are allowed to adopt ordinances to regulate the demolition of historic structures within its municipal corporate limits and extraterritorial jurisdiction. This bill is effective when it becomes law.

S1970e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 1970

Short Title:	Wilson Historic Structures.	(Local)
Sponsors:	Senator Swindell.	
Referred to:	State & Local Government.	

May 28, 2008

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILSON TO ADOPT ORDINANCES REGULATING THE DEMOLITION OF HISTORIC STRUCTURES IN THE CITY'S HISTORIC DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 2007-66 reads as rewritten:

"**SECTION 2.** This act applies to the Towns of Cary and Wake Forest and to the City of Wilson only."

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

SENATE BILL 1971:
Wilson/Community Development Target Areas

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 2, 2008
Introduced by:	Sen. Swindell	**Summary by:**	Hal Pell
Version:	First Edition		Committee Co-Counsel

SUMMARY: ***This act adds Wilson to the list of municipalities granted the authority to remove or demolish residential structures in a community development target area that have been declared unsafe. The act is effective when it becomes law.***

BACKGROUND AND CURRENT LAW:

In the year 2000 Session, the General Assembly amended the General Statutes to authorize cities to condemn, demolish, and place a lien on vacant and dilapidated nonresidential property in a community development target area that are deemed unsafe. "Unsafe" nonresidential buildings and structures and "community development target area" are defined by statute.

In the 2002 Session, the General Assembly added residential buildings to the section concerning unsafe buildings in community target areas, and also the "removal or demolish" remedy. The original provision adding residential buildings was for Fayetteville only; additional towns and cities have been subsequently added.

BILL ANALYSIS: This act would add the city of Wilson to the list of municipalities granted the authority to remove or demolish residential structures in a community development target area that have been declared unsafe. The city would also be authorized to place a lien for the costs of removal or demolishing the building.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 1971

Short Title:	Wilson/Community Development Target Areas.	(Local)
Sponsors:	Senator Swindell.	
Referred to:	State & Local Government.	

May 28, 2008

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILSON TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION OF REMOVING OR DEMOLISHING THOSE BUILDINGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-425.1(d) reads as rewritten:

"(d) This section applies to the Cities of Clinton, Durham, Fayetteville, Goldsboro, High Point, Lumberton, ~~and Whiteville,~~Whiteville, and Wilson, and the Towns of Garner, Franklin, Hope Mills, Louisburg, and Spring Lake only."

SECTION 2. G.S. 160A-432(a1) reads as rewritten:

"(a1) [Removal of Building: Certain Localities.] – In the case of a residential building or nonresidential building or structure declared unsafe under G.S. 160A-425.1, a city may, in lieu of taking action under subsection (a), cause the building or structure to be removed or demolished. The amounts incurred by the city in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of this Chapter. If the building or structure is removed or demolished by the city, the city shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The city shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

This subsection applies to the Cities of Clinton, Durham, Fayetteville, Goldsboro, High Point, ~~and Lumberton,~~Lumberton, and Wilson, and the Towns of Garner, Franklin, Hope Mills, Louisburg, and Spring Lake."

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

SENATE BILL 1989:
Craven Fox Trapping Season

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 3, 2008
Introduced by:	Sen. Preston	**Summary by:**	Sara Kamprath
Version:	First Edition		Legislative Analyst

SUMMARY: Senate Bill 1989 creates an open season for trapping foxes in Craven County from January 2 through February 28 of each year. No season bag limit applies to foxes taken under the act. The Wildlife Resources Commission (WRC) shall provide for the sale of foxes lawfully taken under the act.

CURRENT LAW:

G.S. 113-291.4(f) provides that if, on the basis of its studies and information available the WRC determines that the population of foxes in an area is adequate to support harvesting, then the WRC may open a season for trapping foxes, if local legislation is passed allowing for the season.

Foxes currently may be taken by firearms or bow and arrow from the Saturday preceding Thanksgiving through January 1 with a daily bag limit of 2 and a season limit of 10. Foxes may not be sold when taken in this season. 15A NCAC 10B.0212.

EFFECTIVE DATE:

The act is effective when it becomes law.

Barbara Riley, Committee Counsel, contributed substantially to this summary.

S1989e1-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 1989*

Short Title:	Craven Fox Trapping Season.	(Local)
Sponsors:	Senator Preston.	
Referred to:	State & Local Government.	

May 28, 2008

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN CRAVEN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking foxes by trapping from January 2 through February 28 of each year.

SECTION 2. No season bag limit applies to foxes taken under this act.

SECTION 3. The North Carolina Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.

SECTION 4. This act applies only to Craven County.

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

HOUSE BILL 1195:
Pleasant Garden Recall

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 1, 2008
Introduced by:	Rep. Jones	**Summary by:**	Hal Pell
Version:	Second Edition		Committee Co-Counsel

SUMMARY: ***The act would add a new provision to the charter of Pleasant Garden to provide a process for the recall of an elected official. The act is effective when it becomes law.***

CURRENT LAW: Recall elections are not provided for in the Constitution of North Carolina. The General Assembly has provided for recall elections in some instances for local offices, such as municipal governing bodies. Currently, just a few municipalities and one school board have a procedure for a recall election.

BILL ANALYSIS: The act would set forth a process under which the mayor or a member of town council of Pleasant Garden may be removed from office via a recall election.

A qualified voter of the town would initiate the recall election. The local board of elections would then provide forms for gathering signatures for a petition for the removal of that member of the board of education. The petition would have to be signed by 33% of the registered voters of the town. The signed petitions would have to be returned in 30 days, and verified within 15 days of that return. If the petition were insufficient, 10 days would be allowed for amendment.

Upon a determination that a sufficient recall petition has been submitted, the local board of elections must order a recall election and fix a date for such election. The date of the election cannot be less than 90 days, or more than 120 days after the petition is determined sufficient.

If a member is removed by a majority vote of the people, the vacancy is to be filled as provided for by law, provided the member being removed may not be appointed to fill the vacancy.

Limitations placed on the filing of petitions for recall elections would be as follows:

- No petition could be filed within 3 months of the date the elected person was elected.
- No petition could be filed within 6 months of the previously unsuccessful recall election.

EFFECTIVE DATE: Effective when it becomes law.

Summary contribution by Erika Churchill, Staff Attorney.

H1195e2-SMRK

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H **D**

HOUSE BILL 1195

Committee Substitute Favorable 5/22/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H1195-CSRF-64 [v.1]

5/30/2008 1:12:24 PM

Short Title: Pleasant Garden Recall. (Local)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A PROCEDURE TO RECALL ELECTED OFFICIALS IN THE TOWN OF PLEASANT GARDEN.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Pleasant Garden, being Session Law 1997-344, as amended by Session Laws 1998-205, 1999-57, and 1999-331, is amended by adding a new Chapter to read:

"CHAPTER VI.

"RECALL OF ELECTED OFFICIALS.

"Sec. 6-1. The Mayor and any member of the Town Council of the Town of Pleasant Garden may be removed from office in the manner provided for in this act.

"Sec. 6-2. Any registered voter of the Town may file an affidavit with the Guilford County Director of Elections containing the name of the elected official whose removal is sought and a general statement of the grounds alleged for removal. The Director of Elections shall provide the registered voter filing the affidavit with petition forms for demanding the removal of a Town elected official. The petition forms shall:

(1) Be signed by the Director of Elections.

(2) Be dated on the date of issuance.

(3) Be addressed to the Guilford County Board of Elections.

(4) Contain the name of the person to whom the form is issued.

(5) Contain the name of the official whose removal is sought.

(6) Contain a general statement of the grounds on which the removal is sought.

(7) Provide a place for signatures.

The Director of Elections shall promptly deliver a copy of the petition issued by the Director of Elections to the Town Clerk, who shall enter the copy of the petition in a

record book kept for that purpose. The record book shall be maintained at the Office of the Clerk.

"Sec. 6-3. To be effective, a recall petition must be returned to the Board of Elections within 30 days after the filing of the affidavit. To be sufficient, a recall petition must bear the signatures of at least thirty-three percent (33%) of the registered voters of the Town as shown by the registration records of the last preceding general municipal election.

"Sec. 6-4. The signatures to the petition need not all be appended to one paper. Each signer shall add his or her signature and the signer's place of residence, giving the residence address including town. One of the signers of each paper shall take an oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

"Sec. 6-5. The Board of Elections shall investigate the sufficiency of any petition and certify the results of the investigation to the Town Council. The Board of Elections may employ persons as it deems necessary to undertake that investigation. The Town Council shall reimburse the Board of Elections for the reasonable cost of the investigation. The Board of Elections may adopt rules concerning the validation of signatures appearing on the recall petition.

"Sec. 6-6. The Board of Elections shall complete its investigation and issue its certification of the results of the investigation within 15 days after the filing of any petition. If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of the certificate. The Board shall, within 10 days after any amendment, complete an investigation of the amended petition. If the certification of the results of the investigation shows the amended petition to be insufficient, a copy of the petition shall be returned to the person filing the petition, without prejudice to the filing of a new petition.

"Sec. 6-7. Upon a determination that a sufficient recall petition has been submitted, the Board of Elections shall submit the petition to the Town Clerk, who shall submit it to the Town Council and shall notify the officer whose removal is sought. If the officer whose removal is sought does not resign within five days after receiving the notice, the Town Council shall order and fix a date for holding a recall election. Subject to the remaining provisions of this section, an election shall be held not less than 90 nor more than 120 days after the petition has been certified as being sufficient. If any other general or special election is scheduled within this period, the Town Council shall schedule the special election at the same time. If the provisions of general law prohibit the holding of a special election during this time period and no general or special election is otherwise scheduled during that period of time, then the Town Council shall schedule the special recall election for a date within 10 days after the last day of the period of time during which special elections are prohibited by general law.

"Sec. 6-8. The Board of Elections shall cause legal notice of the election to be published. That notice shall include the general statement of the grounds on which the recall is sought as alleged in the affidavit and shall make all arrangements for holding the election in accordance with general law. The recall election shall be conducted,

returned, and the results declared as in other elections in Pleasant Garden. The Town shall reimburse the reasonable costs of the recall election to the Board of Elections.

"Sec. 6-9. The question of recalling any number of officials may be submitted at the same election. But as to each such official, a separate petition shall be filed and there shall be an entirely separate ballot.

"Sec. 6-10. The ballots used in a recall election shall submit the following proposition:

"[ ] FOR [ ] AGAINST

The recall of (name and title of official)."

"Sec. 6-11. If less than a majority of the votes cast on the question of recalling an official are for recall, the official shall continue in office for the remainder of the unexpired term and, except as provided by Section 13 of this act, shall be subject to the recall as before. If a majority of such votes are for the recall of the official designated on the ballot, the official shall be deemed removed from office.

"Sec. 6-12. If an official concerning whom a sufficient recall petition is submitted to the Town Council resigns before the recall election or is removed from office as a result of the recall election, the vacancy shall be filled in the manner provided by law for filling vacancies in that office. An official removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that official's own removal or resignation.

"Sec. 6-13. No recall petition shall be filed against an officer who has been subjected to a recall election, and not removed thereby, until at least six months after that recall election. No recall petition shall be filed against an officer during the first three months of the term of that office.

"Sec. 6-14. If the recalls of a majority of the members of the Town Council are effected at a single recall election, the successors of the officers recalled shall be elected by the registered voters of the Town at a special municipal election, and the successors shall serve for the remainder of the terms of the officers recalled. The members of the Town Council who have not been recalled shall call that special election, which shall be conducted by the Guilford County Board of Elections under the laws then governing elections in the State. If the recall of all the members of the Town Council is effected at a single election, they shall continue in office for the purpose, and only for the purpose, of calling a special municipal election for the election of their successors as provided in this section. That election shall also be conducted by the Guilford County Board of Elections under the laws then governing elections in the State."

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

SENATE BILL 2136:
Concord Economic Enhancement Authorization

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 3, 2008
Introduced by:	Sen. Hartsell	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 2136 exempts the City of Concord from portions of the State public contracts law for the construction of the Speedway Area Infrastructure Projects, and allows the City to contract using the design-build method of construction.***

[As introduced, this bill was identical to H2780, as introduced by Reps. Barnhart, Johnson, which is currently in House Local Government I, if favorable, Judiciary II.]

CURRENT LAW: Article 8 of Chapter 143 sets out the general law governing public building contracts. The particular sections of Article 8 affected by this act include:

- G.S. 143-128, concerning separate specifications for HVAC, Plumbing, Electrical, and general contract work under separate prime or single-prime bidding.
- G.S. 143-129, concerning competitive bidding for public construction over $300, 000.
- G.S. 143-131, concerning informal bidding requirements for local governments.
- G.S. 143-132, concerning the minimum number of bids for a public construction contract.

BILL ANALYSIS: Senate Bill 2136 would exempt City of Concord from G.S. 143-128, 143-129, 143-131, and 143-132 in the construction of the Speedway Area Infrastructure Projects provided that the City:

- Adopts a resolution approving the exemption of the Projects from the competitive bidding law.
- Complies with the minority business participation requirements of Article 8.
- Conducts an annual, independent audit of all contracts for construction work otherwise subject to the competitive bidding requirements.
- Makes public any contracts awarded pursuant to the act.
- Places in public files a document setting forth the reasons for using the competitive bidding exemption.
- Complies with all applicable zoning and land use regulations.

Senate Bill 2136 would also allow the City of Concord to use the design build for portions of the Projects provided that the City finds that the exemption is intended to promote the general welfare rather than the benefit of the individual and that there is a reasonable basis to conclude that using the exemption will serve the public interest.

EFFECTIVE DATE: This act is effective when it becomes law and expires December 31, 2013. The expiration shall not impair any contracts entered into on or before December 31, 2013.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 2136*

Short Title:	Concord Economic Enhancement Authorization.	(Local)
Sponsors:	Senator Hartsell.	
Referred to:	State & Local Government.	

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE CITY OF CONCORD FROM STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTING WITH RESPECT TO THE CONSTRUCTION OF CERTAIN INFRASTRUCTURE PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Concord may contract for construction of the Speedway Area Infrastructure Projects without being subject to the requirements of G.S. 143-128, 143-129, 143-131, and 143-132 provided that:

(1) The City Council adopts a resolution approving the exemption of the Speedway Area Infrastructure Projects from the competitive bidding requirements of Article 8 of Chapter 143 of the General Statutes.

(2) The City Council complies with the minority business participation requirements set forth in Article 8 of Chapter 143 of the General Statutes.

(3) The City Council conducts an annual independent audit of all contracts for construction work that would otherwise be subject to the competitive bidding requirements of Article 8 of Chapter 143 of the General Statutes.

(4) The City Council makes public any contracts awarded pursuant to this act.

(5) The City Council, after awarding a contract pursuant to this act, prepares, places in the public files, and makes available to the public a document setting forth the reasons for using the authority granted by this act to award the contract.

(6) The Speedway Area Infrastructure Projects comply with all applicable zoning and land use regulations.

SECTION 2. The City of Concord may contract with public and/or private entities that may design and construct portions of the Speedway Area Infrastructure Projects, provided the City Council finds that:

(1) The exemption is intended to promote the general welfare rather than the benefit of the individual.

(2) There is a reasonable basis for the City Council to conclude the granting of the exemption serves the public interest.

SECTION 3. This act is effective when it becomes law, and expires December 31, 2013. The expiration does not impair any contracts entered into on or before December 31, 2013.

HOUSE BILL 710:
Wilmington Council/Mayor Pro Tem

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 2, 2008
Introduced by:	Reps. Justice, McComas, Wright	**Summary by:**	Theresa Matula
Version:	First Edition		Committee Staff

SUMMARY: House Bill 710 repeals a provision in the City of Wilmington Charter pertaining to council vacancies to allow them to be filled under the general law and amends the Charter to provide that the mayor pro tempore serves at the pleasure of the council.

CURRENT LAW:

Section 3.2(d) of the Charter of the City of Wilmington provides that when a person is appointed to fill a vacancy occurring in the office of council member, the appointee will serve until the next regular or special municipal or county election that is held more than 90 days after the vacancy occurs, at which time an election will be held to fill the unexpired term of office. Provided that when the unexpired term of office in which the vacancy has occurred extends less than one year from the date of such regular or special election, the person appointed will serve the remainder of the unexpired term. (Section 3.2 (c) of the Charter provides for the filling of a vacancy on the council by the council members.)

Section 3.5 of the Charter of the City of Wilmington provides that at its organizational meeting the council must elect one of its members as mayor pro tempore, to preside in the absence of the mayor and to act as mayor in the absence or during the disability of the mayor. In the event of a vacancy in the office of mayor, the mayor pro tempore will act as the mayor until a mayor is elected by the council pursuant to Section 3.3 of the Charter. The term of the office of the mayor pro tempore is two years.

G.S. 160A-63 provides that when a vacancy occurs in an elective office of a city, it shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section does not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more. In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party.

BILL ANALYSIS:

Section 1 of House Bill 710 repeals Section 3.2(d) of the Charter of the City of Wilmington which pertains to the filling of vacancies on the Wilmington city council. The general law (G.S. 160A-63) will provide for the filling of council vacancies.

Section 2 of the bill amends Section 3.5 of the Charter of the City of Wilmington to provide that the mayor pro tempore will serve at the pleasure of the council, which is the same as the general law (G.S. 160A-70).

This act is effective when it becomes law.

H0710e1-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 710*

Short Title:	Wilmington Council/Mayor Pro Tem.	(Local)
Sponsors:	Representatives Justice, McComas, and Wright (Primary Sponsors).	
Referred to:	Local Government I.	

