2009-2010

HOUSE LOCAL GOVERNMENT II

MINUTES



Rep. Van Braxton Chair



Rep. James Landon Vice Chair



Rep. Paul Stam Vice Chair



Rep. Russell Tucker Vice Chair



Rep. Hugh Blackwell



Rep. Elmer Floyd



Rep. Pryor Gibson



Rep. David Guice



Rep. Marvin Lucas



Rep. Pat McElraft



Rep. Bill Owens



Rep. Ruth Samuelson



Rep. Timothy Spear



Rep. Randy Stewart



Rep. Edith Warren



Rep. Laura Wiley

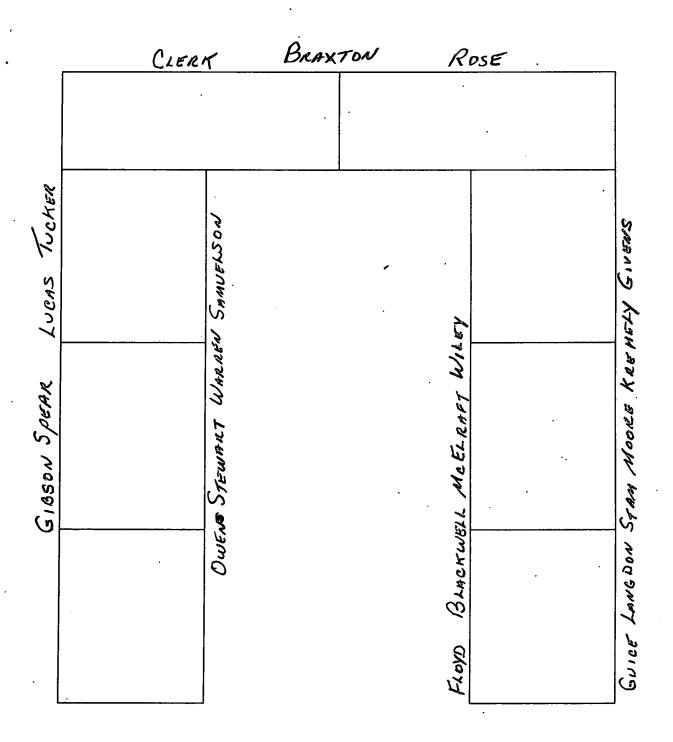
HOUSE COMMITTEE ON LOCAL GOVERNMENT II

2009 SESSION MEMBERSHIP

NAME	OFFICE	<u>Phone</u>	LEGISLATIVE ASSISTANT
REPRESENTATIVE VAN BRAXTON CHAIR	2219	715-3017	Ada Finch
REPRESENTATIVE JAMES LANDON VICE CHAIR	610	733-5849	JACKSON STANCIL
REPRESENTATIVE PAUL STAM VICE CHAIR ;	613	733-2962	CHRISTIN DANCHI
REPRESENTATIVE RUSSELL TUCKER VICE CHAIR	416B	715-3021	SALLY GILLIS
REPRESENTATIVE HUGH BLACKWELL	606	733-5805	Joan Adams
REPRESENTATIVE ELMER FLOYD	1311	733-5959	JACKIE DICKENS
REPRESENTATIVE PRYOR GIBSON	419 A	715-3007	Susanna Davis
REPRESENTATIVE DAVID GUICE	1015	715-4466	KERRY GRUICE
REPRESENTATIVE MARVIN LUCAS	417A	733-5775	THELMA UTLEY
REPRESENTATIVE PAT MCELRAFT	603	733-6275	Nancy Fox
REPRESENTATIVE BILL OWENS	635	733-0010	LINDA A. JOHNSON
REPRESENTATIVE RUTH SAMUELSON	418B	715-3009	SUSAN PHILLIPS
REPRESENTATIVE TIMOTHY SPEAR	402	715-3029	LONA HALLISSY
REPRESENTATIVE RANDY STEWART	1219	733-5802	Ruтн Fish
REPRESENTATIVE EDITH WARREN	416A	715-3023	MARTHA HOOVER
REPRESENTATIVE LAURA WILEY	513	733-5877	EDNA PEARCE

Room 1425 Legislative Building

Committee: 1	OCAL	GOUT	I		_	
Clerk:				-		
Office Phone:	715-	3017		Office #	2219-	26



ATTENDANCE

HOUSE LOCAL GOVERNMENT II COMMITTEE

nuu5	E LUL							CE					, ,		
DATES -	青	9/25	3/4	3/11	3/18	125	4	1/2	1/5	4/12	1/29	5/6	3/1	5/ ₁₃	1/200
Representative Braxton, Chair	/	/	✓	V				1	. 🗸	1	/	レ	/	V	'
Representative Langdon, Vice Chair	1	/	1	1	\	V	V	1	/	/	✓	~	1	/	7
Representative Stam, Vice Chair	r	/	1	1	/	1	/	/	/	/	/	~	/	1	1
Representative Tucker, Vice Chair	/	V	V	1	<i>ن</i> /	/	/	/	1	V	/	~	αl		d
Representative Blackwell	_	/	✓	1	/	/	/	/	/		/	V	مليا	/	\bigv
Representative E. Floyd	~	/	1	/	مله	/	V	/	✓	✓	V	~	مليه	1	V
Representative Gibson	1	i/	V	1	2	1/	Sh.	~	1	1	/	سا	· V	/	V
Representative Guice	~	V	1	1	✓	/	V	/	~	√	V	V	/	W	✓
Representative Lucas	1	1	1	.1	6 Jr	/	,/	/	V	V	/	~	de		\
Representative McElraft	00	ar	V	1	_/	مله	✓	1	√	/	/	レ	/	\	\mathbf{V}
Representative Owens	مكن	ab	OF	ab	oy/	dr	V	الم	\	\checkmark	سل	ab	d	al	de
Representative Samuelson	~	1/	1	1	4	مله	\	>	√	>	/	<u>\</u>	8	V	\checkmark
Representative Spear	۲	V	J I	ar	مله	/	/	\	\	کھ	ar	1	3	\	/
Representative Stewart	1		\	1		/	✓	\	/		\	1	3		V
Representative E. Warren	سلم	V	J	✓	/	/	✓	\	·/	>	\	\	مزلع	1	✓
Representative Wiley	✓	·/	1	V		مله	✓	ale	*/		>		dy	d	V
	<u>.</u>														
STAFF															
George Givens	~		/												
Erika Churchill								/	'						
Brad Krehely			√	/	/	/	1	1	V	/					
Steve Rose	1		✓	~	/	\	/	√	1	/					
Ada Finch	1	1	~	V	/	/	1	/	/	1	/	V	/	~	V
									•	•	•	•		•	•