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT COUNCIL VACANCIES ARE FILLED UNDER GENERAL LAW, AND TO PROVIDE THAT THE MAYOR PRO TEMPORE SERVES AT THE PLEASURE OF THE CITY COUNCIL, THE SAME AS UNDER THE GENERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.2(d) of the Charter of the City of Wilmington, being Chapter 495, Session Laws of 1977, as added by Chapter 896 of the 1985 Session Laws, is repealed.

SECTION 2. Section 3.5 of the Charter of the City of Wilmington, being Chapter 495 of the Session Laws of 1977, reads as rewritten:

"Sec. 3.5. Mayor pro tempore; duties; term. At its organizational meeting the council shall elect one of its members mayor pro tempore, to preside in the absence of the mayor and to act as mayor in the absence or during the disability of the mayor. In the event of a vacancy in the office of the mayor, the mayor pro tempore shall act as mayor until a mayor is elected by the council pursuant to Section 3.3 of this Article. The ~~term of office of the~~ mayor pro tempore ~~shall be two years.~~ shall serve at the pleasure of the council."

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

VISITOR REGISTRATION SHEET

Senate State & Local Government — June 3, 2008

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Phelps	NCLM
Allison Pope Cooper	Rose Rand Attorneys, P.A.
Jeff Gray	Rose Rand Attorneys, P.A.
Vanessa Bean	City of Wilmington
Gordon Myers	NCWRC
Cady Thomas	NCAR
Don Vaughan	Town Attorney - Pleasant Garden

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, June 04, 2008

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

FAVORABLE

S.B. **1650** Nash County Building Permits.
Sequential Referral: None
Recommended Referral: None

S.B. **1828** Wingate/Marshville Vegetation Ordinances.
Sequential Referral: None
Recommended Referral: None

S.B. **1970** Wilson Historic Structures.
Sequential Referral: None
Recommended Referral: None

S.B. **1971** Wilson/Community Development Target Areas.
Sequential Referral: None
Recommended Referral: None

S.B. **1989** Craven Fox Trapping Season.
Sequential Referral: None
Recommended Referral: None

S.B. **2136** Concord Economic Enhancement Authorization.
Sequential Referral: None
Recommended Referral: None

H.B. **710** Wilmington Council/Mayor Pro Tem.
Sequential Referral: None
Recommended Referral: None

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

S.B. **1653** Mt. Airy Overgrown Vegetation Ordinance.
Draft Number: PCS55722
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

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

H.B.(CS #1) **1195** Pleasant Garden Recall.

Draft Number:	PCS80607
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 9

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, June 3, 2008 at 12:00 Noon
Room 1124, Legislative Building
Senator East, Presiding

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on June 3, 2008, in Room 1124 of the Legislative Building. Twelve members of the committee were present. Senator Don East, presided.

Senator East called the meeting to order and introduced the pages.

Local Bill SB 1650, An Act To Include Nash County Within The Provisions Of A 1983 Act Which Increased the Value Of Work That May be Done Without A Building Permit For Small Jobs. Senator Swindell explained the Bill. Senator Berger moved for a Favorable Report and the motion carried. **Favorable Report.**

Local SB 1653, An Act Authorizing The City Of Mount Airy To Give Annual Notice To Chronic Violators Of The City's Overgrown Vegetation Ordinance was explained by Senator East. Senator Stevens moved to adopt a proposed Committee Substitute and Senator Berger made the motion to give the bill a favorable report. **Unfavorable As To Bill But Favorable As To Committee Substitute** (with a Title Change).

Local SB Bill 1828, An Act Authorizing The Towns Of Marshville And Wingate To Give Annual Notice To Chronic Violators Of The Town's Overgrown Vegetation Ordinances. Senator Goodall explained the bill and Senator Apodoca moved for a favorable. The motion carried. **Favorable Report.**

Local Bill SB 1970, An Act To Allow The City Of Wilson To Adopt Ordinances Regulating The Demolition Of Historic Structures In The City's Historic District. After questions from Senators Apodoca and Stevens and some discussion on the bill a motion for a Favorable Report and carried unanimously. **Favorable Report.**

Local Bill SB 1971, An Act To Allow The City Of Wilson To Declare Residential Buildings In Community Development Target Areas Unsafe And To Have The Option Of Removing Or Demolishing Those Buildings was explained by Senator Swindell. With no objection, Senator Albertson moved for a Favorable Report and the motion carried. **Favorable Report.**

Local Bill SB 1989, An Act To Establish A Season For The Trapping Of Foxes In Craven County was introduced to the committee by senator Jean Preston. The Committee gave the bill a Favorable Report. **Favorable Report.**

Local House Bill 0710, An Act To Amend The Charter Of The City Of Wilmington To Provide That Council Vacancies Are Filled Under General Law, And To Provide That The Mayor Pro Tempore Serves At The Pleasure Of The City Council, The Same As Under The General Law was explained Senator Boseman and Senator Smith moved for a Favorable Report. The motion carried. **Favorable Report.**

Local House Bill 1195, An Act To Provide A Procedure To Recall Elected Officials In The Town Of Pleasant Garden was explained to the committee by Senator Ed Jones. A motion was made to adopt the proposed Committee Substitute, which was accepted, and Senator Dorsett moved for a Favorable Report. **Unfavorable As To Bill But Favorable As To Committee Substitute.**

Local SB 2136, An Act To Exempt The City Of Concord from Statutory Requirements Governing Public Contracting With Respect To The Construction Of Certain Infrastructure Projects was explained by Senator Hartsell and Senator Apodoca moved for a Favorable Report. The motion carried. **Favorable Report.**

With no further business, Senator East adjourned the meeting.

Senator Don East, Presiding

Anne Misenheimer, Committee Clerk

ATTENDANCE

Committee: State and Local Government – 2007-2008

DATES NAMES	6-13															
Senator Don East, Co-Chair	✓															
Senator Malcolm Graham, Co-Chair	✓															
Senator Katie Dorsett, Vice Chair	✓															
Senator Charles W. Albertson	✓															
Senator Tom Apodoca	✓															
Senator Phillip E. Berger	✓															
Senator Harris Blake																
Senator Julia Boseman	✓															
Senator Brunstetter	✓															
Senator Daniel Clodfelter																
Senator Ed Jones	✓															
Senator Vernon Malone																
Senator Floyd McKissick	✓															
Senator Joe Sam Queen																
Senator Fred Smith	✓															
Senator R. C. Soles, Jr.																
Senator Richard Stevens	✓															
Staff:																
Theresa Matula, Legislative Analyst	✓															
Joe Moore, Research Assistant	✓															
Hal Pell, Counsel	✓															
Barbara Riley, Counsel	✓															
Sara Kamprath	✓															
Tracey Holloway Committee Assistant	✓															
Anne Misenheimer, Com. Assistant	✓															

Principal Clerk ____
Reading Clerk ____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	July 1, 2008	12:00 Noon	1124 LB

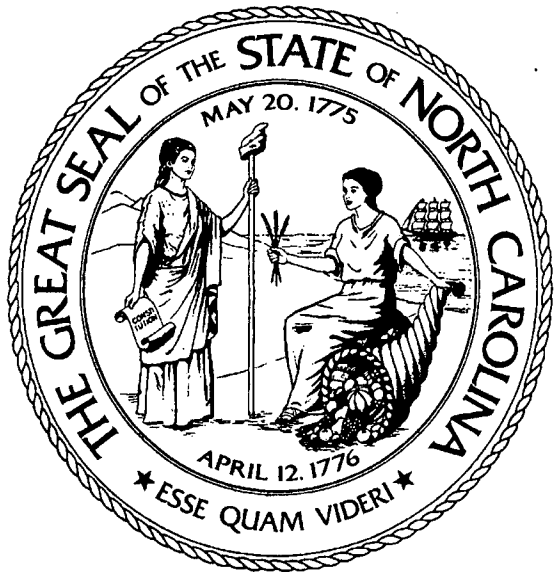
PLEASE PLAN FOR A TWO HOUR MEETING

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 2092	Kernersville Charter/ Fire Dept. Name Change.	Representative Folwell Representative Brown
HB 2402	Winston-Salem Ordinances.	Representative Womble
HB 2770	Winston-Salem/Asheboro Force Account Limit.	Representative Folwell Representative Parmon Representative Womble
HB 2464	Martin County Road Hunting.	Representative Warren
HB 2763	Modify Currituck Co. TDA.	Representative Owens, Jr.
HB 2748	Disapprove State Personnel Commission Rules.	Representative Ross Representative Church, Sr. Representative Harrell
HB 2347	Winston-Salem Dispose of Property.	Representative Parmon Representative McGee
HB 2579	Chapel Hill Historic Structures.	Representative Insko
HB 2101	Locust and Oakboro to Regulate Golf Carts.	Representative Furr
HB 2255	Various Counties Building Permits.	Representative Bryant Representative Allen
HB 2123	Alamance Fox and Coyote Trapping.	Representative Bordsen Representative Allred
HB 2726	Repeal Polkville Charter Provision.	Representative Clary

HB 2563	Parking Regulations in Richmond County.	Representative Goodwin
HB 2738	Electing Counties/Hold Harmless.	Representative Farmer-Butterfield Representative Kiser Representative Braxton Representative Haire
HB 2603	Add Cities/Overgrown Vegetation Ordinance.	Representative Harrell, III
SB 1828	Wingate/Marshville Vegetation Ordinances.	Senator Goodall
SB 1868	Charlotte Transit Police.	Senator Goodall
SB 2134	Increase Cabarrus County Commissioners.	Senator Hartsell
SB 2135	Increase Cabarrus County Commissioners.	Senator Hartsell
SB 2121	Allow Hospital Police to Extend Jurisdiction.	Senator Goss
SB 1376	License Plate Agency Contracting.	Senator Jenkins
SB 1749	Chapel Hill Water Conservation Strategies.	Senator Kinnaird
SB 1840	Durham Ward Boundaries.	Senator McKissick
SB 2127	Wilson/Public Nuisance Ordinance.	Senator Swindell IV
SB 2149	Rowan Annexation.	Senator Brock
SB 2150	Davie Annexation.	Senator Brock
SB 2128	New Hanover Annexation Moratorium.	Senator Boseman

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair



NORTH CAROLINA GENERAL ASSEMBLY

SENATE STATE AND LOCAL GOVERNMENT

COMMITTEE REPORT

2008 SHORT SESSION

SENATE STATE & LOCAL GOVERNMENT COMMITTEE

Tuesday, July 1, 2008, 12:00 Noon
Room 1124

AGENDA

Welcome and Opening Remarks
Introduction of Pages
Bills

HB 2666	Ashe Hosp. Police/Limited Traffic Direction.	Representative Tarleton
HB 2092	Kernersville Charter/ Fire Dept. Name Change.	Representative Folwell Representative Brown
HB 2123	Alamance Fox and Coyote Trapping.	Representative Bordsen Representative Allred
HB 2770	Winston-Salem/Asheboro Force Account Limit.	Representative Folwell Representative Parmon Representative Womble
HB 2402	Winston-Salem Ordinances.	Representative Womble
HB 2464	Martin County Road Hunting.	Representative Warren
HB 2763	Modify Currituck Co. TDA.	Representative Owens, Jr.
HB 2748	Disapprove State Personnel Commission Rules.	Representative Ross Representative Church, Sr. Representative Harrell
HB 2347	Winston-Salem Dispose of Property.	Representative Parmon Representative McGee
HB 2579	Chapel Hill Historic Structures.	Representative Insko
HB 2255	Various Counties Building Permits.	Representative Bryant Representative Allen
HB 2726	Repeal Polkville Charter Provision.	Representative Clary
HB 2563	Parking Regulations in Richmond County.	Representative Goodwin
HB 2738	Electing Counties/Hold Harmless.	Representative Farmer-Butterfield Representative Kiser Representative Braxton Representative Haire
HB 2603	Add Cities/Overgrown Vegetation Ordinance.	Representative Harrell, III
HB 2468	Iredell Contracts.	Representative Howard Representative Ray
HB 2343	Durham Ward Boundaries.	Representative Hall
HB 2444	Greensboro Recall Amendments.	Representative Harrison
SB 2134	Increase Cabarrus County Commissioners.	Senator Hartsell
SB 2135	Increase Cabarrus County Commissioners.	Senator Hartsell
SB 1749	Chapel Hill Water Conservation Strategies.	Senator Kinnaird

Presentations
Other Business
Adjournment

HOUSE BILL 2092:
Kernersville Charter/Fire Dept. Name Change

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 27, 2008
Introduced by:	Reps. Brown, Folwell	**Summary by:**	Barbara Riley Committee Counsel
Version:	First Edition		

SUMMARY: House Bill 2092 amends the charter of the Town of Kernersville to change the name of the Town's Fire Department from the "Kernersville Fire Department" to the "Kernersville Fire Rescue Department".

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

H2092e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 2092

Short Title:	Kernersville Charter/Fire Dept. Name Change.	(Local)
Sponsors:	Representatives Brown, Folwell (Primary Sponsors); and Parmon.	
Referred to:	Local Government II.	

May 14, 2008

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF KERNERSVILLE TO CHANGE THE NAME OF THE TOWN'S FIRE DEPARTMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 17 of the Charter of the Town of Kernersville, being Chapter 381 of the 1989 Session Laws, as amended, reads as rewritten:

"Sec. 17. Kernersville Fire ~~Department Fire~~ Rescue Department Chief.

The Town Manager shall appoint the Chief of the Kernersville Fire Rescue Department who shall be the commanding officer and administrator of the said department."

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

HOUSE BILL 2123:
Alamance Fox and Coyote Trapping

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 30, 2008
Introduced by:	Reps. Allred, Bordsen	**Summary by:**	Sara Kamprath*
Version:	First Edition		Legislative Analyst

SUMMARY: House Bill 2123 establishes a season for trapping foxes and coyotes in Alamance County.

[As introduced, this bill was identical to S1706, as introduced by Sen. Foriest, which is currently in House Wildlife Resources.]

BILL ANALYSIS:

House Bill 2123 applies only to Alamance County and creates an open season for taking foxes and coyotes with rubber cleat traps from June 1 through February 28 of each year. The bill specifies that the North Carolina Wildlife Resources Commission must provide for the sale of any foxes taken legally under the act.

EFFECTIVE DATE:

This act is effective when it becomes law.

SIMILAR LEGISLATION:

S.L. 2007-11 (HB 571) established an open season for taking foxes and coyotes by trapping from: October 1 through January 31 in Moore County; and from December 1 through January 31 in Cumberland and Harnett Counties. This act did specify that the bag limit of 10 applies in the aggregate to all foxes taken during the trapping season and that no bag limit applies to coyotes. S.L. 2007-11 became effective October 1, 2007 and expires September 30, 2010.

**Theresa Matula contributed substantially to this summary.*

H2123e1-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 2123

Short Title:	Alamance Fox and Coyote Trapping.	(Local)
Sponsors:	Representatives Allred and Bordsen (Primary Sponsors).	
Referred to:	Wildlife Resources.	

May 15, 2008

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES AND COYOTES IN ALAMANCE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking foxes and coyotes with rubber cleat traps from June 1 through February 28 of each year.

SECTION 2. The North Carolina Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.

SECTION 3. This act applies only to Alamance County.

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

HOUSE BILL 2255:
Various Counties Building Permits

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 29, 2008
Introduced by:	Reps. Bryant, Allen	**Summary by:**	Sara Kamprath*
Version:	Second Edition		Legislative Analyst

SUMMARY: House Bill 2255 raises the dollar limit for the amount of work that may be performed without a building permit in Edgecombe County, Nash County and Wilson County from $2,500 to $5,000.

[As introduced, this bill was identical to S1650, as introduced by Sen. Swindell, which is currently in Senate State & Local Government.]

CURRENT LAW: Under current law, work over $2,500 requires a building permit in Edgecombe County, Nash County and Wilson County. For most of the State, the limit was increased from $2,500 to $5,000 in 1983.

BILL ANALYSIS: House Bill 2255 raises the dollar amount of work that may be performed without a building permit in Edgecombe County, Nash County and Wilson County from $2,500 to $5,000.

EFFECTIVE DATE: This act becomes effective September 1, 2008.

**Giles S. Perry contributed substantially to this summary.*

H2255e2-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 2255*
Second Edition Engrossed 6/17/08

Short Title:	Nash County Building Permits.	(Local)
Sponsors:	Representatives Bryant, Allen (Primary Sponsors); and Daughtridge.	
Referred to:	Local Government II.	

May 20, 2008

A BILL TO BE ENTITLED

AN ACT TO INCLUDE EDGECOMBE, NASH, AND WILSON COUNTIES WITHIN THE PROVISIONS OF A 1983 ACT WHICH INCREASED THE VALUE OF WORK THAT MAY BE DONE WITHOUT A BUILDING PERMIT FOR SMALL JOBS.

SECTION 1. Section 5 of Chapter 614 of the 1983 Session Laws reads as rewritten:

"Section 5 of Chapter 614 of the 1983 Session Laws is repealed."

SECTION 2. This act becomes effective September 1, 2008.

HOUSE BILL 2347:
Winston-Salem Dispose of Property

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 27, 2008
Introduced by:	Reps. McGee, Parmon	**Summary by:**	Barbara Riley Committee Counsel
Version:	First Edition		

SUMMARY: ***HB 2347 adds Winston-Salem to the application of S.L. 1983-224. S.L. 1983-224 is a local act that authorizes McDowell County to place conditions on the uses that may be made of property sold by the local government if the local government deems it in the public interest.***

CURRENT LAW: Article 12 of Chapter 160A specifies how real and personal property may be disposed of by cities and counties. There is no provision for limitations on subsequent use. S.L. 1983-224 gave authority for McDowell County to impose such limitations. Any required notice or advertisement of sale must specify that there is a limitation on subsequent use and how the limitation will be imposed.

BILL ANALYSIS: Adds Winston-Salem.

EFFECTIVE DATE: Effective when it becomes law.

Steve Rose, counsel to House Local Government I, substantially contributed to this summary.

H2347e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 1

HOUSE BILL 2347

Short Title:	Winston-Salem Dispose of Property.	(Local)
Sponsors:	Representatives McGee and Parmon (Primary Sponsors).	
Referred to:	Local Government I.	

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM TO DISPOSE OF PROPERTY AND LIMIT THE USES THAT MAY BE MADE OF THE PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1.1 of Chapter 224 of the 1983 Session Laws reads as rewritten:

"Sec. 1.1. This act applies to McDowell County and the City of Winston-Salem ~~County~~ only."

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

HOUSE BILL 2402:
Winston-Salem Ordinances

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 27, 2008
Introduced by:	Rep. Womble	**Summary by:**	Barbara Riley Committee Counsel
Version:	First Edition		

SUMMARY: House Bill 2402 amends two Winston-Salem local acts, as described below.

BILL ANALYSIS: House Bill 2402 amends the local acts authorizing the City of Winston-Salem to give annual notice to chronic violators of the City's garbage and trash ordinance, and overgrown vegetation ordinance, by substituting the word "notice" for "complaint or order"

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

Giles Perry, counsel to House Local Government II, substantially contributed to this summary.

H2402e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 2402

Short Title:	Winston-Salem Ordinances. (Local)
Sponsors:	Representatives Womble; and McGee.
Referred to:	Local Government II.

May 26, 2008

A BILL TO BE ENTITLED

AN ACT SUBSTITUTING THE WORD "NOTICE" FOR "COMPLAINT OR ORDER" IN THE LAW THAT AUTHORIZES THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE AND THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-120, as amended by S.L. 2007-319, reads as rewritten:

"**SECTION 1.** A municipality may notify a chronic violator of the municipality's garbage and trash ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality may, without further notice in the calendar year in which the notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the violator's property in accordance with G.S. 160A-193. The initial annual notice shall be served by registered or certified mail. When service is made by registered or certified mail, a copy of the ~~complaint or order~~notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. Under this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality gave a notice of violation at least three times under any provision of the garbage and trash ordinance."

SECTION 2. Section 1 of S.L. 1999-58, as amended by S.L. 2003-120 and S.L. 2007-319, reads as rewritten:

"**Section 1.** A municipality may notify a chronic violator of the municipality's overgrown vegetation ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial

annual notice shall be served by registered or certified mail. When service is made by registered or certified mail, a copy of the ~~complaint or order~~notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality gave a notice of violation at least three times under any provision of the overgrown vegetation ordinance."

SECTION 3. This act applies to the City of Winston-Salem only.

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

HOUSE BILL 2444:
Greensboro Recall Amendments

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 1, 2008
Introduced by:	Reps. Harrison, Jones, Adams, Jeffus	**Summary by:**	Sara Kamprath*
Version:	Second Edition		Legislative Analyst

SUMMARY: House Bill 2444 changes the initiative, referendum, and petition provisions of the Charter of the City of Greensboro.

[As introduced, this bill was identical to S1916, as introduced by Sen. Dorsett, which is currently in Senate State & Local Government.]

BILL ANALYSIS: House Bill 2444 makes changes to the initiative, referendum, and petition provisions of the Charter of the City of Greensboro, as follows:

Initiative Changes:

- clarifies that initiative petitions must be registered by the petitioners' committee with the Guilford County Board of Elections before the petition is circulated.
- provides that the valid signatures on an initiative petition must equal 25% of the number of persons who voted at the last citywide election before the registration of the initiative petition.
- provides that signers of the initiative petition are not required to have voted in the last election.
- provides that the petitioner's committee has one year from the date of registration to file the initiative petition with the City Clerk.

Referendum Changes

- clarifies that referendum petitions must be registered by the petitioners' committee with the Guilford County Board of Elections before the petition is circulated.
- provides that the valid signatures on an referendum petition must equal 25% of the number of persons who voted at the last citywide election before the ordinance in question.
- provides that signers of the referendum petition are not required to have voted in the last election.
- provides that the petitioner's committee has one year from the date of registration to file the referendum petition with the City Clerk.

Recall Changes

- clarifies that the recall power includes recalling the Mayor.
- provides that the grounds for recall are: cause, misfeasance, malfeasance, nonfeasance, or a violation of the oath of office.

- clarifies that recall petitions must be registered by the petitioners' committee with the Guilford County Board of Elections before the petition is circulated.
- provides that the valid signatures on a recall petition must equal 25% of the number of persons who voted at the last citywide election before the registration of the petition.
- provides that signers of the recall petition are not required to have voted in the last election.
- provides that the petitioner's committee has one year from the date of registration to file the recall petition with the City Clerk.

Other changes

- provides time limits and procedure for delivery and checking of signatures for initiative, referendum, and recall petitions.
- provides that any action taken pursuant to an ordinance later subject to a referendum petition remains valid.
- requires public hearings on initiative or referendum petitions.
- prohibits recall elections within the first or last six months of a term of office.
- prohibits initiative or referendum petitions on the same topic with a year of the last one.

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

**Giles S. Perry, Committee Counsel, contributed substantially to this summary.*

H2444e2-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 2444*
Committee Substitute Favorable 6/16/08

Short Title: Greensboro Recall Amendments. (Local)

Sponsors:

Referred to:

May 26, 2008

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO CLARIFY THE INITIATIVE, REFERENDUM, AND RECALL PETITION PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 2.71 through 2.76 of the Charter of the City of Greensboro, being Chapter 1137 of the Session Laws of 1959, as amended by Chapter 55 of the Session Laws of 1963, Chapter 896 of the 1989 Session Laws, and Chapter 4 of the 1991 Session Laws, read as rewritten:

"Sec. 2.71. **Powers of Initiative, Referendum and Recall.**

(a)

(1) The voters of the city shall have power, except as provided in paragraph (2) of this subsection, to propose ordinances to the city council. If the council rejects an ordinance proposed hereunder or passes it with amendment, the voters shall have power to approve or reject the proposed or amended ordinance at the polls. These powers comprise the initiative power.

(2) The initiative shall not extend to the proposing of: (i) any part or all of the annual budget; (ii) or any ordinance making or repealing any appropriation of money, fixing the salaries of city officers or employees, or authorizing or repealing the levying of taxes.

(3) Voters seeking to propose an ordinance subject to initiative shall proceed by way of initiative petition addressed to the council and containing the full text of the proposed ordinance. ~~Any initiative petition must be filed with the city clerk and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for city council members.~~An initiative petition must be registered with the Guilford County Board of Elections, as required by G.S. 163-218,

before it is circulated for signatures. The valid signatures required on the petition must equal twenty-five percent (25%), in number, of the number of persons voting at the last preceding citywide election for City Council members occurring before the registration of the initiative petition. It is not necessary that the signers of the petition have voted in the last election. The petitioner's committee shall have one year from the date of registration with the Board of Elections to file the initiative petition with the City Clerk.

(b)

(1) The voters of the city shall have power, except as provided in paragraph (2) of this subsection, to require reconsideration by the council of any adopted ordinance, including any ordinance initiated under subsection (a) of this Section and adopted by the council. If the council fails to repeal an ordinance which it has been required to reconsider, the voters shall have power to approve or reject that ordinance at the polls. These powers comprise the referendum power.

(2) The referendum power shall not extend to (i) any part or all of the annual budget or the property tax levied therein; (ii) to any ordinance making or repealing any appropriation of money or fixing the salary of any officer or employee; or (iii) to any repealing ordinance adopted by the council in compliance with a referendum petition.

(3) Voters seeking a referendum on any ordinance shall proceed by way of a referendum petition addressed to the council, identifying the ordinance concerned and requesting that it be either amended, repealed, or referred to the voters of the city. Any referendum petition must be ~~filed with the city clerk~~ registered with the Guilford County Board of Elections, as required by G.S. 163-218, before it is circulated for signatures. Such registration must be within 30 days after adoption by the council of the ordinance concerned~~ and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for city council members~~. The valid signatures required on the petition must equal twenty-five percent (25%), in number, of the number of persons voting at the last preceding citywide election for City Council Members occurring before the date of adoption of the ordinance referred. It is not necessary that the signers of the petition have voted in the last election. The petitioner's committee shall have one year from the date of registration with the Board of Elections to file the referendum petition with the City Clerk.

(c)

(1) The voters of the city shall have the power, which shall be known as the recall power, to remove from office any member of the ~~city council~~ city council, including the Mayor.

(2) Voters seeking the recall of any member of the council shall proceed by way of a recall petition addressed to the council identifying the council member concerned, requesting his/her removal from office and stating the grounds alleged for his/her removal. The grounds for recall must be for cause, misfeasance, malfeasance, nonfeasance, or a violation of the oath of office. A recall petition must be registered with the Guilford County Board of Elections before it is circulated for signatures; however, no recall petition may be registered within six months before a general election involving the members named in the petition. With respect to the Mayor or any council member elected at large, any recall petition must be filed with the city clerk within one year after registration and ~~must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election of city council members.~~ the valid signatures required on the petition must equal twenty-five percent (25%), in number, of the number of persons voting at the last preceding citywide election for Mayor or city council members occurring before the registration of the recall petition. It is not necessary that the signers of the petition have voted in the last election. With respect to any city council member elected from a district, any recall petition must be filed with the city clerk within one year after registration and ~~must be signed by qualified voters of that council member's district equal in number to at least 25% of the qualified voters of such district who voted at the last preceding election for its city council member.~~the valid signatures required on the petition must equal twenty-five percent (25%), in number, of the number of persons voting at the last preceding district election occurring before the registration of the recall petition. It is not necessary that the signers of the petition have voted in the last district election.

~~(d) No initiative petition proposing an ordinance that addresses essentially the same issue as, or requiring an amendment to, an ordinance that was the subject of a referendum election may be filed within one year after the referendum election.~~

"Sec. 2.72. **Petitioners' Committee.**

In each initiative, referendum, or recall petition there shall be named a petitioners' committee representing all the petitioners and composed of five members who shall be qualified voters of the city and signers of the petition concerned. The petitioners' committee shall be responsible for registration and circulation of the petition and for its assembling and filing in proper form. The committee may also amend or withdraw its petition as provided in this Article.

"Sec. 2.73. **Initiative, Referendum and Recall Petitions: Form and Sufficiency.**

(a) Initiative, referendum and recall petitions shall be governed by the rules regarding form and sufficiency set out in this Section, as well as by such other rules regarding form and sufficiency as the city council may impose by ordinance consistent with the provisions and with the spirit and purpose of this charter.

(b) The signatures to a petition shall be executed in ink or indelible pencil and need not all be affixed to one paper, but all papers of a petition shall be of uniform size and style and shall be assembled as one instrument for filing with the city clerk. Each signature shall be followed by the address of the signer. Petitions or petition papers which reasonably comply with these requirements shall be accepted by the clerk without delay upon presentation and their filing shall be completed by his acceptance. Noncomplying petitions or papers may be rejected by the clerk until they are brought into reasonable compliance.

(c) The clerk shall not accept any petition until it indicates (1) by name and address, the five petitioners who constitute the petitioners' committee for that petition and (2) the address to which all notices for the petitioners' committee are to be sent.

(d) Any petition shall be certified or determined insufficient which: (1) is validly signed by less than the required number of qualified voters of the city, (2) proposes, or requests repeal of, an ordinance not subject to the power under which the petitioners are proceeding, (3) if a ~~referendum~~ petition, is not registered or filed within the time allowed, or (4) if a recall petition, seeks the removal of an official not subject to recall hereunder.

(e) No signature on a petition paper shall be counted in support of the petition involved if that paper (1) being part of an initiative petition, has not contained or had attached to it throughout its circulation the full text of the proposed ordinance, (2) being part of a referendum petition, has not contained throughout its circulation a clear, concise designation and description of the ordinance concerned, or (3) being part of a recall petition has not contained or had attached to it throughout its circulation a copy of the recall petition identifying the council member concerned and stating the grounds alleged for his removal.

(f) No signature on a petition paper shall be counted in support of the petition involved if that paper at the time of filing, does not have attached to it an affidavit, executed by the circulator of that paper, to the effect: (1) that he personally circulated the paper; (2) that each signature on the paper was affixed in his presence; (3) that he believes each signature to be the genuine signature of the person whose name it purports to be; (4) if an initiative petition is concerned, that the full text of the proposed measure was attached to or contained in the accompanying paper throughout its circulation, and that each signer of the accompanying paper had an opportunity before signing to read the full text of the ordinance attached; and (5) if a referendum petition is concerned, that each signer of the accompanying paper had an opportunity before signing to read the designation and description of the ordinance in question; and (6) if a recall petition is concerned, that a copy of the recall petition was attached to or contained in accompanying paper throughout its circulation, and that each signer of the accompanying paper had an opportunity before signing to read the full text.

(g) Upon receipt of a petition that complies with the requirements of subsections (b) and (c) of this Section, the clerk shall examine the petition to determine whether, on its face, it is insufficient under paragraphs (1), (2) or (3) of subsection (d). If he finds the petition insufficient on its face for any of these reasons, he shall so certify to the city council at the next regular council meeting occurring not sooner than five days after the

filing of the petition, and the determination shall be subject to review in the manner provided in subsection (e) of Section 2.75. If he does not find the petition insufficient for these reasons, the clerk shall determine which signatures on the petition papers may be counted in support of the petition under subsections (e) and (f). He shall then clearly mark the signatures that may be so counted. Within ten days after the filing of the petition he shall deliver the petition papers with signatures marked to the Guilford County Board of Elections for a checking of the marked signatures against the registration books. The Board of Elections shall complete its check within 15 days after receipt of the petition papers; except that the said board shall not be obligated to conduct a check in any 30-day period immediately preceding, or in any 10-day period immediately following, a county-wide or city-wide election. Upon completion of its check, the board of elections shall forthwith certify to the city clerk: (1) The total number of registered voters of the city or the municipal electoral district, whichever is applicable, at the time of the ~~most recent~~ relevant election of members of the city council; and (2) the number of voters registered in the city or in the municipal electoral district, if applicable, whose signatures, marked by the clerk, appear on the petition papers that the board found it necessary to examine. If it was found unnecessary to check all names on the petition papers, this fact shall be indicated on the certificate. The petition papers shall be returned to the city clerk by the Board of Elections together with its certificate.

(h) A petition may be delivered to the city clerk at each 90-day interval after it is registered to have the accumulated signatures verified as to validity. The clerk shall determine which signatures on the petition papers may be counted in support of the petition under subsections (e) and (f) of this section. The clerk shall then clearly mark the signatures that may be so counted. Within five working days after the delivery of the petition, the clerk shall deliver the petition papers with signatures marked to the Guilford County Board of Elections for a checking of the marked signatures against the registration books. The Board of Elections shall complete its check within 10 working days after receipt of the petition papers; except that the said board shall not be obligated to conduct a check in any 30-day period immediately preceding, or in any 10-day period immediately following, a countywide or citywide election. Upon completion of its check, the Board of Elections shall forthwith certify to the city clerk the number of voters registered in the city or in the municipal electoral district, if applicable, whose signatures, marked by the clerk, appear on the petition papers that the board examined. The petition papers shall be returned to the city clerk by the Board of Elections together with its certificate. The clerk shall then return the unfiled petition to the petitioner's committee for further circulation within three working days. This delivery to the clerk shall not be deemed as a filing unless so designated by the petitioner's committee. Once filed, a petition may not be retrieved by the committee but may only be supplemented as provided in Section 2.75 of this Charter.

"Sec. 2.74. **Referendum Petitions: Suspension of Ordinance after Filing.**

When, within the time allowed, a referendum petition is filed with the city clerk, the ordinance to which that petition is directed shall immediately be and shall remain suspended from taking effect. This suspension shall terminate when, in accordance with

this Article: (1) a final determination is made that the petition concerned is insufficient, or (2) the petitioners' committee withdraws the petition, or (3) the council reconsiders the ordinance and repeals it without modification. Any action taken pursuant to the respective ordinance while it was in effect shall remain valid.

"Sec. 2.75. **Initiative, Referendum and Recall Petitions; Procedure after Filing.**

(a) Within five days after the return of the petition papers by the county board of elections, the city clerk shall complete a certificate as to whether the petition is sufficient. If the clerk certifies a petition insufficient, his certificate shall show the particulars wherein the petition is defective. As soon as he has completed his certificate, the clerk shall notify the committee of petitions of the contents of the certificate. If a petition is certified sufficient, the clerk shall present his certificate to the city council at its next meeting and that certificate shall be a final determination as to the sufficiency of the petition. If a petition certified sufficient is a recall petition, the clerk shall also give written notice of the action taken to the council member whose removal is sought. If a petition is certified insufficient under Section 2.73 (d) (1), a majority of the committee of petitioners may elect to amend the petition; but if a majority does not so elect to amend the petition, the clerk shall present his certificate to the council at its next meeting and that certificate shall be a final determination as to the sufficiency of the petition.