Barbara Houth, Sule

ah-abount

ATTENDANCE

HOUSE LOCAL GOVERNMENT II COMMITTEE

11000	E LUG				18 1 11	CUIV	141111	<u> </u>	 		,	 	
DATES	3/21	43	6/0	40	6/24	1/22	2/29						
Representative Braxton, Chair	V	'	✓	'	'	· 🗸	✓						•.
Representative Langdon, Vice Chair	V	/	✓	/	V	√	✓						
Representative Stam, Vice Chair	V	'	V	V	V	/	✓						
Representative Tucker, Vice Chair	i/	ΰV	'	V	V		✓						
Representative Blackwell	V	V	V	/	<u></u>	/	<u> </u>						
Representative E. Floyd	V	\	1	V	'		✓						٠
Representative Gibson	ملن	V	W	al	ab	/	W						
Representative Guice	Į V	V	V	V	/	<u> </u>	V						
Representative Lucas	/	V	σV	ak	v/	✓	/						,
Representative McElraft		al	<u> </u>	/		at	ah						
Representative Owens	ol	al	/	M	al	de	W						
Representative Samuelson	V	V	<u>/</u>	į.V.	/	✓	✓						
Representative Spear	V	/	ملة	1/	al	مرکبو	\						
Representative Stewart	V	at	<u> </u>	1	/	✓	ممكره						
Representative E. Warren	al	<u> </u>	/	~	/	سلق	. 🗸					·	
Representative Wiley	al	als	✓	1	V	<u> </u>	1						•
STAFF													
George Givens													
Erika Churchill													
Brad Krehely										<u> </u>			
Steve Rose									٠				
Ada Finch													

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, February 18, 2009

TIME: 11:00 am LOCATION: COMMENTS:

These are the only bills to be heard due to another meeting starting at 11:30 a.m.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 32	Clinton/Overgrown Vegetation	Representative Bell
	Ordinance.	_
HB 59	Franklin County/911 Fund Uses.	Representative Allen
HB 64	Greensboro/Restore Zoning Protest	Representative Harrison
	Rights.	Representative Jeffus
·		Representative Adams
		Representative Wiley

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9 o'clock on February 17, 2009.

🔀 Principal Clerk

Reading Clerk – House Chamber

Ada Finch (Committee Assistant)

AGENDA

House Local Government II Committee

Wednesday, February 18, 2009

11:00 a.m.

Room 1425

Call of Order

Introduction of Pages

Introduction of Committee Members

House Bill 64

House Bill 32

Adjournment

COMMITTEE ON LOCAL GOVERNMENT II February 18, 2009 Minutes

The Committee on Local Government II was convened by the Chair, Representative R. Van Braxton on February 18, 2009 at 11 a.m. The following members were present: Representatives Braxton, Langdon, Stam, Tucker, Blackwell, Floyd, Gibson, Guice, Lucas, Samuelson, Spear, Stewart and Wiley. George Givens, Brad Krehely, Joe Moore and Steve Rose were the staff members present. Pages were: Sara Blackburn of Cleveland County sponsored by Representative Tim Moore, Emily Potter of Caldwell County sponsored by Edgar Starnes, Hannah White of Chowan County sponsored by Representative Spear and William Blackburn of Cleveland County sponsored by Representative Tim Moore. The Sergeants-at-Arms were Carlton Adams, Tom Wilder, Earl Coker and Martha Parrish.

Representative Braxton announced that House Bill 59, "AN ACT EXPANDING PERMITTED USES OF 911 FUDS IN FRANKLIN COUNTY", was removed by the bill sponsor from consideration of the committee at this time.

House Bill 64 "AN ACT RESTORING THE ZONING PROTEST RIGHTS OF THE CITIZENS OF THE CITY OF GEENSBORO BY REPEALING THE EXEMPTION OF THAT CITY FROM THE GENERAL LAW RELATING TO ZONING PROTEST PETITIONS" was presented by Representative Harrison. In answer to Representative Stams' question, she said that support among the delegation was mixed. It was suggested that the re-referral committee be changed but it was pointed out that the Speaker makes that decision. Representative Lucas moved a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY III. The motion passed.

House Bill 32, "AN ACT AUTHORIZING THE CITY OF CLINTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE" was presented by Representative Lucas in the absence of Representative Bell. It was noted by Representative Gibson that other communities might want to be included in this bill. Representative Wiley moved a favorable report and the motion passed.

The meeting was adjourned by Chairman Braxton.

Representative R. Van Braxton, Chairma

Barbara Hocutt, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

H

HOUSE BILL 59

Short Title:	Franklin County/911 Fund Uses. (Local)
Sponsors:	Representative Allen.
Referred to:	Rules, Calendar, and Operations of the House.
	February 5, 2009
The General S.	A BILL TO BE ENTITLED PANDING PERMITTED USES OF 911 FUNDS IN FRANKLIN COUNTY. Assembly of North Carolina enacts: ECTION 1. G.S. 62A-46 reads as rewritten: Fund distribution to PSAPs.
the amount of emergency of mobile community in the community of the commun	se of Funds. – A PSAP that receives a distribution from the 911 Fund may not use received to pay for the lease or purchase of real estate, cosmetic remodeling of dispatch centers, hiring or compensating telecommunicators, or the purchase of munications vehicles, ambulances, fire engines, or other emergency vehicles. The received by a PSAP may be used only to pay for the following: The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and database provisioning, addressing, and nonrecurring costs of establishing a 911 system system, and the lease or purchase of an additional communications tower, a multisite simulcast system, microwave connectivity between the sites, site monitoring and alarm system, and grounding and lightning protection. "ECCTION 2. This act applies to Franklin County only. ECCTION 3. This act is effective when it becomes law.





HOUSE BILL 59: Various Counties/911 Fund Uses

2009-2010 General Assembly

Committee: House Serial referral changed from Ways and Date:

Means and Broadband Connectivity to Public

Utilities.

Introduced by: Rep. Allen

Analysis of: PCS to First Edition

H59-CSRL-28

te: May 5, 2009

Prepared by: Steven Rose

Committee Counsel

SUMMARY: The PCS for HB 59 expands the uses that may be made by Burke, Catawba, Franklin, Halifax, Nash and Pitt Counties of their allocation of funds from the 911 Board. The expanded uses would include a communications tower, a simulcast system, microwave connectivity between sites, and related equipment. All of these are functions that occur after receipt and identification of location and type of emergency.

If favorable in Local Government II, there is a serial referral to House Public Utilities.

CURRENT LAW: G.S. 62A-46 provides for the uses that Public Safety Answering Points (PSAPs) may make of the funds allocated to them from the fees collected by the State 911 Board. These are the fees paid by telephone subscribers to help fund the cost of the local call centers (the PSAPs) that receive the 911 calls, identify the location and type of emergency, and pass the call on to the appropriate responder. PSAPs are limited to three basic types of expenses from 911 Board funds:

- . 1. Telephone and computer equipment that receives and identifies the location from which the call originates, as well as databases and addressing to assist this function.
- 2. Training related to the operation and maintenance of the 911 system, as well as call intake and related call taking quality assurance and improvement.
- 3. Charges related to the PSAP's service supplier recurring charges, including installation and servicing of equipment such as telephone and computer equipment.