(b) If a majority of the committee of petitioners elects to amend the petition, then within ten days after notice of the contents of the clerk's certificate, the committee may file, for purposes of amendment, a supplementary petition upon additional papers. The supplementary petition shall be governed by the same requirements as an original petition with respect to such matters as uniformity and assembly of papers, listing of the petitioners' committee, text or designation and description of measures, circulators' affidavits, the writing and counting but not the number of signatures; and the clerk shall proceed as in the case of an original petition. Within two days after receipt of a supplementary petition complying with the requirements of subsections (b) and (c) of Section 2.73, the clerk shall deliver the supplementary petition papers to the county board of elections for a checking of the marked signatures against the registration books. The Board of Elections shall complete its check within five days after receipt of the said petition papers; except that the said board shall not be obligated to conduct a check in any 30-day period immediately preceding, or in any 10-day period immediately following a countywide or city-wide election. Upon completion of this check, the Board of Elections shall forthwith certify to the city clerk the number of voters registered in the city whose signatures, marked by the clerk, appear on the supplementary petition papers that the board found it necessary to examine. If it was found unnecessary to check all names on the supplementary papers, this fact shall be indicated in the certificate. The supplementary petition papers shall be returned to the city clerk by the Board of Elections together with the certificate.

(c) Within two days after the return of the supplementary petition papers by the Board of Elections, the clerk shall complete a second certificate as to whether the original petition, as amended by the supplementary petition is sufficient. If the clerk certifies the amended petition insufficient, his second certificate shall show the

particulars wherein the petition is still defective. As soon as he has completed his second certificate, the clerk shall notify the petitioners' committee of its contents and shall present that certificate to the council at its next meeting, and that certificate shall be a final determination as to the sufficiency of the petition.

(d) If a petition has been certified insufficient and there is no election to amend it, or if an amended petition is certified insufficient, the clerk shall present his latest certificate on the petition to the council at its next meeting.

(e) If, in any one of the ways provided in this Section, a final determination has been made that a petition is insufficient, that determination shall be subject to judicial review, but no further action shall be taken on the petition unless the reviewing court directs otherwise. Such a final determination, even if sustained upon review, shall not prejudice the filing of a new petition for the same purposes.

"Sec. 2.76. **Consideration by the City Council and Submission to the Voters.**

(a) When the city council has been presented with, or has, an initiative or referendum petition which has been finally determined sufficient in accordance with the preceding Sections of this Article, it shall proceed at once to hold a public hearing thereon and consider that petition. If an initiative petition is concerned, the ordinance it proposes shall at once be introduced and shall undergo all other procedures required for ordinances of the same kind; however, not later than 30 days after the date on which the petition proposing the ordinance is finally determined to be sufficient, the council shall complete its consideration of the proposed ordinance and shall adopt it with or without amendment or reject it. If a referendum petition is concerned, the ordinance to which that petition is directed shall be reconsidered by the council and, not later than 30 days after the date on which the referendum petition was finally determined sufficient, the council shall repeal or sustain the ordinance.

(b) If the council fails to adopt, or adopts with amendment, a proposed initiative ordinance, or if the council fails to repeal an ordinance reconsidered pursuant to a referendum petition, it shall submit the originally proposed initiative ordinance or refer the reconsidered ordinance concerned to the voters of the city.

(c) When the council has been presented with, or has, a recall petition which has been finally determined sufficient in accordance with the preceding Sections of this subchapter, it shall thereupon fix a day for holding a recall election unless, prior to council consideration of the matter, the council member whose removal is sought has resigned and his resignation has been accepted by the council. Any recall election for a council member from an electoral district shall be held within that district only.

(d) An initiative election shall be held at the next regularly scheduled primary or general election in Guilford County for state, county or municipal officials following 90 days after the petition has been finally determined to be sufficient. A referendum or recall election shall be held no sooner than 90 days and no later than 120 days after the petition has been finally determined to be ~~sufficient~~sufficient, but no recall election shall be held within the first six months or the last six months of the term of office of the member."

SECTION 2. Article 2 of Subchapter D of Chapter II of the Charter of the City of Greensboro, being Chapter 1137 of the Session Laws of 1959, is amended by adding a new section to read:

"Sec. 2.80. **Publication of ordinances; repeal and amendment; conflicts.**

No initiative petition proposing an ordinance that addresses essentially the same issue as, or requiring an amendment to, an ordinance that was the subject of a referendum election may be filed within one year after the referendum election."

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

HOUSE BILL 2464:
Martin County Road Hunting

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 27, 2008
Introduced by:	Rep. E. Warren	**Summary by:**	Barbara Riley Committee Counsel
Version:	Second Edition		

SUMMARY:

House Bill 2464 makes it unlawful to hunt or discharge a firearm from, on, or across right of way of a public road in Martin Count. The bill also makes it unlawful to possess a loaded firearm outside the passenger compartment of a vehicle while on the roadway or right of way unless the person is the owner of lessee of the abutting land, has written permission from the owner/lessee or has a concealed carry permit and it only carrying a loaded, concealed weapon. The bill also repeals a number of the existing conflicting road hunting laws for the county.

[As introduced, this bill was identical to S1832, as introduced by Sen. Jenkins, which is currently in Senate State & Local Government.]

BILL ANALYSIS:

House Bill 2464 makes it unlawful to hunt or discharge a firearm from, on, or across the right of way of a public road in Martin County. The act also makes it unlawful to possess a loaded firearm outside the passenger compartment of a vehicle while on the roadway or right of way unless the person is the owner or lessee of the land adjoining the right of way, has written permission, dated within the past 12 months from the owner or lessee, or has a concealed carry permit and is only carrying a loaded concealed weapon.

Violation of the act is a Class 3 Misdemeanor. The act may be enforced by law enforcement officers of the Wildlife Resources Commission, sheriffs and deputies, and peace officers with general subject matter jurisdiction.

EFFECTIVE DATE:

The act becomes effective October 1, 2008 and applies to offenses committed on or after that date.

H2464e2-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 2464*
Committee Substitute Favorable 6/9/08

Short Title: Martin County Road Hunting. (Local)

Sponsors:

Referred to:

May 26, 2008

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY IN MARTIN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. The following acts are repealed:

(1) Chapter 257 of the 1973 Session Laws, as amended by Chapter 89 of the 1977 Session Laws;

(2) Chapter 1002 of the 1973 Session Laws;

(3) Chapter 1154 of the 1979 Session Laws; and

(4) Section 1 of Chapter 810 of the 1989 Session Laws.

SECTION 2. It is unlawful to hunt with or discharge a firearm on, from, or across the right-of-way of any highway or public road.

SECTION 3. It is unlawful to possess a loaded firearm outside the passenger compartment of a vehicle while on the roadway or highway right-of-way, unless the person is the owner or lessee of the land abutting the right-of-way or has on his person the written permission of the owner or lessee of the land abutting the right-of-way to hunt on the land, dated within the last 12 months, or the person has a concealed carry permit and is only carrying a loaded, concealed weapon.

SECTION 4. Violation of this act is a Class 3 misdemeanor.

SECTION 5. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 6. This act applies only to Martin County.

SECTION 7. This act becomes effective October 1, 2008, and applies to offenses occurring on or after that date.

HOUSE BILL 2726:
Repeal Polkville Charter Provision

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 1, 2008
Introduced by:	Rep. Clary	**Summary by:**	Sara Kamprath
Version:	Second Edition		Legislative Analyst

SUMMARY: House Bill 2726 repeals an obsolete and unenforceable provision of the Polkville Town charter relating to marking ballots in regular municipal elections.

BILL ANALYSIS: The current charter provision requires that in all regular municipal elections, each voter shall cast his vote for as many offices as there are to be filled and also that the ballot will not be counted when an elector marks a ballot for any number of candidates less than the number of offices to be filled.

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

H2726e2-SMRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 2726
Corrected Copy 6/24/08

Short Title:	Repeal Polkville Charter Provision.	(Local)
Sponsors:	Representative Clary.	
Referred to:	Local Government I.	

May 28, 2008

A BILL TO BE ENTITLED

AN ACT TO REPEAL AN OBSOLETE AND UNENFORCEABLE PROVISION OF THE POLKVILLE TOWN CHARTER.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4.3 of the Charter of the Town of Polkville, being Section 12 of Chapter 178 of the 1971 Session Laws, is repealed.

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

HOUSE BILL 2748:
Disapprove State Personnel Commission Rules

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 30, 2008
Introduced by:	Reps. Ross, Church, T. Harrell	**Summary by:**	Theresa Matula Committee Staff
Version:	Second Edition		

SUMMARY: ***House Bill 2748 would prevent rules adopted by the State Personnel Commission relating to temporary employment services and the appointment of temporary employees from becoming effective. It would also direct the Office of State Personnel to study the issue of nonpermanent employment and recommend new rules to the State Personnel Commission.***

CURRENT LAW: Under Chapter 150B, the Administrative Procedure Act (APA), an agency adopting administrative rules must give the public notice of the proposed rules and an opportunity to comment on them, usually including a public hearing. The agency may then adopt the rule, but the rules must be reviewed by the Rules Review Commission (RRC) before they can go into effect. The RRC reviews the rules based on four statutory standards. If the rules are approved, they become effective on the first day of the month following review, unless the RRC receives ten letters requesting legislative disapproval. If ten letters are filed, the rules cannot become effective until the 30th legislative day of the next regular session of the General Assembly. Any member of the General Assembly may introduce a bill to disapprove the rules within the first 30 legislative days and further delay the effective date of the rules until either a final action is taken on the bill or the session adjourns.

The State Personnel Commission adopted several rules relating to temporary employment appointments. Under current rules, an agency may appoint a temporary employee for a period of up to 12 consecutive months, with limited exceptions. The rules in question would have allowed any agency head to approve temporary appointments for more than 12 months when "the position is critical to the health, safety, or welfare of citizens or where the appointment is critical to maintaining the level or quality of services provided by the agency." The rules also would allow any agency to establish a temporary employment service, such as is currently administered by the Office of State Personnel and several universities. Employees hired by an agency established service would not be subject to the 12 month restriction. Ten letters objecting to the rules and requesting legislative disapproval were filed with the RRC.

BILL ANALYSIS: Section 1 of the bill disapproves the rules. If this bill is enacted, the rules would not become effective.

Section 2 of the bill directs the Office of State Personnel to conduct a thorough analysis of the use of nonpermanent employees by state agencies and to develop recommendations for policies regarding the definition, selection, appointment, and duration of the various categories of nonpermanent employemnt. The recommendations must include a prohibition against any new temporary employment services other than those in existence on the effective date of this act, and OSP must submit its findings and any legislative proposals to the General Assembly on or before December 31, 2008. The State Personnel Commission is also directed to adopt any of the recommendations it accepts as rules in accordance with the APA to implement a plan for nonpermanent employment in State government.

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

Karen Cochrane-Brown substantially contributed to this summary.
H2748e2-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 2748

Committee Substitute Favorable 6/19/08

Short Title: Disapprove State Personnel Commission Rules. (Public)

Sponsors:

Referred to:

May 28, 2008

A BILL TO BE ENTITLED

AN ACT TO DISAPPROVE RULES ADOPTED BY THE STATE PERSONNEL COMMISSION RELATING TO TEMPORARY EMPLOYMENT SERVICES AND APPOINTMENT OF TEMPORARY EMPLOYEES AND TO DIRECT THE OFFICE OF STATE PERSONNEL TO STUDY THE ISSUE OF NONPERMANENT EMPLOYMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Pursuant to G.S. 150B-21.3(b1), 25 NCAC 01C .0216 (Temporary Employment Services), 25 NCAC 01C .0217 (Office of State Personnel Temporary Employment Service), 25 NCAC 01C .0405 (Temporary Appointment), and 25 NCAC 01C .0407 (Temporary Part-Time Appointment) as adopted by the State Personnel Commission on February 16, 2007, and approved by the Rules Review Commission on May 17, 2007, are disapproved.

SECTION 2. The Office of State Personnel shall conduct a thorough analysis of the use of nonpermanent employees by State agencies, including:

(1) The number of nonpermanent employees currently working in State agencies.

(2) The position classifications of nonpermanent employees.

(3) The average duration of nonpermanent appointments.

(4) The length of time during which nonpermanent employees have been used to meet agency personnel needs in each category of position for which they have been used.

(5) The various categories of nonpermanent employees currently being utilized by agencies, including temporary, seasonal, intermittent, time-limited, and contract.

(6) The number of current nonpermanent employees who are actually seeking full-time permanent employment with full benefits, including retirement and health insurance, versus those who either do not need or are not seeking employment with benefits.

The Office of State Personnel shall use the results of the analysis to develop recommendations for definitions to distinguish various categories of nonpermanent employment and policies regarding the selection, appointment, and duration of various categories of nonpermanent employment. In developing its recommendations, the Office of State Personnel shall seek input from any interested parties outside of State government. The recommendations shall also include a prohibition against the establishment of any new temporary employment services by individual State agencies, other than those in existence on the effective date of this act. The Office of State Personnel shall submit its findings to the General Assembly, including any recommendations for proposed legislation, on or before December 31, 2008.

To the extent it accepts the recommendations of the Office of State Personnel, the State Personnel Commission shall adopt rules in accordance with Chapter 150B of the General Statutes to implement a plan for nonpermanent employment in State government.

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

HOUSE BILL 2763:
Modify Currituck Co. TDA

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 27, 2008
Introduced by:	Rep. Owens	**Summary by:**	Barbara Riley Committee Counsel
Version:	First Edition		

SUMMARY: ***House Bill 2763 would increase the member of the Currituck County Tourism Development Authority to reflect the increase in the number of county commissioners, effective the first Monday in December, 2008.***

CURRENT LAW & BILL ANALYSIS: Currently, the Currituck County Tourism Development Authority consists of the five members of the Currituck County Board of Commissioners, who represent townships in Currituck County, and one nonvoting exofficio member, for a total of six members.

In November 2006, an increase from five to seven in the number of commissioners sitting on the Currituck County Board of Commissioners was approved. And, pursuant to the provisions of S.L. 2007-206, the Currituck County Board of Commissioners changed from the township representation to defined residency districts for five of those seats. Two of seats were designated as at-large.

The bill would increase the membership of the Currituck County Tourism Development Authority by two members, to reflect the increase in the number of the board of county commissioners in Currituck County. The bill would also amend the requirements of selection to reflect the new residency districts for the members of the board of county commissioners.

EFFECTIVE DATE: Effective December 2, 2008. (This is the first Monday in December, 2008, which is the date by law that county commissioners take office. G.S. 153A-26.)

Erika Churchill, counsel to House Local Government I, substantially contributed to this summary.

H2763e1-SMRF

HOUSE BILL 2763

Short Title:	Modify Currituck Co. TDA.	(Local)
Sponsors:	Representative Owens.	
Referred to:	Local Government I.	

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK COUNTY TOURISM DEVELOPMENT AUTHORITY FROM SIX TO EIGHT MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1.1 of Chapter 209 of the 1987 Session Laws, as added by Section 3 of S.L. 2004-95, reads as rewritten:

"Section 1.1. Currituck County Tourism Development Authority. – (a) Appointment and Membership. – When the board of commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The Authority shall be composed of ~~six~~ eight members: ~~five~~ seven voting members and one ex officio nonvoting member. The ex officio nonvoting member shall be the county's designated travel and tourism representative. The voting members shall be as follows:

(1) The county commissioner representing ~~the Moyock Township.~~Commissioner Residency District 1.

(2) The county commissioner representing ~~the Crawford Township.~~Commissioner Residency District 2.

(3) The county commissioner representing ~~the Poplar Branch Township.~~ Commissioner Residency District 3.

(4) The county commissioner representing ~~the Fruitville Township.~~ Commissioner Residency District 4.

(5) The county commissioner representing Commissioner Residency District 5.

(6) The two at-large county ~~commissioner.~~commissioners.

(b) Administration. – The resolution creating the Authority shall designate one member of the Authority to serve as the initial chair and provide for the members' terms of office and for the filling of vacancies on the Authority. After the initial term, the Authority must elect a chair from among its members. The members of the Authority shall serve without pay. The Authority shall meet at the call of the chair and shall adopt

rules of procedure to govern its meetings. The Finance Officer for Currituck County shall be the ex officio finance officer of the Authority.

(c) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 1 of this act. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

(d) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require."

SECTION 2. This act is effective December 2, 2008.

House Bill 2763
Modify Currituck Co. TDA

The Board of Commissioners of Currituck County was increased last year by two members. The Board of Commissioners also serves as the Tourism Development Authority for Currituck County. This bill increases the number of voting members on the TDA to seven, to allow for the two new commissioner seats.

<< Previous: H2762 Next: H2764 >>

House Bill 2763

2007-2008 Session

Modify Currituck Co. TDA.

Text	Fiscal Note
Filed [PDF]	-
Edition 1 [PDF]	-

Status: [S] Ref To Com On State & Local Government on 06/16/2008

Sponsors

Primary: Owens;

Co: N/A

Attributes: Local;

Vote History

Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
06/12/2008 11:27AM	Second Reading	[H] - 1519	111	0	3	6	0	111	PASSED

Viewing Last 1 Vote(s) *View All Votes*

History RSS

Date	Action
05/28/2008	[H] Filed
05/29/2008	[H] Passed 1st Reading
05/29/2008	[H] Ref To Com On Local Government I
06/11/2008	[H] Reptd Fav
06/11/2008	[H] Cal Pursuant Rule 36(b)
06/11/2008	[H] Placed On Cal For 6/12/2008
06/12/2008	[H] Passed 2nd & 3rd Reading
06/16/2008	[S] Rec From House
06/16/2008	[S] Ref To Com On State & Local Government

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

ABBREVIATIONS KEY

- **H** = House Action
- **S** = Senate Action
- **R** = Ratified
- **HF** = Failed in the House
- **SF** = Failed in the Senate
- **HA** = Adopted in the House
- **SA** = Adopted in the Senate

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 2763

Short Title:	Modify Currituck Co. TDA.	(Local)
Sponsors:	Representative Owens.	
Referred to:	Local Government I.	