BILL ANALYSIS: The bill expands the uses of the funds for Burke, Catawba, Franklin, Halifax, Nash and Pitt Counties to include a communications tower, a simulcast system, microwave connectivity between sites, and related equipment and functions. All of these are functions that occur after receipt and identification of location and type of emergency.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: Similar local bills have been introduced in previous sessions of the General Assembly, but none has been enacted. Other local bills expanding use of 911 funds, as well as a statewide bill, have been introduced in this session. On May 5, 2009, the House Public Utilities Committee reported out a Proposed Committee Substitute for HB 1480. The PCS creates a House Select Committee to study the issue of the use of 911 funds. It was re-referred to House Finance.

§ 62A-46. Fund distribution to PSAPs.

(c) Use of Funds. – A PSAP that receives a distribution from the 911 Fund may not use the amount received to pay for the lease or purchase of real estate, cosmetic remodeling of

House Bill 59

Page 2

emergency dispatch centers, hiring or compensating telecommunicators, or the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles. Distributions received by a PSAP may be used only to pay for the following:

- (1) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and database provisioning, addressing, and nonrecurring costs of establishing a 911 system.
- (2) Expenditures for in-State training of 911 personnel regarding the maintenance and operation of the 911 system. Allowable training expenses include the cost of transportation, lodging, instructors, certifications, improvement programs, quality assurance training, and training associated with call taking, and emergency medical, fire, or law enforcement procedures. Training outside the State is not an eligible expenditure unless the training is unavailable in the State or the PSAP documents that the training costs are less if received out-of-state. Training specific to the receipt of 911 calls is allowed only for intake and related call taking quality assurance and improvement. Instructor certification costs and course required prerequisites, including physicals, psychological exams, and drug testing, are not allowable expenditures.
- (3) Charges associated with the service supplier's 911 service and other service supplier recurring charges. The PSAP providing 911 service is responsible to the voice communications service provider for all 911 installation, service, equipment, operation, and maintenance charges owed to the voice communications service provider. A PSAP may contract with a voice communications service provider on terms agreed to by the PSAP and the provider.

H59-SMRL-52(CSRL-28) v1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

2

3

4

5

7

HOUSE BILL 64*

Short Title: Greensboro/Restore Zoning Protest Rights. (Local)

Sponsors: Representatives Harrison, Jeffus, Adams, Wiley (Primary Sponsors); and Blust.

Referred to: Rules, Calendar, and Operations of the House.

February 5, 2009

A BILL TO BE ENTITLED

AN ACT RESTORING THE ZONING PROTEST RIGHTS OF THE CITIZENS OF THE CITY OF GREENSBORO BY REPEALING THE EXEMPTION OF THAT CITY FROM

The General Assembly of North Carolina enacts:

SECTION 1. Section 11 of S.L. 1971-29 is repealed. SECTION 2. This act is effective when it becomes law.

THE GENERAL LAW RELATING TO ZONING PROTEST PETITIONS.

1



HOUSE BILL 64: Greensboro/Restore Zoning Protest Rights

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

18 February 2009

Judiciary III

Introduced by: Reps. Harrison, Jeffus, Adams, Wiley

Prepared by: George F. Givens

Analysis of:

First Edition

Committee Counsel

SUMMARY: House Bill 67 would repeal the exemption of the City of Greensboro from the provisions generally applicable that relate to petitions of protest on zoning matters

[As introduced, this bill was identical to S67, as introduced by Sen. Dorsett, which is currently in Senate State and Local Government.

CURRENT LAW: Section 11 of S.L. 1971-29, which became effective 25 February 1971, exempts the City of Greensboro from the provisions of G.S. 160A-385 (formerly G.S. 160-176) and G.S. 160A-386 (formerly G.S. 160-176.1) that relate to petitions of protest on zoning matters. Section 11 of S.L. 1971-29 reads as follows:

"Sec. 11. The City of Greensboro is hereby exempted from those provisions of G.S. 160-176 and G.S. 160-176.1 specifically relating to petitions of protest on zoning matters (as the same may be recodified under Chapter 160 of the General Statutes of North Carolina) and said provisions are hereby no longer applicable to the City of Greensboro; provided, however, the remainder of the provisions of G.S. 160-176 shall remain applicable to the City of Greensboro."

G.S. 160A-385 and G.S. 160A-386 read as follows:

"§ 160A-385. Changes.

- (a) Qualified Protests.
 - (1) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority.
 - To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.
 - The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential

House Bill 64

Page 2

development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

(b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of thowner with regard to buildings and uses for which either (i) building permits have been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422 or (ii) a vested right has been established pursuant to G.S. 160A-385.1 and such vested right remains valid and unexpired pursuant to G.S. 160A-385.1."

"§ 160A-385. Changes.

- (a) Qualified Protests.
 - (1) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority.
 - (2) To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.
 - (3) The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.
- (b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422 or (ii) a vested right has been established pursuant to G.S. 160A-385.1 and such vested right remains valid and unexpired pursuant to G.S. 160A-385.1."

BILL ANALYSIS: If enacted, House Bill 64 would make the City of Greensboro subject to the provisions of G.S. 160A-385 and G.S. 160A-386 that relate to petitions of protest on zoning matters.

EFFECTIVE DATE: House Bill 64 would become effective when it becomes law.

H64-SMRT-1(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1

2

3

. 5

6

7

8

9

10

11 12

HOUSE BILL 32

(Local) **Short Title:** Clinton/Overgrown Vegetation Ordinance. **Sponsors:** Representatives Bell; and E. Floyd. Referred to: Rules, Calendar, and Operations of the House. February 3, 2009 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CLINTON TO GIVE ANNUAL NOTICE TO **OVERGROWN VEGETATION** CHRONIC' VIOLATORS **OF** THE CITY'S ORDINANCE. · The General Assembly of North Carolina enacts: SECTION 1. G.S. 160A-200(b) reads as rewritten: This section applies to the Towns of Ahoskie, Ayden, Franklinton, Leland, Marshville, Pinetops, Pineville, Smithfield, Spring Lake, Wingate, and Yadkinville, and to the Cities of Clinton, Durham, Eden, Gastonia, Greensboro, High Point, Lexington, Louisburg, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Rockingham, Rocky Mount, Wadesboro, and Winston-Salem only."

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

* H 3 2 - V - 1 *

1



HOUSE BILL 32: Clinton/Overgrown Vegetation Ordinance

2009-2010 General Assembly

Committee: House Local Government II

Introduced by: Rep. Bell

Analysis of: First Edition

Date: February 17, 2009

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 32 adds the City of Clinton to the municipalities authorized under G.S. 160A-200 to provide annual notification to chronic violators of their overgrown vegetation ordinance and to remedy the violation. The expense of remedying the violation would become a lien upon the property and collected as unpaid taxes.

[As introduced, this bill was identical to S104, as introduced by Sen. Albertson, which is currently in Senate State and Local Government.]

CURRENT LAW: G.S. 160A-174 grants to cities the authority to adopt ordinances related to the health, safety, or welfare of their 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: House Bill 32 adds the City of Clinton to the municipalities that may notify a "chronic violator" of the municipality's overgrown vegetation ordinance. 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. Under the act, if a chronic violator's property is in violation of the ordinance, the City of Clinton shall take action to remedy the violation. The expense of the action would become a lien on the property and would be collected as unpaid taxes.