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK COUNTY TOURISM DEVELOPMENT AUTHORITY FROM SIX TO EIGHT MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1.1 of Chapter 209 of the 1987 Session Laws, as added by Section 3 of S.L. 2004-95, reads as rewritten:

"Section 1.1. Currituck County Tourism Development Authority. – (a) Appointment and Membership. – When the board of commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The Authority shall be composed of ~~six~~ eight members: ~~five~~ seven voting members and one ex officio nonvoting member. The ex officio nonvoting member shall be the county's designated travel and tourism representative. The voting members shall be as follows:

(1) The county commissioner representing ~~the Moyock Township.~~Commissioner Residency District 1.

(2) The county commissioner representing ~~the Crawford Township.~~Commissioner Residency District 2.

(3) The county commissioner representing ~~the Poplar Branch Township.~~ Commissioner Residency District 3.

(4) The county commissioner representing ~~the Fruitville Township.~~ Commissioner Residency District 4.

(5) The county commissioner representing Commissioner Residency District 5.

(6) The two at-large county ~~commissioner.~~commissioners.

(b) Administration. – The resolution creating the Authority shall designate one member of the Authority to serve as the initial chair and provide for the members' terms of office and for the filling of vacancies on the Authority. After the initial term, the Authority must elect a chair from among its members. The members of the Authority shall serve without pay. The Authority shall meet at the call of the chair and shall adopt

rules of procedure to govern its meetings. The Finance Officer for Currituck County shall be the ex officio finance officer of the Authority.

(c) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 1 of this act. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

(d) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require."

SECTION 2. This act is effective December 2, 2008.

HOUSE BILL 2770:
Winston-Salem/Asheboro Force Account Limit

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 27, 2008
Introduced by:	Reps. Parmon, Folwell, Womble	**Summary by:**	Barbara Riley
Version:	Third Edition		Committee Counsel

SUMMARY: House Bill 2770 would increase the force account limit for the City of Winston-Salem with regard to specific projects for roads and greenways. This part of the bill would expire July 1, 2010. The bill also would increase the force account limit for the City of Asheboro with regard to the Zoo City Park Project. This part of the bill would expire on December 31, 2010.

CURRENT LAW: The main competitive bidding requirements for local governments are found in Article 8 of Chapter 143. These statutes apply to the expenditure of public money within established dollar limits and for two categories of contracts: (1) contracts for the purchase of apparatus, supplies, materials, or equipment, and (2) contracts for construction or repair work. The second category (contracts for construction or repair work) includes construction of roads, utilities, buildings, and other infrastructure.

"Force account labor" is the direct use of agency employees, materials, and equipment to do construction or repair work (i.e. using your own forces). There are generally three types of force account expenses: employee labor, including fringe benefits; equipment use or time; and the use of materials from the agency's inventory. Formal bidding for construction or repair work does not apply to work undertaken by the local government when (1) the work is performed by force account qualified labor on the permanent payroll, and (2) either the cost of the project does not exceed $125,000 or the total cost of labor does not exceed $50,000.

BILL ANALYSIS: House Bill 2770 amends G.S. 143-135 to provide that formal bidding for construction and repair work would not apply to work undertaken by the City of Winston-Salem on several road and greenway projects or to work undertaken by the City of Asheboro on the Zoo City Park Project, when (1) the work is performed by force account qualified labor on the payroll, and (2) the total cost of the project does not exceed $300,000.

EFFECTIVE DATE: The act would be effective when it becomes law. It would expire for the City of Winston-Salem on July 1, 2010. It would expire for the City of Asheboro on December 31, 2010.

BACKGROUND: Since the statute's enactment, there have been several local modifications to it increasing the force account limit. The majority of the modifications has been for certain projects and has expired on a date certain. As originally enacted, the competitive bidding requirements did not apply when force account labor was used and the total cost of the project did not exceed $75,000. In 1995, the limit was increased to$125,000 for the total cost of the project or $50,000 for the total cost of the labor. To date, the highest local modification has been for a total project amount of $2,152,500 for the Town of Wilkesboro on a project to construct a water pump station, to replace five sewer interceptor lines, and to extend a waterline to serve a Department of Transportation rest center to be built outside the corporate limits of the town. The General Assembly made this modification last session, S.L. 2007-44. Wilkesboro's authorization expires December 30, 2009. However, there have been two local acts with no limit: one for Alleghany County and the Town of Sparta (for the construction of an electrical power substation and water and sewer line extensions related to the construction and operation of a

manufacturing plant) and one for Fayetteville (for the construction of water and sewer utility projects). Both authorizations have since expired.

Cities/Towns

Asheville	SL 2001-274
Beech Mountain	SL 1993-586
Boone	SL 1993-138; 2005-197
Boonville	SL 1993-667
Chapel Hill	SL 2000-97
Charlotte	SL 2001-248
Concord	SL 1999-34
Fayetteville	SL 2006-48
Goldsboro	SL 1991-555
Laurinburg	SL 1997-247
Lumberton	SL 1983-950
Monroe[1]	SL 1985-128, as amended
Mooresville	SL 1993-3
Newport	SL 2000-97
Newton	SL 2004-35
Sparta	SL 1998-18
Surf City	SL 1993-310
Wilkesboro	SL 2007-44
Wilmington	SL 2007-135

Counties

Alleghany	SL 1998-18
Avery	SL 1995-175
Cabarrus	SL 1999-34
Catawba	SL 2004-35; SL 2007-1
Davie	SL 2005-32
Duplin	SL 1983-959
Macon	SL 1983-355
Mecklenburg	SL 1995-219
New Hanover	SL 2007-135
Union	SL 1985-914
Watauga	SL 1993-667; SL 2005-197

Cindy Avrette, counsel to House Finance, substantially contributed to this summary.

H2770e3-SMRF

[1] The local modification for the City of Monroe does not increase the force account limits. Rather it would exempt the City from the formal bidding requirements under Article 8 of Chapter 143 when the work is performed by force account labor or when the work is performed by appointed agents of the agency using labor crews and equipment leased on a per diem basis pursuant to informal bids under G.S. 143-131.

GENERAL ASSEMBLY OF NORTH CAROLINA

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H 3

HOUSE BILL 2770

Committee Substitute Favorable 6/16/08
Committee Substitute #2 Favorable 6/19/08

Short Title: Winston-Salem/Asheboro Force Account Limit. (Local)

Sponsors:

Referred to:

May 29, 2008

A BILL TO BE ENTITLED

AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR THE CITIES OF WINSTON-SALEM AND ASHEBORO FOR CONSTRUCTION OR REPAIR PROJECTS.

The General Assembly of North Carolina enacts:

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

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

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when ~~either~~ the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars ($125,000) or the total cost of labor on the project does not exceed fifty thousand dollars ($50,000);~~ three hundred thousand dollars ($300,000); provided that, for The University of North Carolina and its constituent institutions, force account qualified labor may be used (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the university and (ii) when either the total cost of the project, including, without limitation, all direct and indirect costs of labor, services, materials, supplies, and equipment, does not exceed two hundred thousand dollars ($200,000) or the total cost of labor on the project does not exceed one hundred thousand dollars ($100,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be

maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

SECTION 1.(b) This section applies only to the Carver School, Brewer, Robinhood and Cole Road/Sprague Street road projects and the Piedmont, Brushy Fork, Little Creek, Salem Creek Extension, and Muddy Creek greenway projects.

SECTION 1.(c) This section applies to the City of Winston-Salem only.

SECTION 1.(d) This section expires July 1, 2010.

SECTION 2.(a) G.S. 143-135 reads as rewritten:

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

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when ~~either~~ the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty-five thousand dollars ($125,000) or the total cost of labor on the project does not exceed fifty thousand dollars ($50,000);~~ three hundred thousand dollars ($300,000); provided that, for The University of North Carolina and its constituent institutions, force account qualified labor may be used (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the university and (ii) when either the total cost of the project, including, without limitation, all direct and indirect costs of labor, services, materials, supplies, and equipment, does not exceed two hundred thousand dollars ($200,000) or the total cost of labor on the project does not exceed one hundred thousand dollars ($100,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

SECTION 2.(b) This section applies only to the Zoo City Park Project.

SECTION 2.(c) This section applies to the City of Asheboro only.

SECTION 2.(d) This section expires December 31, 2010.

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

SENATE BILL 1749:
Chapel Hill Water Conservation Strategies

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 30, 2008
Introduced by:	Sen. Kinnaird	**Summary by:**	Hal Pell
Version:	First Edition -- PCS		Committee Co-Counsel

SUMMARY: This bill would authorize the Town of Chapel Hill to regulate irrigation systems for new construction. This act is effective when it becomes law.

[As introduced, this bill was identical to H2382, as introduced by Rep. Insko, which is currently in House Environment and Natural Resources, if favorable, Judiciary I. The PCS clarifies that the ordinance relates to new construction, and removes the term "prohibit" from the bill]

BILL ANALYSIS: This bill would authorize the Town of Chapel Hill to enact an ordinance to regulate irrigation systems used for lawns and other landscaping if the system would be connected to the local potable water supply system. The ordinance would be limited to new residential or new nonresidential development.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 1749

Short Title:	Chapel Hill Water Conservation Strategies.	(Local)
Sponsors:	Senator Kinnaird.	
Referred to:	State & Local Government.	

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO REGULATE OR PROHIBIT NEW IRRIGATION SYSTEMS FOR RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENTS USED FOR LAWNS AND LANDSCAPING THAT ARE CONNECTED TO THE PUBLIC POTABLE WATER SUPPLY.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality may by ordinance regulate or prohibit, in new subdivisions and other residential and nonresidential development, irrigation systems for lawns and other landscaping which are connected to the local potable water supply system.

SECTION 2. This act applies to the Town of Chapel Hill only.

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

SENATE BILL 2134:
Increase Cabarrus County Commissioners

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 30, 2008
Introduced by:	Sen. Hartsell	**Summary by:**	Barbara Riley Committee Counsel
Version:	PCS to First Edition S2134-CSRF-85		

SUMMARY: ***House Bill 2761 expands the Cabarrus County Board of Commissioners by two members.***

CURRENT LAW: Cabarrus County is currently governed by a five-member Board of Commissioners, elected at large in countywide elections to serve four-year staggered terms.

BILL ANALYSIS: House Bill 2761:

- Expands the membership of the Cabarrus County Board of Commissioners from 5 to 7 members, effective January 1, 2013.
- Provides that for the 2012 election and thereafter, the two additional members of the board shall be elected on a partisan basis at the same time as other members of the Cabarrus County Board of Commissioners. This will result in four members of the Board being elected in 2012, and three in 2014, and repeating in that pattern thereafter.

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

Giles Perry, counsel to House Local Government 2, substantially contributed to this summary.

S2134e1-SMRF-CSRF-85

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 2134

Short Title:	Increase Cabarrus County Commissioners.	(Local)
Sponsors:	Senator Hartsell.	
Referred to:	State & Local Government.	

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP OF THE CABARRUS COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Effective January 1, 2009, the membership of the Cabarrus County Board of Commissioners shall be increased by two members.

SECTION 2. After December 1, 2008, the Cabarrus County Board of Commissioners shall appoint two qualified voters of Cabarrus County to the Cabarrus County Board of Commissioners to serve terms to expire on the first Monday in December 2010.

SECTION 3. For 2010 and thereafter, the two members described in Section 1 of this act shall be elected on a partisan basis at the same time as other members of the Cabarrus County Board of Commissioners.

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

HOUSE BILL 2343:
Durham Ward Boundaries

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 1, 2008
Introduced by:	Rep. Hall	**Summary by:**	Sara Kamprath*
Version:	PCS to First Edition H2343-CSRJ		Legislative Analyst

SUMMARY: ***The Proposed Committee Substitute for House Bill 2343 amends the charter of the City of Durham to provide procedures for the City to revise election ward boundaries. The PCS makes technical changes to the bill.***

[As introduced, this bill was identical to S1840, as introduced by Sen. McKissick, which is currently in Senate State and Local Government.]

CURRENT LAW: Under the current charter, the territory located within the corporate limits of Durham is divided into 3 numbered election wards. A written description or map showing the current boundaries is maintained in the City Clerk's office. The ward boundaries may be amended as provided by the general law. When areas are annexed into the City, the City Council, by ordinance, redefines and rearranges the 3 wards to include the new areas. The ordinance must be adopted at least 60 days before the municipal primary for the next municipal election after an annexation. The ordinance shall provide for 3 wards of approximately equal population and shall follow as closely as practical existing ward lines.

BILL ANALYSIS: House Bill 2243:

1. Provides that the 3 election wards in the City are to be displayed on the map that shows the city limits maintained by the City Clerk in accordance with general law.

2. Repeals the provisions of Section 4(b) requiring the City Council to adopt an ordinance redefining the wards after an annexation of territory.

3. Provides for the City Council to adopt an ordinance, within 6 months of the release of the official US decennial census but not later than 7 days before the opening of filing for the next regular municipal election, to revise the 3 election wards using the new census figures and taking into account existing ward boundaries, so that the 3 wards are of approximately equal population, as determined in the discretion of the City Council.

4. Areas that are annexed after the revisions following the release of the US census data are to be allocated to the election wards by the City Council, or the Council may, by ordinance, provide procedures for the City Manger to allocate the annexed areas to the wards. Such allocations are to be made prior to the effective date of the annexation.

The charter provisions of the act are supplementary to the provision of the general law, and control in the case of conflict.

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

**Barbara Riley, Committee Counsel, contributed substantially to this summary.*

H2343e1-SMRJ-CSRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 2343*
PROPOSED SENATE COMMITTEE SUBSTITUTE H2343-CSRJ-45 [v.1]

6/30/2008 8:20:13 PM

Short Title: Durham Ward Boundaries. (Local)

Sponsors:

Referred to:

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PROCEDURES FOR THE CITY OF DURHAM TO REVISE ELECTION WARD BOUNDARIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 369 of the 1983 Session Laws, and as amended by Ordinance 12281 of the City of Durham, adopted May 7, 2001, under G.S. 160A-104 and G.S. 160A-106, reads as rewritten:

"Sec. 4. Election Wards.–

(a) The territory located within the corporate limits of the City shall continue to be divided into three numbered election ~~wards.~~wards, which shall be shown on the map showing the city limits maintained by the city clerk pursuant to the provisions of general law. ~~A written description or map showing the current boundaries of the respective three election wards shall be maintained in the office of the City Clerk, and shall be available for public inspection.~~

(b) Such ward boundaries may be amended periodically pursuant to the provisions of ~~General Law.~~general law.

~~Whenever areas are hereafter annexed and made a part of the City, the City Council shall by ordinance redefine and rearrange the three election wards so as to include such annexed areas. Such ordinance shall be adopted at least 60 days prior to the municipal primary next succeeding the date of any annexation and shall provide for three election wards of approximately equal population. In redefining and rearranging the election ward lines, the City Council shall follow as nearly as practical, existing ward lines.~~

(c) Within six months of the release of official United States decennial census figures (but not later than seven calendar days before the opening of filing under G.S. 163-294.2 for the next regular municipal election after release of the figures), the city council shall by ordinance, using such figures and taking into account the election

ward boundaries in existence at the time, revise the three election wards so that they are of approximately equal population, as determined in the discretion of the city council.

(d) The council shall allocate to the election wards, or by ordinance provide procedures for the city manager to allocate to the election wards, areas that are annexed to the city after the ordinance adopted pursuant to subsection (c) of this section and such allocation shall be made before the effective date of each annexation.

(e) This section is supplementary to the provisions of general law. In case of conflict or inconsistency, this section controls.

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

HOUSE BILL 2738:
Electing Counties/Hold Harmless

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 1, 2008
Introduced by:	Reps. Haire, Braxton, Farmer-Butterfield, Kiser	**Summary by:**	Theresa Matula Committee Staff
Version:	PCS to Second Edition H2738-CSSH-64		

SUMMARY: House Bill 2738 allows Work First Electing Counties to be held harmless in the 2008-2009 fiscal year for Work First Family Assistance up to the actual TANF/Work First Family Assistance block grant allocation for 2007-2008. The bill applies to Beaufort, Caldwell, Catawba, Iredell, Lenoir, Lincoln, Macon, and Wilson counties.

[As introduced, this bill was identical to S2069, as introduced by Sen. Jacumin, which is currently in Senate Appropriations/Base Budget.]

CURRENT LAW & BACKGROUND:

Part 2, Article 2, of Chapter 108A pertains to the Work First Program. The purpose of the Work First Program is to provide eligible families with short-term assistance to facilitate their movement to self-sufficiency through gainful employment, with a goal of the gradual elimination of generational poverty. Under the Work First Program, counties are designated as either Electing or Standard Program. The board of county commissioners in an Electing County is responsible for development, administration, and implementation of the Work First Program in that county. In a Standard Program County, the county department of social services is responsible for administering and implementing the Standard Work First Program in that county. G.S. 108A-27.3 outlines the duties of county boards of commissioners in Electing Counties under the Work First Program. G.S. 108A-27.4 specifies the submission of a biennial County Plan. G.S. 108A-27.11 outlines Work First Program Funding.