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

BACKGROUND: The North Carolina General Assembly has enacted a number of these types of laws, including G.S. 160A-200, which includes 26 towns and municipalities. Article II, Section 24 of the North Carolina Constitution prohibits the General Assembly from enacting local acts relating to health, sanitation, and the abatement of nuisances. A court could potentially determine that House Bill 32 is a local act dealing with the abatement of nuisances and therefore unconstitutional.

§ 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.
- (b) This section applies to the Towns of Ahoskie, Ayden, Franklinton, Leland, Marshville, Pinetops, Pineville, Smithfield, Spring Lake, Wingate, and Yadkinville, and to the Cities of Durham, Eden, Gastonia, Greensboro, High Point, Lexington, Louisburg, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Rockingham, Rocky Mount, Wadesboro, and Winston-Salem only. (1999-58, s. 2; 2000-33, s. 1; 2000-38, s. 1; 2001-107, s. 1; 2003-77, s. 1; 2003-80, s. 1; 2005-81, s. 1; 2005-202, s. 1; 2007-31, s. 1; 2007-258, s. 1; 2008-6, s. 1; 2008-25, s.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:					
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.					
Committee Substitute for					
HB 64 A BILL TO BE ENTITLED AN ACT RESTORING THE ZONING PROTEST					
RIGHTS OF THE CITIZENS OF THE CITY OF GREENSBORO BY REPEALING THE					
EXEMPTION OF THAT CITY FROM THE GENERAL LAW RELATING TO ZONING					
PROTEST PETITIONS.					
With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY III.					
(FOR JOURNAL USE ONLY)					
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on					
The bill/resolution is re-referred to the Committee on					

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 32 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF
CLINTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S
OVERGROWN VEGETATION ORDINANCE.
☑ With a favorable report.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of

VISITOR REGISTRATION SHEET

House Local Government II Committee	February 18, 2009	•
Name of Committee	Date	

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R. Paul Wilms	WGR
Patrick Buffkin	·
	FleetviCtics
·	Charlotte Chamber
DAVIEL BAUM	-K+L GATES .
Consis L'Show TR	CWA
	•
<u> </u>	,
	

VISITOR REGISTRATION SHEET

Name of Committee	Date
VISITORS: PLEASE SIGN BELOW A	ND RETURN TO COMMITTEE ASSISTANT
NAME	FIRM OR AGENCY
William Blackswan	Pigo
· · · · · · · · · · · · · · · · · · ·	
·	
	·
*.	
	1

VISITOR REGISTRATION SHEET

House Local Government II Committee	February 18, 2009
Name of Committee	Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Thomas Masons	tiduiaran élulats
Bod Phillips	TWC
MARTY BOCK	EMBARQ
PAM MOUTON	EMBARQ
Conne Whon:	Caple assoc NCCTA
2000 Colory	CMY
Kelli Kukune	NCLM
·	

House Pages

Name Of Committee: Fort Date: 2-
1. Name: Sarah Blachburn
County: Cleveland
Sponsor: Tim Moore
2. Name: Emily Potter
County: Caldwell
Sponsor: Edgar Starres
3. Name: Hannah White
County: Chowan
Sponsor: Tim Spear
4. Name: William Blackburn
County: Cleveland
Sponsor: T- Move
5. Name:
,
County:
Sponsor:
Sgt-At-Arms
1. Name: alton il ans
7. Name: Jom Wilder
J. Name: Earl Coter
4. Name: Marks Parns

North Carolina	General Assembly
Pending	e Committee on
Loca]	ernment II

Date: 02/18/2009 I 11:20 I 001 of 001

			TOC91	eri	nment 11		Ł	OUT OF OUT
2009-	-;	Biennium	te.				Leg. bay:	H-013/S-013
Bil	.1	Introducer	Short Title		Date	Latest Action		
H	30=	Grady	JACKSONVILLE OCCUPANCY TAX.	H	02-12-2009	Ref to the Com on Local .		
		-				Government II, if favorable,		
						Finance		
H	32=	Bell	CLINTON/OVERGROWN VEGETATION	Н	02-12-2009	Ref To Com On Local Governme	ent	
			ORDINANCE		•	II		
Н	59	Allen	FRANKLIN COUNTY/911 FUND USES.	Н	02-12-2009	Ref to the Com on Local		
						Government II, if favorable,		
						Ways & Means / Broadband		
						Connectivity		
/H	64=	Harrison /	GREENSBORO/RESTORE ZONING	Н	02-12-2009	Ref to the Com on Local		
			PROTEST RIGHTS		•	Government II, if favorable,		
						Judiciary III		
н 1	.03=	Spear	CHOWAN/DELINQUENT TAX - DENY	. H	02-11-2009	Ref to the Com on Local		
		-	BUILDING PERMIT.			Government II, if favorable,		
	•				•	Finance		
н 1	.12	Tucker	WALLACE/COMMUNITY DEVELOPMENT	Н	02-11-2009	Ref To Com On Local Governme	ent	
			TARGET AREAS.			II		
Н 1	64	Glazier	GODWIN TOWN ELECTIONS.	Н	02-16-2009	Ref To Com On Local Governme	ent	
						II .		
H .1	.65	Warren	REGULATION OF GOLF CARTS IN	H	02-17-2009	Ref to the Com on Local		
			BETHEL.			Government II, if favorable,		
						Finance		

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

A bold line indicates the bill is an appropriations bill.

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

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

CORRECTED WITH ROOM CHANGE NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, February 25, 2009

TIME: 11:00 am **LOCATION:** 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 30	Jacksonville Occupancy Tax.	Representative Grady
HB 103	Chowan/Delinquent Tax - Deny	Representative Spear
	Building Permit.	•
HB 112	Wallace/Community Development	Representative Tucker
	Target Areas.	
HB 164	Godwin Town Elections.	Representative Glazier
HB 165	Regulation of Golf Carts in Bethel.	Representative Warren

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 8:37 AM on February 2 4, 2009.

Principal Clerk Reading Clerk – House Chamber

Ada Finch (Committee Assistant)

AGENDA

House Local Government II Committee

Wednesday, February 25, 2009

11:00 a.m.

Room 1425

Call of Order

Introduction of Pages

Introduction of Committee Members

House Bill 30

House Bill 103

House Bill 112

House Bill 164

House Bill 165

Adjournment

LOCAL GOVERNMENT II COMMITTEE February 25, 2009 Minutes

The Committee on Local Government II was called to order by Representative Van Braxton, Chair, on February 25, 2009 at 11:05 a.m. The following members were present: Representatives Braxton, Landon, Stam, Tucker, Blackwell, Floyd, Gibson, Guice, Lucas, Samuelson, Spear, Stewart, Warren and Wiley.

Representative Bragg introduced the Pages: Hunter McGuire, McDowell County and Chris Jackson, Guilford County. Sergeants at Arms are Marvin Lee, Bob Rossi and Trey Bailey.