According to Department of Health and Human Services, the following counties are Electing Counties: Beaufort, Caldwell, Catawba, Iredell, Lenoir, Lincoln, Macon, and Wilson.

According to the Fiscal Research Division:

- Electing Counties are allocated federal Temporary Assistance for Needy Families (TANF) funds for Work First cash assistance; receive a specific allocation of how much they can spend in a fiscal year for both services and cash dollars; any cash dollars remaining unspent at the end of the year can be kept by the county to be spent on Work First; and the amount of cash dollars they receive each year can change based on increases or reductions in the total amount of TANF funds appropriated for cash assistance.
- Standard Counties receive federal TANF funds and state appropriations for cash assistance; receive a specific allocation for services, but not for cash dollars; are not allowed to keep cash dollars that are unspent at the end of the year; and the amount counties receive from year to year is not necessarily affected by increases or reductions since they share the money.

BILL ANALYSIS:

House Bill 2738 amended G.S. 108A-27.11 (c). The Proposed Committee Substitute only makes the language non-codified to specify that, notwithstanding G.S. 108A-27.11 (c), Electing Counties will be held harmless in the 2008-2009 fiscal year for Work First Family Assistance up to the actual TANF/Work First Family Assistance block grant allocation for fiscal year 2007-2008. The bill applies only to Beaufort, Caldwell, Catawba, Iredell, Lenoir, Lincoln, Macon, and Wilson counties.

The bill would become effective July 1, 2008.

H2738e2-SMSH-CSSH-64

GENERAL ASSEMBLY OF NORTH CAROLINA

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H 2

HOUSE BILL 2738*
Second Edition Engrossed 6/23/08

Short Title:	Electing Counties/Hold Harmless.	(Local)
Sponsors:	Representatives Haire, Braxton, Farmer-Butterfield, Kiser (Primary Sponsors); Brubaker, Howard, Hurley, Neumann, Ray, Setzer, Starnes, Tolson, Walend, and Williams.	
Referred to:	Appropriations.	

May 28, 2008

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ELECTING COUNTIES WILL BE HELD HARMLESS FOR WORK FIRST FAMILY ASSISTANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 108A-27.11(c) reads as rewritten:

"(c) Each Electing County's allocation for Work First Family Assistance shall be computed based on the percentage of each Electing County's total expenditures for cash assistance to statewide actual expenditures for cash assistance in 1995-96. The resulting percentage shall be applied to the federal TANF block grant funds appropriated for cash assistance by the General Assembly each fiscal year. As with Standard Counties, Electing Counties shall be held harmless in the 2008-2009 fiscal year for Work First Family Assistance up to the actual TANF/Work First Family Assistance block grant allocation for fiscal year 2007-2008. The Department shall transmit the federal funds contained in the county block grants to Electing Counties as soon as practicable after they become available to the State and in accordance with federal cash management laws and regulations."

SECTION 2. This act applies to Beaufort, Caldwell, Catawba, Iredell, Lenoir, Lincoln, Macon, and Wilson counties only.

SECTION 3. This act becomes effective July 1, 2008.

HOUSE BILL 2468:
Iredell Contracts

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 30, 2008
Introduced by:	Reps. Ray, Howard	**Summary by:**	Barbara Riley Committee Counsel
Version:	PCS to Third Edition H2468-CSRF-84		

SUMMARY: ***House Bill 2468 authorizes Iredell County to purchase and erect a prefabricated modular building for use as an animal shelter without complying with the provisions of G.S. 143-128, G.S. 143-129, or G.S. 143-132. All on site construction work, however, including any plumbing, mechanical, or electrical work which must be performed on site, shall be contracted and bid in compliance with Article 8 of Chapter 143of the General Statutes.***

House Bill 2468 also authorizes the Town of Mooresville to use the design build method of construction for a sewer pumping station. The PCS eliminates the provision that the Town may award the contracts in its sole discretion.

CURRENT LAW: Article 8 of Chapter 143 sets out the current general law for public building contracts. That Article generally requires separate or single-prime bidding. House Bill 2468 provides exemptions from the following sections of Article 8 for the projects outlined in the bill.

- G.S. 143-128, concerning separate specifications for HVAC, Plumbing, Electrical, and general contract work under separate prime or single-prime bidding.
- G.S. 143-129, concerning bidding for public construction over $500, 000.
- G.S. 143-132, concerning the minimum number of bids for a public construction contract.

BILL ANALYSIS: House Bill 2468 authorizes Iredell County to purchase and erect a prefabricated modular building system for an animal shelter, including kennels, trough, drains, watering equipment, other appurtenances associated with kennel facilities, and, if the County chooses, an office and administrative facilities, without complying with the statutes governing contracting for public building projects outlined above. Any on site construction work, including on site plumbing, electrical, or mechanical work, however, shall be subject to the provisions of Article 8 of Chapter 143 of the General Statutes.

House Bill 2468 also authorizes the Town of Mooresville to use the design build method of construction for a sewer pumping station to be located on Presbyterian Road, without complying with G.S. 143-128.

The provisions of G.S. 143-128.2 and G.S. 143-128.3 regarding minority business participation will apply to these projects.

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

H2468e3-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

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H D

HOUSE BILL 2468
Committee Substitute Favorable 6/23/08
Third Edition Engrossed 6/24/08
PROPOSED SENATE COMMITTEE SUBSTITUTE H2468-CSRF-84 [v.2]

6/30/2008 4:08:11 PM

Short Title: Iredell Contracts. (Local)

Sponsors:

Referred to:

May 26, 2008

A BILL TO BE ENTITLED

AN ACT TO EXEMPT IREDELL COUNTY AND THE TOWN OF MOORESVILLE FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 143-128, 143-129, and 143-132, Iredell County may purchase and erect a prefabricated modular building system, including kennels, trough drains, watering equipment, and other appurtenances associated with kennel facilities, and which may include an office and administrative facility, for use as an animal shelter that will be located on Bristol Drive, Statesville, North Carolina, and may, notwithstanding any provision of law, award the contract for the prefabricated modular building system and the associated equipment and appurtenances in its sole discretion. The remainder of the animal shelter project, including any on-site construction work and the portions of the plumbing, mechanical, and electrical work which must be performed at the construction site, shall be contracted and bid in compliance with Article 8 of Chapter 143 of the General Statutes.

SECTION 2. Notwithstanding G.S. 143-128, the Town of Mooresville may use the design-build method of construction for a sewer pumping station that will be located on Presbyterian Road, Mooresville, North Carolina.

SECTION 3. Section 1 of this act is effective when it becomes law and expires on July 1, 2010. The remainder of this act is effective when it becomes law.

HOUSE BILL 2563:
Parking Regulations in Richmond County

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	June 29, 2008
Introduced by:	Rep. Goodwin	**Summary by:**	Sara Kamprath*
Version:	First Edition		Legislative Analyst

SUMMARY: House Bill 2563 would add the County of Richmond to the list of counties and cities in which a vehicle may be removed from a privately owned or leased parking space, placed in storage, and the owner of the vehicle is responsible for the removal and storage costs.

[As introduced, this bill was identical to S2005, as introduced by Sen. Purcell, which is currently in Senate State & Local Government.]

CURRENT LAW:

In certain locations, it is unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in that private parking space without the express permission of the owner or lessee of such space. For that to be true, the private parking lot must be clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance, and the parking spaces must be clearly marked by signs setting forth the name of each individual lessee or owner.

When a vehicle is parked in a privately owned parking space in violation of this, it may be removed from the space upon the written request of the parking space owner or lessee to a place of storage. The registered owner of the motor vehicle is liable for removal and storage charges.

Any person who removes a vehicle is not be held liable for damages for the removal of the vehicle to the owner, lien holder or other person legally entitled to the possession of the vehicle removed. However, any person who intentionally or negligently damages a vehicle in the removal, or intentionally or negligently inflicts injury upon any person in the removal, may be held liable for damages.

A violation is punishable as a Class 3 misdemeanor, and a fine of not more than $10.00 in the discretion of the court.

All of this applies only in the following places: The counties of Craven, Dare, Forsyth, Gaston, Guilford, New Hanover, Orange, Robeson, Wake, Wilson and the Cities of Durham, Jacksonville, Charlotte and Fayetteville.

BILL ANALYSIS: The bill would add the County of Richmond to the list of places in which there are provisions for removal of unauthorized vehicles from a private parking lot.

EFFECTIVE DATE: Effective December 1, 2008, and applies to offenses committed on or after that date.

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

H2563e1-SMRJ

§ 20-219.2. Removal of unauthorized vehicles from private lots.

(a) It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in such private parking space without the express permission of the owner or lessee of such space; provided, that such private parking lot be clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto and the parking spaces within the lot be clearly marked by signs setting forth the name of each individual lessee or owner; a vehicle parked in a privately owned parking space in violation of this section may be removed from such space upon the written request of the parking space owner or lessee to a place of storage and the registered owner of such motor vehicle shall become liable for removal and storage charges. Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

(b) Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor and upon conviction shall be only fined not more than ten dollars ($10.00) in the discretion of the court.

(c) This section shall apply only to the Counties of Craven, Dare, Forsyth, Gaston, Guilford, New Hanover, Orange, Robeson, Wake, Wilson and to the Cities of Durham, Jacksonville, Charlotte and Fayetteville. (1969, cc. 173, 288; 1971, c. 986; 1973, c. 183; c. 981, s. 1; c. 1330, s. 36; 1975, c. 575; 1979, c. 380; 1979, 2nd Sess., c. 1119; 1981 (Reg. Sess., 1982), c. 1251, s. 3; 1989, c. 417, c. 644, s. 1; 1993, c. 539, s. 383; 1994, Ex. Sess., c. 24, s. 14(c).)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 2563

Short Title:	Parking Regulations in Richmond County.	(Local)
Sponsors:	Representative Goodwin.	
Referred to:	Local Government I, if favorable, Finance.	

May 27, 2008

A BILL TO BE ENTITLED

AN ACT TO ALLOW RICHMOND COUNTY TO REMOVE UNAUTHORIZED VEHICLES FROM PRIVATE LOTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-219.2(c) reads as written:

"(c) This section shall apply only to the Counties of Craven, Dare, Forsyth, Gaston, Guilford, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and to the Cities of Durham, Jacksonville, Charlotte and Fayetteville."

SECTION 2. This act becomes effective December 1, 2008, and applies to offenses committed on or after that date.

VISITOR REGISTRATION SHEET

Senate State & Local Government — July 1, 2008

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Rowe	NC Justice Center
Ivy Hoffman	PUA/AP
Cam Cowen	BPMHC
Kara Johnson	ElectriCities
BERRY JENKINS	CAROLINAS AGC
[illegible]	Troy Banks
Russo Dubisky	IFNC
Joe Stewart	IFNC
Andy Romanet	NCLM
Carl Godwin	OSP
Jon Carr	Jordan Price Law Firm

VISITOR REGISTRATION SHEET

Senate State & Local Government — July 1, 2008

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jeff Gray	Rose Reed Attys, P.A.
Rob Schofield	NC Policy Watch
Penny Hufft	LOG
Tracy Little	NC DOC
Jessica Hayes	NC HBA
Cady Thomas	NCAR
Sherry Bradsher	DHHS
Jane Smith	DHHS
Adam Keith	NCGA Staff Intern
Jim Blackburn	NC Association of County Commissioners
ANTHONY ALLEN	NCACC

VISITOR REGISTRATION SHEET

Senate State & Local Government — July 1, 2008

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
ROBERT ZIMMERS	NC, DOA
GERRY COHEN	Bill Drafting
Eddie Caldwell	NC Sheriffs' Assn.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Tuesday, July 01, 2008

Senator ,
submits the following with recommendations as to passage:

FAVORABLE

H.B.	**2092**	Kernersville Charter/ Fire Dept. Name Change.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**2123**	Alamance Fox and Coyote Trapping.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**2255**	Various Counties Building Permits.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**2347**	Winston-Salem Dispose of Property.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**2402**	Winston-Salem Ordinances.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**2444**	Greensboro Recall Amendments.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**2464**	Martin County Road Hunting.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.	**2726**	Repeal Polkville Charter Provision.	
		Sequential Referral:	None
		Recommended Referral:	None
H.B.(CS #1)	**2748**	Disapprove State Personnel Commission Rules.	
		Sequential Referral:	None
		Recommended Referral:	None

H.B. **2763** Modify Currituck Co. TDA.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #2) **2770** Winston-Salem/Asheboro Force Account Limit.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE

S.B. **1749** Chapel Hill Water Conservation Strategies.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 12

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Wednesday, July 02, 2008

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

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

S.B. **2134** Increase Cabarrus County Commissioners.

Draft Number:	75596
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

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

H.B. **2343** Durham Ward Boundaries.

Draft Number:	70793
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

H B. **2738** Electing Counties/Hold Harmless.

Draft Number:	10484
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

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

H.B.(CS #1) **2468** Iredell Contracts.

Draft Number:	51034
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 4

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Thursday, July 03, 2008

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

FAVORABLE

H.B. **2563** Parking Regulations in Richmond County.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Tuesday, July 1, 2008 at 12:00 Noon
Room 1124, Legislative Building

Senator Don East, Presiding

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on July 1, 2008, in Room 1124 of the Legislative Building. Thirteen members of the committee were present. Senator Don East presided.

Senator East called the meeting to order and introduced the pages.

The following Local Bills received **Favorable Reports** from the Committee:

House Bill 2092, Kernersville Charter/Fire Dept. Name Change, was explained by Representative Folwell.

House Bill 2123, Alamance Fox and Coyote Trapping, was explained by Represented Bordsen.

House Bill 2255, Various Counties Building Permits, was explained by Representative Parmon.

House Bill 2347, Winston-Salem Dispose of Property, was explained by Representative McGee.

House Bill 2402, Winston –Salem Ordinances was explained by Representative Womble.

House Bill 2444, Greensboro Recall Amendments was explained by Senator Dorsett.

House Bill 2462, Martin County Road Hunting, was explained by Representative Warren.

House Bill 2726, Repeal Polkville Charter Provision, explained by Senator Dalton.

House Bill 2748, Disapprove State Personnel Commission Rules, explained by Representative Ross.

House Bill 2763, Modify Currituck Co. TDA, was explained by Senator East.

House Bill 2770, Winston-Salem/Asheboro Force Account Limit was explained by Representative Parmon.

House Bill 2563, Parking Regulations in Richmond County, was explained by Representative Goodwin.

House Bill (CS #1) 2468, Iredell Contracts, was explained by Representative Ray. A Proposed Committee Substitute was adopted and received a Favorable Report. **Unfavorable As To The bill, But Favorable As To the Committee Substitute.**

Senate Bill 2134, Increase Cabarrus County Commissioners, was explained by Senator Hartsell. Senator Berger moved to adopt a Proposed Committee Substitute and Senator Stevens made a motion to **give the PCS a Favorable Report. Unfavorable As To The Bill, But Favorable as to Committee Substitute.**

House Bill 2738, Electing Counties/Hold Harmless, was explained by Representative Haire. Senator Apodaca moved to adopt a Proposed Committee Substitute and the Bill Carried. **Unfavorable As To The Bill, But Favorable As To The Committee Substitute.**

House Bill 2341, Durham Ward Boundaries, was explained by Senator McKissick. Senator Soles moved to adopt a Proposed Committee Substitute and to give the PCS a Favorable Report. **Unfavorable As To Bill, But Favorable As To Committee Substitute.**

House Bill 2579, Chapel Hill Historic Structures, was explained by Senator Kinnaird. After much discussion and the need for more information, it was decided to carry the Bill over to the next meeting.

Senate Bill 1749, Chapel Hill Water Conservation Strategies, was explained By Senator Kinnaird. Senator Apodaca made a motion to adopt a Proposed Committee Substitute and Senator Dorsett moved for a favorable Report. After much discussion from members of the committee, the motion for a Favorable Report was not accepted by the committee and the Bill did not carry.

The meeting adjourned at 12:45 pm.