Rep. Timothy Spear presented a Proposed Committee Substitute for his bill, **House Bill 103**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CHOWAN COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER which required a Title Change to read A BILL TO BE ENTITLED AN ACT PROVIDING THAT ALEXANDER, CATAWBA, AND CHOWAN COUNTIES MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER. Representative Landon moved a favorable report as to the committee substitute bill which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Finance. The motion passed.

House Bill 30, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF JACKSONVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, sponsored by Representative Robert Grady was presented by Representative Pryor in Representative Grady's absence. Representative Gibson moved a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The motion passed.

Representative Russell Tucker presented **House Bill 112**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WALLACE TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION OF REMOVING OR DEMOLISHING THOSE BUILDINGS. Representative Stam moved a favorable report, and the motion passed.

House Bill 164, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF GODWIN FROM THREE TO FOUR MEMBERS AND ALLOW THE MAYOR TO VOTE ON ALL ISSUES, sponsored by Representative Rick Glazier was presented by Representative Marvin Lucas. He moved a favorable report which was adopted.

Page 2 Loc. Gov. II 2-25-09

Representative Edith Warren, sponsor of House Bill 165, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF BETHEL TO THE TOWNS THAT MAY REGULATE GOLF CARTS, presented her bill which received a motion from Representative Hugh Blackwell to report HB 165 with a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The motion passed.

The meeping was adjourned

Representative Van Braxton, Chair

Barbara Hocutt, Committee Assistant

H

HOUSE BILL 30

Short Title:	Jacksonville Occupancy Tax.	(Local)
Sponsors:	Representatives Grady; and E. Floyd.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 3, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF JACKSONVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Occupancy tax. – (a) Authorization and Scope. – The Jacksonville City Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.(c) Definitions. – The following definitions apply in this act:

- (1) Net proceeds. Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. Expenditures that, in the judgment of the Jacksonville Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

SECTION 1.(d) Distribution and Use of Tax Revenue. – The City of Jacksonville shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Jacksonville Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Jacksonville and shall use the remainder for tourism-related expenditures.



SECTION 2. Tourism Development Authority. — (a) Appointment and Membership. — When the City Council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Jacksonville Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the city, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the city. The Jacksonville City Council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Jacksonville shall be the ex officio finance officer of the Authority.

SECTION 2.(b) 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 city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

SECTION 2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Jacksonville City Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the City Council may require.

SECTION 3. G.S. 160A-215(g) reads as rewritten:

"(g) This section applies only to Beech Mountain District W, to the Cities of Belmont. Elizabeth—City,—Eden, Elizabeth City,—Gastonia, Goldsboro, Greensboro, High Point, Jacksonville, Kings Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Blowing Rock, Boiling Springs, Burgaw, Carolina Beach, Carrboro, Dallas, Dobson, Elkin, Franklin, Jonesville, Kenly, Kure Beach, Leland, Mooresville, North Topsail Beach, Pilot Mountain, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and Brunswick Counties."

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



HOUSE BILL 30: **Jacksonville Occupancy Tax**

2009-2010 General Assembly

Analysis of:

Committee: House Local Government II, if favorable, Date:

February 24, 2009

Finance

Introduced by: Rep. Grady First Edition Prepared by: Steven Rose

Committee Counsel

SUMMARY: House Bill 30 authorizes the city of Jacksonville to levy a 3% room occupancy tax. At least two-thirds of the proceeds would be used to promote travel and tourism and the remainder would be used for tourism-related expenditures. The bill conforms to the uniform occupancy tax provisions followed by the House Finance Committee.

If this bill receives a favorable report in this committee, it is serially referred to the House Finance Committee.

[As introduced, this bill was identical to S80, as introduced by Sen. Brown, which is currently in Senate Finance.

CURRENT LAW: Currently, the city of Jacksonville does not have authority to levy a room occupancy tax. Jacksonville is located in Onslow County, which also has authority to levy a 3% occupancy tax. The proceeds of the county tax are deposited in the county's general fund and may only be used to further the development of travel, tourism and conventions in the county.

BILL ANALYSIS: House Bill 30 authorizes the City of Jacksonville to levy a room occupancy tax of up to 3%. The proceeds must be remitted to a town Tourism Development Authority (TDA), which must use at least two-thirds of the proceeds to promote travel and tourism and the remainder for tourism-related expenditures. These administrative and use provisions conform to the uniform guidelines followed by the House Finance Committee.

UNIFORM OCCUPANCY TAX PROVISIONS	HB 457
Rate – The county tax rate cannot exceed 6% and the city tax rate, when combined with the county rate, cannot exceed 6%.	Conforms
Use – Two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism related expenditures.	Conforms
Definitions The term "net proceeds", "promote travel and tourism", and "tourism related expenditures" are defined terms.	Conforms
Administration – The net revenues must be administered by a local tourism development authority that has the authority to determine how the tax proceeds will be used, is created by a local ordinance, and at least 1/2 of the members must be currently active in the promotion of travel and tourism in the county and 1/3 of the members must be affiliated with organizations that collect the tax.	Conforms
Costs of Collection – The taxing authority may retain from the revenues its actual costs of collection, not to exceed 3% of the first \$500,000 collected each year plus 1% of the remainder collected each year.	Conforms

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

BACKGROUND: Since 1983, the General Assembly has authorized many units of local government to levy a room occupancy tax. In several instances, the General Assembly has authorized both a county and a city within that county to impose an occupancy tax. The rate of tax, the use of the tax proceeds, the administration of the tax, and the body with the authority to determine how the tax proceeds will be spent vary considerably. Over the past several years, there has been a greater effort to make the occupancy taxes

House Bill 30

Page 2

uniform. In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax legislation – G.S. 153A-155 and G.S. 160A-215. These provisions provide uniformity in the areas of levy, administration, collection, repeal, and penalties.

Trina Griffin, Counsel to the House Finance Committee, substantially contributed to this summary. H30-SMRL-4(e1) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 30 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
JACKSONVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT
TAX.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on.FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 103

	Short Title:	Chowan/Delinquent Tax - Deny Building Permit.	(Local)
	Sponsors:	Representative Spear.	
	Referred to:	Local Government II, if favorable, Finance.	
		February 11, 2009	
1		A BILL TO BE ENTITLED	e u
2	AN ACT PR	OVIDING THAT CHOWAN COUNTY MAY PROHIBIT THE ISSU	JANCE OF
3	A BUILD	DING PERMIT TO A DELINQUENT TAXPAYER.	
4	The General	Assembly of North Carolina enacts:	
5	S	ECTION 1. Section 3(b) of S.L. 2005-433, as amended by Section	n 2 of S.L.
6		Section 1 of S.L. 2007-58, reads as rewritten:	
7	"SECTIO	ON 3.(b) This section applies to Chowan, Davie, Gates, Greene, Leno	oir, Lincoln,
8		ne, and Yadkin Counties only."	•
9	S	ECTION 2. This act is effective when it becomes law.	



1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

Short Title:

D

(Local)

HOUSE BILL 103 PROPOSED COMMITTEE SUBSTITUTE H103-PCS50127-RT-1

Delinquent Tax - Deny Building Permit.

	· · · · · · · · · · · · · · · · · · ·
	Sponsors:
	Referred to:
	February 11, 2009
. 1	A BILL TO BE ENTITLED
2	AN ACT PROVIDING THAT ALEXANDER, CATAWBA, AND CHOWAN COUNTIES
3	MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT
4	TAXPAYER.
5	The General Assembly of North Carolina enacts:
6.	SECTION 1. Section 3(b) of S.L. 2005-433, as amended by Section 2 of S.L.
7.	2006-150 and Section 1 of S.L. 2007-58, reads as rewritten:
8	"SECTION 3.(b) This section applies to Alexander, Catawba, Chowan, Davie, Gates,
9	Greene, Lenoir, Lincoln, Iredell, Wayne, and Yadkin Counties only."
10	SECTION 2. This act is effective when it becomes law.





HOUSE BILL 103: Delinquent Tax - Deny Building Permit

2009-2010 General Assembly

Committee: House Local Government II. if favorable.

Date:

25 February 2009

Finance

Introduced by: Rep. Spear

Analysis of:

PCS to First Edition

Prepared by: George F. Givens
Committee Counsel

H103-CSRT-1

SUMMARY: The Proposed Committee Substitute for House Bill 103 would authorize three additional counties to prohibit issuance of a building permit to a person who owes delinquent property taxes.

[As introduced, this bill was identical to S79, as introduced by Sen. Jones, which is currently in Senate Finance.]

CURRENT LAW: Section 3(a) of S.L. 2005-433 (G. S. 153A-357(c)) authorizes certain counties to prohibit the issuance of a building permit to a person who owes delinquent property taxes on property owned by the person.

As originally enacted in 2005, this authorization applied only to Greene, Lenoir, Iredell, Wayne, and Yadkin Counties. Davie and Lincoln Counties were added in 2006 and Gates County was added in 2007.

[Note: The complete text of Section 3(a) of S.L. 2005-433 is set out in the BACKGROUND portion of this summary.]

BILL ANALYSIS: As introduced, House Bill 103 (First Edition) would have added Chowan County. The Proposed Committee Substitute would add Alexander, Catawba, and Chowan Counties.

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

BACKGROUND: The complete text of Section 3(a) of S.L. 2005-433 (G.S. 153A-357(c)) reads as follows:

"(c) A county may by ordinance provide that a permit may not be issued under subsection (a) of this section to a person who owes delinquent property taxes, determined under G.S. 105 360, on property owned by the person. Such ordinance may provide that a building permit may be issued to a person protesting the assessment or collection of property taxes."

H103-SMRT-7(CSRT-1) v3

The following report(s) from standing committee(s) is/are presented: By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
☐ Committee Substitute for HB 103 A BILL TO BE ENTITLED AN ACT PROVIDING THAT CHOWAN COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.
☑ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of .

H

HOUSE BILL 112

Short Title:	Wallace/Community Development Target Areas.		(Local)
Sponsors:	Representative Tucker.	•	
Referred to:	Local Government II.		

February 11, 2009

A BILL TO BE ENTITLED
AN ACT TO ALLOW THE TOWN OF WALLACE TO D

AN ACT TO ALLOW THE TOWN OF WALLACE TO DECLARE RESIDENTIAL AND NONRESIDENTIAL 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, Rocky Mount, Whiteville, and Wilson, and the Towns of Garner, Franklin, Hope Mills, Louisburg, and Spring Lake Louisburg, Spring Lake, and Wallace 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, Lumberton, Rocky Mount, and Wilson, and the Towns of Garner, Franklin, Hope Mills, Louisburg, and Spring Lake. Louisburg, Spring Lake, and Wallace only."

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





HOUSE BILL 112: Wallace/Community Development Target Areas

2009-2010 General Assembly

Committee:

Analysis of:

House Local Government II

Date:

February 25, 2009

Introduced by: Rep. Tucker First Edition Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 112 adds Wallace to the list of municipalities granted the authority to declare a building in a community development target area to be unsafe and affix a notice to the building. These municipalities may also remove or demolish a residential or nonresidential building that has been declared unsafe and place a lien on the property to recover the cost of removal or demolition.

Under current law, certain municipalities may declare a residential or CURRENT LAW: nonresidential building or structure in a community development target area to be unsafe and affix a notice to the exterior of the building.

For purposes of this law, a building in a community development target area is unsafe if it meets both of the following conditions:

- 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 a residential or nonresidential building is declared unsafe, then the municipality 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.

BACKGROUND: The North Carolina General Assembly has enacted a number of these types of laws. Article II, Section 24 of the North Carolina Constitution prohibits the General Assembly from enacting local acts relating to health, sanitation, and the abatement of nuisances. A court could potentially determine that House Bill 112 is a local act dealing with the abatement of nuisances and therefore unconstitutional.

BILL ANALYSIS: This bill would add the city of Wallace to the list of municipalities granted the authority to remove or demolish residential and nonresidential structures in a community development target area that have been declared unsafe. The cities would also be authorized to place a lien for the costs of removal or demolition of the building.

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

H112-SMRN-2(e1) v2

The following report(s) from standing committee(s) is/are presented:				
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.				
Committee Substitute for .				
HB 112 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF				
WALLACE TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN				
COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION				
OF REMOVING OR DEMOLISHING THOSE BUILDINGS.				
\cdot				
With a favorable report.				
·				
(FOR JOURNAL USE ONLY)				
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on				
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of				

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 164

Short Title: Godwin Town Elections. (Local)

Sponsors: Representatives Glazier; E. Floyd and Hughes.

Referred to: Local Government II.

February 16, 2009

1 2 AN AC

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF GODWIN FROM THREE TO FOUR MEMBERS AND ALLOW THE MAYOR TO VOTE ON ALL ISSUES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Section 3 of the Charter of the Town of Godwin, being Chapter 397 of the Private Laws of 1905, as rewritten by Chapter 243 of the 1947 Session Laws, the Board of Commissioners of the Town of Godwin consists of four members elected for two-year terms in 2009 and biennially thereafter. This section becomes effective with the organizational meeting after the 2009 regular municipal election, and four members shall be elected at that election.

SECTION 2. The Mayor of the Town of Godwin shall be elected in 2009 and biennially thereafter for a two-year term. Beginning with the organizational meeting after the 2009 regular municipal election, the Mayor may vote on all issues before the town board of commissioners.

SECTION 3. Election of the Mayor and Board of Commissioners of the Town of Godwin shall be determined on the plurality basis in accordance with G.S. 163-292.

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



1

12 3 .4

15

11

3

4

5

6

7

8

9 10

16 17

18



HOUSE BILL 164: Godwin Town Elections

2009-2010 General Assembly

Committee:

House Local Government II

Date:

February 24, 2009

Introduced by: Rep. Glazier Analysis of:

First Edition

Prepared by: R. Erika Churchill

Committee Counsel

SUMMARY: House Bill 164 would increase the size of the board of commissioners of the Town of Godwin from 3 to 4 members, effective for the 2009 election.