Senator Don East, Presiding

Anne Misenheimer, Committee Clerk

ATTENDANCE

Committee: State and Local Government – 2007-2008

DATES / NAMES	7-1															
Senator Don East, Co-Chair	✓															
Senator Malcolm Graham, Co-Chair	✓															
Senator Katie Dorsett, Vice Chair	✓															
Senator Charles W. Albertson																
Senator Tom Apodoca	✓															
Senator Phillip E. Berger	✓															
Senator Harris Blake																
Senator Julia Boseman																
Senator Brunstetter	✓															
Senator Daniel Clodfelter	✓															
Senator Ed Jones	✓															
Senator Vernon Malone																
Senator Floyd McKissick	✓															
Senator Joe Sam Queen																
Senator Fred Smith	✓															
Senator R. C. Soles, Jr.	✓															
Senator Richard Stevens	✓															
Staff:																
Theresa Matula, Legislative Analyst	✓															
Joe Moore, Research Assistant	✓															
Hal Pell, Counsel	✓															
Barbara Riley, Counsel	✓															
Sara Kamprath	✓															
Tracey Holloway Committee Assistant	✓															
Anne Misenheimer, Com. Assistant	✓															

Principal Clerk x
Reading Clerk x

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **State & Local Government** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	July 10, 2008	8:30 AM	1124 LB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 2784	Fayetteville Finance Investment Authority.	Representative Dickson Representative Lucas Representative McAllister Representative Brisson
HB 2488	Charlotte Small Business Enterprise Program.	Representative Tillis
HB 2279	Repeal Fire Permit Exemption for Lake Royale.	Representative Allen
HB 2760	Stokes Fox Season.	Representative Holloway
HB 472	Roper Elections.	Representative Spear
HB 2779	Bertie Deer Hunting.	Representative Mobley
HB 2093	ATV use in Various Municipalities.	Representative Clary Representative Neumann, IV Representative Current, Sr.
SB 2149	Rowan Annexation.	Senator Brock

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Senate State & Local Government Committee
Thursday, July 10, 2008, 12:00 Noon
1124 LB

Senator Don East Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 472	Roper Elections.	Representative Spear
HB 2093	ATV use in Various Municipalities.	Representative Clary Representative Neumann, IV Representative Current, Sr.
HB 2279	Repeal Fire Permit Exemption for Lake Royale.	Representative Allen
HB 2488	Charlotte Small Business Enterprise Program.	Representative Tillis
HB 2760	Stokes Fox Season.	Representative Holloway
HB 2779	Bertie Deer Hunting.	Representative Mobley
HB 2784	Fayetteville Finance Investment Authority.	Representative Dickson Representative Lucas Representative McAllister Representative Brisson
SB 2149	Rowan Annexation.	Senator Brock

Presentations

Other Business

Adjournment

HOUSE BILL 472:
Roper Elections

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 8, 2008
Introduced by:	Rep. Spear	**Summary by:**	Sara Kamprath
Version:	PCS to Second Edition H472-PCS70805-LB-120		Legislative Analyst

SUMMARY: ***The Proposed Committee Substitute for the Second Edition of House Bill 472 would move the elections for mayor and commissioner of the Town of Roper to the Tuesday after the first Monday in November in odd-numbered years.***

CURRENT LAW:

G.S. 163-279 provides the following dates for elections of municipalities in the odd-numbered years:

- If the election is **nonpartisan** and decided by simple **plurality**, the election is on Tuesday after the first Monday in November (general election day).
- If the election is **partisan**, the election shall be held on general election day, the first primary shall be held on the second Tuesday after Labor Day, and the second primary, if required, shall be held on the fourth Tuesday before the election.
- If the election is **nonpartisan** and the **nonpartisan primary method of election** is used, the election shall be held on general election day and the nonpartisan primary shall be held on the fourth Tuesday before the election.
- If the election is **nonpartisan** and the **election and runoff election method of election** is used, the election shall be held on the fourth Tuesday before the Tuesday after the first Monday in November, and the runoff election, if required, shall be held on Tuesday after the first Monday in November.

G.S. 163-292 sets out the rules for determining election results in cities using the nonpartisan plurality method.

BILL ANALYSIS:

The PCS authorizes the Town of Roper to conduct its municipal elections on the Tuesday after the first Monday in November in odd-numbered years and the election results will be determined by the nonpartisan plurality method.

EFFECTIVE DATE: Effective when it becomes law.

H0472e2-SMRJ-CSRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H D

HOUSE BILL 472

Committee Substitute Favorable 5/21/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H472-PCS70805-LB-120

Short Title: Roper Elections. (Local)

Sponsors:

Referred to:

March 5, 2007

A BILL TO BE ENTITLED

AN ACT TO MOVE ELECTIONS FOR THE TOWN OF ROPER TO THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER IN ODD-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of the Charter of the Town of Roper, being Chapter 24, Private Laws of 1907, reads as rewritten:

"Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners, regular and special policemen, clerk and treasurer, and such other officers as the town may ~~elect, and the following named persons shall fill the offices of mayor and commissioners from their qualification until the first Tuesday after the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified: For mayor, Thomas W. Blount, and for commissioners, L.G. Roper, N.B. Mizell, and W.C. Thompson.~~appoint. Elections for mayor and commissioner shall be determined by the nonpartisan plurality method in accordance with G.S. 163-292 and shall be held at the time set forth in G.S. 163-279(a)(1)."

SECTION 2. This act applies to elections held in 2009 and thereafter.

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

HOUSE BILL 2093:
ATV Use in Various Municipalities

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 9, 2008
Introduced by:	Reps. Neumann, Current, Clary	**Summary by:**	Theresa Matula
Version:	Third Edition		Committee Staff

SUMMARY:

House Bill 2093 would add the Towns of Lowell and Manteo to the list of municipalities and counties where employees may operate all-terrain vehicles on public highways under certain conditions.

CURRENT LAW:

Generally, North Carolina law requires vehicles intended to be operated on the highways of the State to be registered (G.S. 20-50, -52), and provides that operation of a vehicle on the highways of the State without proper registration constitutes a Class 2 misdemeanor (G.S. 20-111). All-terrain vehicles may not be registered and operated on the highways. There is an exception in the law (G.S. 20-171.24) that allows employees of specifically listed municipalities and counties to operate all-terrain vehicles on public highways under the following circumstances:

- The ATV may only be operated on highways with speed limits of 35 mph or less, and on nonfully controlled access highways with higher speeds for the purpose of traveling from one speed zone to another where the speed limit is 35 mph or less.
- All other laws governing operation of ATVs apply.
- The ATV must be equipped with operable front and rear lights and a horn.
- The operator must observe speed limits and not exceed the manufacturer's recommended speed for the vehicle.
- The operator must carry an official identification badge.

BILL ANALYSIS:

House Bill 2093 would add the Towns of Lowell and Manteo to the list of municipalities and counties where municipal and county employees are authorized to operate all-terrain vehicles on public highways under the conditions set out in G.S. 20-171.24.

EFFECTIVE DATE:

The bill would be effective when it becomes law.

Wendy Graf-Ray substantially contributed to this summary.

H2093e3-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 3

HOUSE BILL 2093

Committee Substitute Favorable 6/19/08
Committee Substitute #2 Favorable 7/1/08

Short Title: ATV Use in Various Municipalities. (Local)

Sponsors:

Referred to:

May 14, 2008

A BILL TO BE ENTITLED

AN ACT TO ADD THE TOWNS OF LOWELL AND MANTEO TO THE LIST OF CITIES WHERE MUNICIPAL EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-171.24(f) reads as rewritten:

"(f) This section applies to the Towns of Ansonville, Atlantic Beach, Burgaw, Carolina Beach, Cramerton, Dallas, Davidson, Duck, Emerald Isle, Franklin, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Lowell, Manteo, Murphy, Nags Head, North Topsail Beach, Oakboro, Ocean Isle Beach, Pine Knoll Shores, Stanley, Surf City, Sylva, Topsail Beach, and Wrightsville Beach, the Cities of Albemarle, Belmont, Cherryville, Gastonia, Kings Mountain, Mount Holly, and Rockingham and the Counties of Cleveland, Currituck, Gaston, Surry, and Wilkes only."

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

HOUSE BILL 2279:
Repeal Fire Permit Exemption for Lake Royale

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 9, 2008
Introduced by:	Rep. Allen	**Summary by:**	Barbara Riley
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 2279 changes the fire permit law as it applies in the Lake Royale community.***

CURRENT LAW: Under current law, G.S. 113-60.31, the following fires are *not* required to be permitted:

- "any fires started, or caused to be started, within 100 feet of an occupied dwelling house if such fire shall be confined (i) within an enclosure from which burning material may not escape or (ii) within a protected area upon which a watch is being maintained and which is provided with adequate fire protection equipment."

BILL ANALYSIS: House Bill 2279 makes the following changes to the fire permitting law, as it applies in the Lake Royale community:

- **requires fire permits** for a fires started, or caused to be started, within 100 feet of an occupied dwelling house even if the fire is confined (i) within an enclosure from which burning material may not escape or (ii) within a protected area upon which a watch is being maintained and which is provided with adequate fire protection equipment.
- **exempts from fire permits** a campfire that is within 100 feet of an occupied dwelling house if that fire is confined within an area upon which a watch is being continuously maintained and which is provided with adequate fire protection equipment. As used here, the term "campfire" means an outdoor fire used to cook food or provide warmth for fewer than ten people.

In addition, the bill provides that it shall not be construed to interfere with the power of the Governor or other agency or official to prohibit campfires when acting pursuant to proper authority.

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

Giles Perry, counsel to House Local Government II, substantially contributed to this summary.

H2279e1-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

HOUSE BILL 2279

Short Title:	Repeal Fire Permit Exemption for Lake Royale.	(Local)
Sponsors:	Representative Allen.	
Referred to:	Local Government II.	

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE PERMIT EXEMPTION FOR OPEN FIRES WITHIN ONE HUNDRED FEET OF AN OCCUPIED DWELLING WITHIN THE LAKE ROYALE COMMUNITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-60.31(a) shall not apply to the Lake Royale community in Franklin and Nash Counties, except that it shall apply to a campfire that is within 100 feet of an occupied dwelling house if that fire is confined within an area upon which a watch is being continuously maintained and which is provided with adequate fire protection equipment. As used in this section, the term "campfire" means an outdoor fire used to cook food or provide warmth for fewer than ten people. Nothing in this act shall be construed to interfere with the power of the Governor or other agency or official to prohibit campfires when acting pursuant to proper authority.

SECTION 2. This act applies only to the Lake Royale community in Franklin and Nash Counties and is effective when it becomes law.

HOUSE BILL 2488:
Charlotte Small Business Enterprise Program

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 9, 2008
Introduced by:	Rep. Tillis	**Summary by:**	Barbara Riley
Version:	Second Edition		Committee Counsel

SUMMARY: House Bill 2488 amends the charter of the City of Charlotte to change the geographic scope of their Small Business Enterprise Program.

[As introduced, this bill was identical to S1845, as introduced by Sen. Dannelly, which is currently in House Commerce, Small Business, and Entrepreneurship.]

CURRENT LAW: Section 8.88 of the Charter for the City of Charlotte authorizes the City to establish a race and gender neutral small business enterprise program to help the development of small businesses and to enhance their opportunities to participate in city contracts. The program is intended to supplement the requirements of the minority business participation provisions and the polices promoting the use of small, minority, physically handicapped and women contractors contained in Article 8 of Chapter 143. The program as currently authorized sets the geographical scope of the program as the Charlotte Metropolitan Statistical Area.

BILL ANALYSIS: At the time the act setting up the Charlotte Small Business Enterprise Program was enacted, August 2002, the Charlotte Metropolitan Statistical Area included 7 counties, Mecklenburg, Cabarrus, Rowan, Union, Gaston and Lincoln plus York County, S.C. Shortly thereafter, the US Office of Management and Budget redefined the Charlotte MSA and the new definition removed Rowan and Lincoln counties from the MSA and added Anson County. House Bill 2488 expands the scope of Charlotte's small business enterprise program from the Charlotte Metropolitan Statistical Area to the "Charlotte Regional Area" defined to mean the Charlotte Metropolitan Statistical Area and such additional counties that the City may designate from time to time for inclusion based upon the City's assessment of where small business development initiatives will promote economic development within the City. This will allow the City to work with Lincoln and Rowan counties and also have the flexibility to adjust for changes in local business patterns.

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

H2488e2-SMRF

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 2488*

Committee Substitute Favorable 6/26/08

Short Title: Charlotte Small Business Enterprise Program. (Local)

Sponsors:

Referred to:

May 26, 2008

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW ADJUSTMENT OF THE GEOGRAPHIC SCOPE OF THE CITY'S SMALL BUSINESS ENTERPRISE PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 8.88 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended by S.L. 2002-91, reads as rewritten:

"Section 8.88. **Small Business Enterprise Program.**

(a) The City may establish a race and gender neutral small business enterprise program to promote the development of small businesses ~~in the Charlotte Metropolitan Statistical~~ within the Charlotte Regional Area, and to enhance opportunities for small businesses to participate in City contracts. The City may define the term 'small business enterprise' as appropriate and consistent with the City's contracting practices. The City may establish bid and proposal specifications that include subcontracting goals and good faith efforts requirements to enhance participation by small business enterprises in City contracts. Notwithstanding G.S. 143-129 and G.S. 143-131, the City may consider a bidder's efforts to comply with small business enterprise program requirements in its award of City contracts, and if a bidder is determined to have failed to comply with said requirements, the City may within its discretion, refuse to award a contract to such bidder. As used in this section, "Charlotte Regional Area" means: (i) the Metropolitan Statistical Area that includes Charlotte, North Carolina, as defined by the United States Office of Management and Budget from time to time; and (ii) such additional counties that the City may designate from time to time for inclusion within the small business enterprise program, based on the City's periodic assessment of where small business development initiatives will promote economic development within the City.

(b) The small business enterprise program authorized by this section is intended to supplement and not replace the requirements of G.S. 143-128.2, 143-131, or 143-135.5. Any goals or efforts established to achieve minority and women business participation consistent with said provisions of law shall take precedence over goals for

small business enterprise participation established under the program authorized by this section. A small business enterprise program established pursuant to this section shall be deemed consistent with the public policy of the State of North Carolina to promote and utilize small and underutilized business enterprises as set forth in G.S. 143-128.2, 143-128.3, and 143-135.5."

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

HOUSE BILL 2760:
Stokes Fox Season

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 9, 2008
Introduced by:	Rep. Holloway	**Summary by:**	Sara Kamprath
Version:	First Edition		Legislative Analyst

SUMMARY: House Bill 2760 establishes a season for taking foxes with weapons and by trapping in Stokes County.

BILL ANALYSIS: House Bill 2760 establishes an open season from the first Saturday in January through the last Saturday in January of each year for taking foxes with weapons and by trapping in Stokes County. There are no tagging requirements prior to or after sale and no bag limit applies to foxes taken under this act.

The bill removes Stokes County from the provisions of G.S. 113-291.4(f), which authorizes the Wildlife Commission to continue open seasons that were established between June 18, 1982 and July 1, 1987, so long as the fox populations remain adequate.

EFFECTIVE DATE: This act becomes effective October 1, 2008 and applies only to Stokes County.

*Susan Sitze, Committee Counsel, contributed substantially to this summary.

H2760e1-SMRJ

H 1

HOUSE BILL 2760

Short Title:	Stokes Fox Season.	(Local)
Sponsors:	Representative Holloway.	
Referred to:	Wildlife Resources.	

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN STOKES COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season from the first Saturday in January through the last Saturday in January of each year for taking foxes with weapons and by trapping, with no tagging requirements prior to or after sale.

SECTION 2. No bag limit applies to foxes taken under this act.

SECTION 3. G.S. 113-291.4(f1) reads as rewritten:

"(f1) In those counties in which open seasons for taking foxes with weapons and by trapping were established between June 18, 1982, and July 1, 1987, in accordance with the procedure then set forth in subsection (f) of this section, the Wildlife Resources Commission is authorized to continue such seasons from year to year so long as the fox populations of such counties remain adequate to support the resulting harvest. The counties referred to in this subsection are as follows: Caswell, Clay, Graham, Henderson, Hyde, Macon, ~~Stokes~~ and Tyrrell."

SECTION 4. This act applies only to Stokes County.

SECTION 5. This act becomes effective October 1, 2008.

HOUSE BILL 2779: Bertie Deer Hunting

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 9, 2008
Introduced by:	Rep. Mobley	**Summary by:**	Barbara Riley Committee Counsel
Version:	Second Edition H2779-CSLL-50		

SUMMARY: House Bill 2779 amends the law prohibiting the taking of deer from a boat in Bertie County.

[As introduced, this bill was identical to S2139, as introduced by Sen. Jones, which is currently in Senate State & Local Government.]

CURRENT LAW: Section 5 of S.L. 2001-367 prohibits the taking of deer from any vessel in the Roanoke River above the U.S. Highway 17 bridge, except that a vessel may be used for transportation to and from hunting stands on land owned or leased by a person or on which a person has written permission to hunt. This law applies only to Bertie County.

BILL ANALYSIS: House Bill 2779 amends the Session Law to prohibit the taking of deer from any vessel in the Roanoke River or its tributaries, except for those portions of the river and its tributaries that are adjacent to the border with Washington County. A further exception is provided for persons retrieving hunting dogs using a vessel in the river/tributaries as long as no firearm is readily available.

The bill applies only to Bertie County.

EFFECTIVE DATE: This act becomes effective October 1, 2008, and applies to acts committed on or after that date.

Susan Sitze, counsel to House Wildlife, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

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HOUSE BILL 2779*
Second Edition Engrossed 7/1/08
PROPOSED SENATE COMMITTEE SUBSTITUTE H2779-CSLL-50 [v.1]

7/3/2008 9:59:25 AM

Short Title: Bertie Deer Hunting. (Local)

Sponsors:

Referred to:

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PROHIBITING THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of S.L. 2001-367 reads as rewritten:

"**SECTION 5.** It is unlawful to take deer from any vessel in the Roanoke River ~~above the U.S. Highway 17 bridge,~~ or its tributaries, except for those portions of the river and its tributaries that are adjacent to the border with Washington County, whether the vessel is under power or not, except that (i) a vessel may be used for transportation to and from otherwise lawful hunting stands upon land owned or leased by a person or upon which a person has written permission to ~~hunt.~~ hunt, and (ii) a person may retrieve hunting dogs using a vessel in the river and its tributaries provided that no firearm is readily available to the person."

SECTION 2. This act applies only to Bertie County.

SECTION 3. This act becomes effective October 1, 2008, and applies to acts committed on or after that date.

HOUSE BILL 2784:
Fayetteville Finance Investment Authority

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 9, 2008
Introduced by:	Reps. Dickson, Brisson, Lucas, McAllister	**Summary by:**	Theresa Matula
Version:	Second Edition		Committee Staff

SUMMARY: House Bill 2784 amends the Charter for the City of Fayetteville to authorize the city to invest and reinvest any of the City's employee benefit funds held in trust, risk reserve funds, cemetery perpetual care funds, and capital reserves; and to authorize the Public Works Commission to invest and reinvest any of the Commission's employee benefit funds held in trust, risk reserve funds, and capital reserves.

CURRENT LAW:

G.S. 150-30 allows a local government or public authority to deposit at interest or invest all or part of the cash balance of any fund in a manner prescribed in G.S. 150-30, and subject to the restrictions and directions of the governing board.

G.S. 147-69.2 pertains to investments authorized for special funds held by the State Treasurer. The investments authorized by the bill are found in G.S. 147-69.2(b)(1)-(6) and (8). The following description of those investments was provided by Vance Holloman, Deputy State Treasurer and Director of the State and Local Government Finance Division:

> *Investments authorized under G.S. 147- 69.2(b)(1-6) includes the following: Treasuries and obligations issued by the US Government, GNMA and other federal agencies; repurchase agreements collateralized by Treasuries and other federal securities; bonds issued by the State of North Carolina; certificates of deposit; other states' GO bonds; NC municipal, county and special district bonds, highly rated corporate bonds; and highly rated asset backed securities (collateralized mortgages). G.S. 147 – 69.2(b)(8) authorizes the investment in common or preferred stock up to 65% of the total portfolio:*

BILL ANALYSIS:

House Bill 2784 amends the Charter for the City of Fayetteville to authorize the City to invest and reinvest any of the City's employee benefit funds held in trust, risk reserve funds, cemetery perpetual care funds, and capital reserves; and to authorize the Public Works Commission to invest and reinvest any of the Commission's employee benefit funds held in trust, risk reserve funds, and capital reserves. The investments are allowed in one or more of the types of securities or other investments authorized by State law for the State Treasurer in G.S. 147-69.2(b)(1)-(6) and (8).

EFFECTIVE DATE: When it becomes law.

BACKGROUND INFORMATION:

G.S. 147-69.2(b)(1)-(6) and (8):

(b) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (a) of this section in excess of the amount required to meet the current needs and demands on such funds, selecting from among the following:

(1) Any of the investments authorized by G.S. 147-69.1(c)(1)-(7).

(2) General obligations of other states of the United States.
(3) General obligations of cities, counties and special districts in North Carolina.
(4) Obligations of any company, other organization or legal entity incorporated or otherwise created or located within or outside the United States if the obligations bear one of the four highest ratings of at least one nationally recognized rating service and do not bear a rating below the four highest by any nationally recognized rating service which rates the particular security.
(5) Repealed by Session Laws 2001-444, s. 2, effective October 1, 2001.
(6) Asset-backed securities (whether considered debt or equity) provided they bear ratings by nationally recognized rating services as provided in G.S. 147-69.2(b)(4) and that they do not bear a rating below the four highest by any nationally recognized rating service that rates the particular securities.

....

(8) With respect to assets of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Firemen's and Rescue Workers' Pension Fund, the Local Governmental Employees' Retirement System, the Legislative Retirement System, the North Carolina National Guard Pension Fund (hereinafter referred to collectively as the Retirement Systems), and assets invested pursuant to subdivision (b2) of this section, they may be invested in preferred or common stocks issued by any company incorporated or otherwise created or located within or outside the United States provided the investments meet the conditions of this subdivision.

The investments authorized for the Retirement Systems under this subdivision cannot exceed sixty-five percent (65%) of the market value of all invested assets of the Retirement Systems. Up to five percent (5%) of the amount that may be invested under this subdivision may be invested in the stocks or shares of a diversified investment company registered under the "Investment Company Act of 1940" that has total assets of at least fifty million dollars ($50,000,000).

The assets authorized under this subdivision can be invested through individual, common, or collective trust funds of banks, trust companies, and group trust funds of investment advisory companies so long as the investment manager has assets under management of at least one hundred million dollars ($100,000,000).

The assets authorized under this subdivision can also be invested directly, if all of the following conditions are met:

a. The common stock or preferred stock of such corporation is registered on a national securities exchange as provided in the Federal Securities Exchange Act or quoted through the National Association of Securities Dealers' Automated Quotations (NASDAQ) system.
b. The corporation has paid a cash dividend on its common stock in each year of the 5-year period next preceding the date of investment and the aggregate net earnings available for dividends on the common stock of the corporation for the whole of that period have been at least equal to the amount of the dividends paid.
c. In applying the dividend and earnings test under this section to any issuing, assuming, or guaranteeing corporation, if the corporation acquired its property or any substantial part thereof within a five-year period immediately preceding the date of investment by consolidation, merger, or by the purchase of all or a substantial portion of the property of any other corporation or corporations, or acquired the assets of any unincorporated business enterprise by purchase or otherwise, the dividends and net earnings of the several predecessor or constituent corporations or enterprises shall be consolidated and adjusted so as to ascertain whether or not the applicable requirements of this subdivision have been complied with.

No more than one and one-half percent (1 1/2%) of the market value of the Retirement Systems' assets that may be invested under this subdivision can be invested in the stock of a single corporation, and the total number of shares in that single corporation cannot exceed eight percent (8%) of the issued and outstanding stock of that corporation.

d. to f. Repealed by Session Laws 2001-444, s. 2, effective October 1, 2001.
g. That investments may be made in securities convertible into common stocks issued by any such company, if such securities bear one of the four highest ratings of at least one nationally recognized rating service and do not bear a rating below the four highest by any nationally recognized rating service which may then rate the particular security.

Steve Rose made substantial contributions to this summary.

H2784e2-SMSH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H 2

HOUSE BILL 2784
Committee Substitute Favorable 6/19/08

Short Title: Fayetteville Finance Investment Authority. (Local)

Sponsors:

Referred to:

May 29, 2008

A BILL TO BE ENTITLED

AN ACT CONCERNING INVESTMENTS OF THE CITY OF FAYETTEVILLE AND THE PUBLIC WORKS COMMISSION OF FAYETTEVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter VIII of the Charter of the City of Fayetteville, being Chapter 557 of the 1979 Session Laws, as amended, is amended by adding the following new Article to read:

"ARTICLE 9.

"INVESTMENT AUTHORITY.

"Sec. 8.35. **Certain investments.** In addition to the authority granted in G.S. 159-30, the City may invest and reinvest any of the City's employee benefit funds held in trust, risk reserve funds, cemetery perpetual care funds, and capital reserves, as designated from time to time by the City Council, in one or more of the types of securities or other investments authorized by State law for the State Treasurer in G.S. 147-69.2(b)(1)-(6) and (8)."

SECTION 2. Chapter VI of the Charter of the City of Fayetteville, being Chapter 557 of the 1979 Session Laws, as amended, is amended by adding the following new section to read:

"Sec. 6.21. **Investment Authority.** In addition to the authority granted in G.S. 159-30, the Public Works Commission may invest and reinvest any of the Commission's employee benefit funds held in trust, risk reserve funds, and capital reserves, as designated from time to time by the Commission, in one or more of the types of securities or other investments authorized by State law for the State Treasurer in G.S. 147-69.2(b)(1)-(6) and (8)."

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

SENATE BILL 2149: Rowan Annexation

BILL ANALYSIS

Committee:	Senate State & Local Government	**Date:**	July 10, 2008
Introduced by:	Sen. Brock	**Summary by:**	Hal Pell
Version:	First Edition -- PCS		Committee Co-Counsel

SUMMARY: ***This bill would require a referendum on the annexation of areas outside of municipalities in Rowan County if 15% of the qualified voters in the municipality or the proposed area for annexation file a petition. This act is effective when it becomes law.***

CURRENT LAW: Annexations by municipalities do not currently require a special election; the annexations are accomplished through the ordinance-making authority granted by statute. All real property owners in an area may petition to have the municipality annex their property.

BILL ANALYSIS: This act would repeal the current statutes relating to annexation by ordinance, and provide procedures that would a referendum in the following circumstances:

- After the notice specified by the act, and the holding of a public hearing, 15% of the qualified voters in an area targeted for annexation file a petition.
- After the notice specified by the act, and the holding of a public hearing, 15% of the qualified voters in the municipality file a petition.

Absent the filing of a petition by the qualified voters of the municipality, the governing board may, in its discretion, call for a referendum. If a referendum is held, the ordinance will be in effect if a majority of the qualified voters in both the targeted area and the municipality approve the ordinance.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S 1

SENATE BILL 2149

Short Title:	Rowan Annexation.	(Local)
Sponsors:	Senator Brock.	
Referred to:	State & Local Government.	

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW IN ROWAN COUNTY BY REQUIRING A REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION, AND TO PREVENT ANY CITY LOCATED PRIMARILY OUTSIDE ROWAN COUNTY FROM ANNEXING IN ROWAN COUNTY UNDER THE NEW LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes are repealed.

SECTION 2. Part 1 of Article 4A of Chapter 160A of the General Statutes is amended by adding the following new sections:

"**§ 160A-28.1. Procedure for adoption of ordinance extending limits; effect of adoption when no election required; public hearing and notice thereof.**

After public notice has been given by publication once a week for four successive weeks in a newspaper in the county with a general circulation in the municipality, or if there be no such paper, by posting notice in five or more public places within the municipality, describing by metes and bounds the territory to be annexed, thus notifying the owner or owners of the property located in such territory that a session of the municipal legislative body will meet for the purpose of considering the annexation of such territory to the municipality, the governing body of any municipality may adopt an ordinance extending its corporate limits by annexing thereto any contiguous tract or tracts of land not embraced within the corporate limits of some other municipality. Provided, that it shall be essential and necessary to the validity of any ordinance extending the corporate limits of any municipality by annexation, pursuant to this section, to actually hold a public hearing pursuant to the notice herein required, and that a statement by or on behalf of the municipal governing body of the purpose or reasons for the proposed extension of the corporate limits be made at the beginning of the public hearing, and that reasonable opportunity to be heard be given any who attend such

public hearing with regard thereto. The public notice shall (i) fix the date, hour, and place of the public hearing and (ii) describe clearly the boundaries of the area under consideration. Then from and after the date of the adoption of such ordinance, unless an election is required as herein provided, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in said city or town and shall be entitled to the same privileges and benefits as other parts of said city or town.

"**§ 160A-28.2. Referendum on question of extension.**

If, at the meeting held for such purpose, a petition is filed and signed by at least fifteen percent (15%) of the qualified voters resident in the area proposed to be annexed requesting a referendum on the question, the governing body shall, before passing said ordinance annexing the territory, submit the question as to whether said territory shall be annexed to a vote of the qualified voters of the area proposed to be annexed, and the governing body may or may not cause the question to be submitted to the residents of the municipality voting separately. The governing body may, without receipt of a petition, call for a referendum on the question: Provided, however, the governing body of the municipality shall be required to call for a referendum within the municipality if a petition is filed and signed by at least fifteen percent (15%) of the qualified voters residing in the municipality.

"**§ 160A-28.3. Extent of participation in referendum; call of election.**

Upon receipt of a sufficient petition, or if the board on its own motion determines that a referendum shall be held, the local governing body shall determine whether or not the election will be conducted solely in the area to be annexed or simultaneously with the qualified voters of the municipality and shall order the board of elections of the county in which the municipality is located to call an election to determine whether or not the proposed territory shall be annexed to the city or town. Within 75 days after receiving such order from the governing body, the county board of elections shall proceed to hold an election on the question.

"**§ 160A-28.4. Action required by county board of elections; publication of resolution as to election; costs of election.**

Such election shall be called by a resolution or resolutions of said county board of elections which shall:

(1) Describe the territory proposed to be annexed to the said city or town as set out in the order of the said local governing body;

(2) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed, and if ordered by the local governing body, the qualified voters of said city or town voting separately; and

(3) Provide for registration of voters in the territory proposed to be annexed for said election in accordance with G.S. 163-288.2.

Said resolution shall be published in one or more newspapers of the said county once a week for 30 days prior to the closing of the registration books. All costs of holding such election shall be paid by the city or town. Except as herein provided, said election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

"**§ 160A-28.5. Ballots; effect of majority vote for extension.**

Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST
Extension."

If at such election, a majority of the votes cast from the area proposed for annexation shall be 'For Extension,' and, in the event an election is held in the municipality, the majority of the votes cast in the municipality shall also be 'For Extension,' then from and after the date of the declaration of the result of such election, the territory and its citizens and property shall be subject to all the debts, laws, ordinances, and regulations in force in said city or town and shall be entitled to the same privileges and benefits as other parts of said city or town. The newly elected territory shall be subject to city taxes as provided by this Article.

"**§ 160A-28.6. No annexation across county line.**

No municipality may make any annexation under this section unless it is in a county where a majority of the land area of that municipality is located."

SECTION 3. The title of Part 1 of Article 4A of Chapter 160A of the General Statutes is amended by adding "or Referendum" at the end.

SECTION 4. This act applies to Rowan County only.

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

VISITOR REGISTRATION SHEET

Senate State & Local Government — July 10, 2008

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DWIGHT MILLER	PUBLIC WORKS COMMISSION FAYETTEVILLE, NC
[signature]	Public Works Commission of Fayetteville
Tina Hall	Rowan County Board of Commissioners
DON6 PARIS	CITY OF SALISBURY
Dave Treme	"
Jessica Hayes	NC Home Builders
Andy Romanet	NCLM

VISITOR REGISTRATION SHEET

Senate State & Local Government — July 10, 2008

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT
Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Thursday, July 10, 2008

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

FAVORABLE

H.B.(CS #2) **2093** ATV use in Various Municipalities.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **2488** Charlotte Small Business Enterprise Program.
Sequential Referral: None
Recommended Referral: None

H.B. **2760** Stokes Fox Season.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **2784** Fayetteville Finance Investment Authority.
Sequential Referral: None
Recommended Referral: None

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

H.B.(CS #1) **472** Roper Elections.
Draft Number: PCS 70805
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 5

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

STATE & LOCAL GOVERNMENT COMMITTEE REPORT

Senator Don East, Co-Chair
Senator Malcolm Graham, Co-Chair

Thursday, July 10, 2008

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

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

H.B. **2779** Bertie Deer Hunting.

Draft Number:	PCS10496
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

SENATE STATE & LOCAL GOVERNMENT COMMITTEE
Thursday, July 10, 2008 at 12:00 Noon
Room 1124, Legislative Building

Senator Don East Presiding

MINUTES

The Senate State & Local Government Committee met at 12:00 Noon on July 10, 2008, in Room 1124 of the Legislative Building. Seven members of the committee were present. Senator Don East presided.

Senator East called the meeting to order and introduced the pages.

House Bill 472, Roper Elections, was explained to the committee by Representative Spear. Senator Blake moved to adopt the proposed committee Substitute and Senator Albertson moved to give the bill a Favorable Report The motion carried unanimously. **Unfavorable as to Bill, But Favorable as To Committee Substitute.**

House Bill 2093, ATV Use In Various Municipalities, was explained to the committee by Representative Neumann. Senator Blake moved for a Favorable Report and the motion carried. **Favorable Report.**

House Bill 2488, Charlotte Small Business Enterprise Program, was explained to the committee (Introduced by Inaudible). After questions from Senator Soles land Senator Stevens, Senator Stevens moved for a Favorable Report and the motion carried. **Favorable Report.**

House Bill 2769, Stokes Fox Season, was explained by Representative Brian Holloway and upon a motion from Senator Harris Blake for a Favorable Report, the bill received a Favorable Report from the committee. **Favorable Report.**

House Bill 2779, Bertie Deer Hunting, was explained by Representative Mobley. A motion to adopt a Proposed Committee Substitute was made by Vice-Chair Katie Dorsett. The PCS was adopted and the Bill received a Favorable Report on the motion made by Senator Dorsett. **Unfavorable as to Bill but Favorable as To Committee Substitute.**

House Bill (CS#1) 2784, Fayetteville Finance Authority, was explained by Representative Dickson and Senator Stevens moved for the bill to receive a Favorable Report. The motion carried. **Favorable Report.**

SB 2149, Rowan Annexation, was explained by Senator Andrew Brock. After much discussion and questions among committee members, Salisbury City Manager, Representatives of the League of Municipalities, Tina Hall, Rowan County Commissioner and the need for an amendment; Senator Brock withdrew the Bill.

The meeting adjourned at 12:50.

Senator Don East, Presiding

Anne Misenheimer, Committee Clerk

ATTENDANCE

Committee: State and Local Government – 2007-2008

DATES NAMES	7-10														
Senator Don East, Co-Chair	✓														
Senator Malcolm Graham, Co-Chair	✓														
Senator Katie Dorsett, Vice Chair															
Senator Charles W. Albertson	✓														
Senator Tom Apodoca															
Senator Phillip E. Berger															
Senator Harris Blake	✓														
Senator Julia Boseman															
Senator Brunstetter															
Senator Daniel Clodfelter															
Senator Ed Jones	✓														
Senator Vernon Malone	✓														
Senator Floyd McKissick															
Senator Joe Sam Queen															
Senator Fred Smith															
Senator R. C. Soles, Jr.															
Senator Richard Stevens	✓														
Staff:															
Theresa Matula, Legislative Analyst	✓														
Joe Moore, Research Assistant	✓														
Hal Pell, Counsel	✓														
Barbara Riley, Counsel	✓														
Sara Kamprath	✓														
Tracey Holloway Committee Assistant	✓														
Anne Misenheimer, Com. Assistant	✓														