CURRENT LAW: The Town of Godwin was incorporated in 1905, with three council members and a mayor serving as elected officials. The current charter is silent as to whether or not the mayor has the authority to vote on issues before the council.

BILL ANALYSIS: The bill would increase the number of council members from 3 to 4, effective with the organizational meeting in 2009. The bill would clarify that the mayor has the authority to vote on matters before the council.

EFFECTIVE DATE: Effective when it becomes law, but may not be implemented until the session law has received 'preclearance' approval under Section 5 of the Voting Rights of 1965 by the U.S. Department of Justice as the Town of Godwin in located in Cumberland County, one of the 40 counties in North Carolina subject to Section 5.

H164-SMST-4(e1) v1

The following report(s) from standing committee(s) is are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 164 A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF
COMMISSIONERS OF THE TOWN OF GODWIN FROM THREE TO FOUR MEMBERS
AND ALLOW THE MAYOR TO VOTE ON ALL ISSUES.
With a favorable report. ← OP LOUDINAL LIST ONLY.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 165*

	Short Title:	Regulation of Golf Carts in Bethel. (Local)		
	Sponsors:	Representative E. Warren.		
	Referred to:	Local Government II, if favorable, Finance.		
	•	February 17, 2009		
1		A BILL TO BE ENTITLED		
2	AN ACT TO ADD THE TOWN OF BETHEL TO THE TOWNS THAT MAY REGULATE			
3	GOLF CARTS.			
4	The General Assembly of North Carolina enacts:			
5	SI	ECTION 1. G.S. 160A-300.5(c) reads as rewritten:		
6	"(c) T	nis section applies to the County of New Hanover, to the Cities of Locust, Saluda,		
7	and Wilming	ton, to the Towns of Badin, Bethel, Beulaville, Butner, Carolina Beach, Emerald		
8	Isle, Erwin, Faison, Fremont, Hobgood, Indian Beach, Kings Mountain, Kure Beach, Mayodan,			
9	Morrisville, I	Mount Olive, Oakboro, Oriental, Pineville, Shelby, and Wrightsville Beach, and to		
10	the Village of	f Pinehurst only."		
11	· S]	ECTION 2. This act is effective when it becomes law.		



1



HOUSE BILL 165: Regulation of Golf Carts in Bethel

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

25 February 2009

Finance

Introduced by: Rep. E. Warren

Prepared by: George F. Givens

Analysis of:

First Edition

Committee Counsel

SUMMARY: House Bill 165 authorizes the Town of Bethel to regulate the operation of golf carts on any public street or highway within the Town, and on any property owned or leased by the Town.

CURRENT LAW: Under current general 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.

G.S.160A-300.5 authorizes several municipalities and one county to regulate by ordinance the operation of golf carts on any public street or highway within the respective municipality or county, or on any property owned or leased by the municipality or county. This statute authorizes the listed jurisdictions to 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. [Note: The complete text of G.S. 160A-300.5 is set out on the second page of this summary.]

BILL ANALYSIS: House Bill 165 authorizes the Town of Bethel to regulate the operation of golf carts on any public street or highway within the Town, and on any property owned or leased by the Town.

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

BACKGROUND: In addition to the municipalities and the county listed in G.S. 160A-300.5, the following municipalities have authority granted by local act to regulate golf carts:

- Bald Head Island S.L. 2002-129
- Beech Mountain S.L. 2003-124
- Benson S.L. 2006-149
- Bladenboro S.L. 2005-11
- Cary S.L. 2001-485
- Caswell Beach S.L. 2005-58, 2006-149
- Chadbourn S.L. 2006-149, S.L. 2007-18
- Clarkton S.L. 2006-165, S.L. 2007-18
- Conover S.L. 2007-259
- Elizabethtown S.L. 2005-11, S.L. 2007-18
- Faison S.L. S.L. 2006-27
- Four Oaks S.L. 2007-18
- Lake Waccamaw S.L. 2001-356
- Lake Royale community in Franklin and Nash Counties S.L. 1999-11
- North Topsail Beach S.L. 2007-204
- Rose Hill S.L. 2005-11, S.L. 2007-18
- Seven Devils S.L. 2004-58
- Seven Lakes community in Moore County S.L. 2002-82
- Tabor City S.L. 2006-149, S.L. 2007-18
- Whispering Pines S.L. 2002-82

House Bill 165

Page 2

Approximately ten bills pertaining to local regulation of golf carts are scheduled to be heard in the House Local Government I Committee today.

The complete text of G.S. 160A-300.5 reads as follows:

"§ 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 city 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 County of New Hanover, to the Cities of Locust, Saluda, and Wilmington, to the Towns of Badin, Beulaville, Butner, Carolina Beach, Emerald Isle, Erwin, Faison, Fremont, Hobgood, Indian Beach, Kings Mountain, Kure Beach, Mayodan, Morrisville, Mount Olive, Oakboro, Oriental, Pineville, Shelby, and Wrightsville Beach, and to the Village of Pinehurst only.
- (d) For purposes of this section, the term "city" shall include a city, a town, a village, or a county. For purposes of this section, the term "county" shall mean any unincorporated areas within that county boundary."

Giles Perry, staff attorney, substantially contributed to this summary.

H165-SMRT-3(e1) v2

The following report(s) from standing committee(s) is are presented.					
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.					
Committee Substitute for					
HB 165 A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF BETHEL TO)				
THE TOWNS THAT MAY REGULATE GOLF CARTS.					
With a favorable report and recommendation that the bill be re-referred to the Committee of FINANCE.	1				
FINANCE.					
(FOR JOURNAL USE ONLY)					
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on					
<u> </u>					
The 1917 and Alexander of the Committee					
The bill/resolution is re-referred to the Committee on .					

		Through House Comm	itt	ee on	Time:	13:30
•		Local Government				001 of 001
2009-20 10	Biennium			Leg.	Day:	H-014/S-015
Bill	Introducer	Short Title		Latest Action	<u>In Dat</u>	e <u>Out Date</u>
(100030=)	Grady	JACKSONVILLE	Η	Ref to the Com on	02-12-	09
L/_		OCCUPANCY-TAX.	7	Local Government		
				II, if favorable,		
`			•	Finance		
₹ нооз2=	Bell	CLINTON/OVERGROWN	Н	Passed 2nd & 3rd	02-12-	09 02-18-09
, 		-VEGETATION_ORDINANCE.		Reading		
įно <u>059 </u>	Allen	FRANKLIN' COUNTY/911	=H	-Ref-to-the-Com, on	02-12-	09
		FUND USES:		<u>Local Government</u>		
•			-	II, if favorable,		
				=Ways=& Means-/		-
			•	Broadband		
				Connectivity		
№ H0064=	Harrison	GREENSBORO/RESTORE	Н	Re-ref Com On	02-12-	09 02-18-09
		ZONING PROTEST		Judiciary I	•	
		_RIGHTS				
(но103≜).	Spear	CHOWAN/DELINQUENT_TAX	<u>H</u>		-11-02ر	09
\setminus \cup		- DENY BUILDING	1	Local Government	- .	
_		PERMIT.		7II, if favorablé,		
	•			Finance-		
(H0112)	Tucker	WALLACE/COMMUNITY	H	Ref To Com On	02-11-	09
		DEVELOPMENT TARGET		Local Government		
		AREAS.		II		
H0164	Glazier	GODWIN TOWN ELECTIONS.	Н	Ref To Com On	02-16-	09
				Local Government		
				II		••
H0165	EWarren	_REGULATION_OF_GOLF	Н		J 02-17-	.09 .
		CARTS IN BETHEL.	乙	Local Government		
				7II, if favorable,		
* * 0.2	O	TITOTTO NOTES OF	6	Finance	00 10	00
- 93	Stam	ELECTRONIC NOTICE OF	н	Ref to the Com on	02-18-	.09
		PUBLIC HEARINGS.		Local Government		
				II, if favorable,		
'110010	Mataskass	WINDSHITT B / Sees = 5		Judiciary I	00.10	
HU219=	McLawhorn	WINTERVILLE/PUBLIC	Н	Ref To Com On	02-19-	.09
		NUISANCE ORDINANCE.		Local Government		

North Carolina General Assembly

flex

Speen Sullyer Warren Warren

Date:

02/23/2009

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

A bold line indicates the bill is an appropriation bill.

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

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

VISITOR REGISTRATION SHEET

House Local Government II Committee	February 25, 2009	
Name of Committee	Date	

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jest Smith	NCFB
Johny M 2ATTON	NCFB
PAUR STENZ	NERLA
Frank Con	NERLA
Kelli Kukura	NC League of Municipalited
. `\	
`	
•	

VISITOR REGISTRATION SHEET

House Local Government II Committee	February 25, 2009
Name of Committee	Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS		
Cady Thomas	NC ASING REAUTIPS		
David Boaz	NW		
Daniel Ausen	MW ButiChies		
<u> </u>			
	,		

House Pages

tanic of committee.
1. Name: Hunter McGuire
County: McDowell
Sponsor: Gillespie
2. Name: Chris Jackson
County: Guilford
Sponsor: Blust
3. Name:
County:
Sponsor:
4. Name:
County:
Sponsor:
5. Name:
County:
Sponsor:
Sgt-At-Arms
Name: MARVIN LIFE (00.
Name: TRAY: ROLLY
Name: Kay Rolly Name: Bob Rossi
I. Name:

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION

2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, March 4, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 193	Electronic Notice of Public Hearings.	Representative Stam
		Representative Howard
HB 219	Winterville/Public Nuisance Ordinance.	Representative McLawhorn
HB 225	Delegate Authority Re: Stamp Tax	Representative Kelly M.
	Overpayment.	Alexander, Jr.
HB 234	Regulation of Golf Carts in Troutman.	Representative Mills
		Representative McCormick
HB 246	Anson/Delinquent Tax - Deny Building	Representative Gibson, III
	Permit.	
HB 260	Mayor of Ahoskie Term of Office.	Representative Mobley

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the c	ommittee assistant at the following offices at
1:30 p.m. o'clock on February 26, 2009.	

	Principal Clerk
	Reading Clerk - House Chamber

Barbara Hocutt (Committee Assistant)

LOCAL GOVERNMENT II March 4, 2009

AGENDA

T	C_{α} 11 :	to Order
I.	Call	to Order

- II. Introductions
- III. Bills

HB 193 AN ACT TO ALLOW ALL CITIES AND COUNTIES TO GIVE ELETRONIC NOTICE OF PUBLIC HEARINGS. Stam

HB 219 AN ACT TO AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE. McLawhorn

HB 225 AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION. Alexander

HB 234 AN ACT TO ADD THE TOWN OF TROUTMAN TO THE TOWNS THAT MAY REGULATE GOLF CARTS. Mills, McCormick

HB 246 AN ACT PROVIDING THAT ANSON COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER. Gibson

HB 260 AN ACT TO COHANGE THE TERM OF OFFICE OF THE MAYOR OF AHOSKIE FROM TWO YEARS TO FOUR YEARS. Mobley

LOCAL GOVERNMENT II COMMITTEE MEETING March 4, 2009 Minutes

The meeting of the Local Government Committee II was called to order at 11:02 a.m. on Wednesday, March 04, 2009 by Chair, Representative R. Van Braxton. The Chair introduced the pages: Brandon Whitmire of Wayne County sponsored by Rep. Efton Sager and Jeremy Blaylock of Wake County sponsored by Representative Dan Blue. The following served as Sergeant's at Arms: Marvin Lee, Trey Raley and Bob Rossi. The Committee is staffed by Steve Rose, Erika Churchill, Brad Kerhely, George Givens and Joe Moore.

The following Committee Members were present: Representatives Van Braxton, Russell Tucker, Paul Stam, James Langdon, Hugh Blackwell, Elmer Floyd, Pryor Gibson, David Guice, Marvin Lucas, Pat McElraft, Tim Spear, Randy Stewart, Edith Warren and Laura Wiley.

At the request of Representative Annie Mobley sponsor of House Bill 260, AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF AHOSKIE FROM TWO YEARS TO FOUR YEARS, House Bill 260 was heard first. Representative Marvin Lucas moved a favorable report and the bill be re-referred to the Judiciary I Committee. The motion was adopted.

House Bill 193, AN ACT TO ALLOW ALL CITIES AND COUNTIES TO GIVE ELECTRONIC NOTICE OF PUBLIC HEARINGS is sponsored by Representative Paul Stam. Representative Tucker moved a favorable report and the bill be re-referred to the Judiciary I Committee. The following guests spoke on the bill: Jim Blackburn of the County Commissioner's Association, John Bussia of the NC Press Association, Jane Pinsky of NCCLGE, Mike Bossey of Wake County and Kelly Stewart of the League of Municipalities. The motion carried by a show of hands, 9-3.

House Bill 219, AN ACT TO AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, sponsored by Representative Marian McLawhorn was withdrawn from the agenda at her request.

Representative Kelly Alexander asked that **House Bill 225**, AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION which he is sponsoring, be rescheduled at the next committee meeting.

House Bill 234, AN ACT TO ADD THE TOWN OF TROUTMAN TO THE TOWNS THAT MAY REGULATE GOLF CARTS, sponsored by Representatives Mills and McCormick received a favorable report with it being re-referred to the Transportation Committee. Representative Tucker made the motion and it was adopted.

Representative Pryor moved a favorable report for **House Bill 246**, AN ACT PROVIDING THAT ANSON COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER which he sponsored, and that it be re-referred to the Finance Committee. The motion passed.

Having completed its agenda, the Local Government II Committee was adjourned by the Chair, Representative Van Braxton at 12:00 p.m.

Representative R. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

Barbara Houth

1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1 2

5 6

10 11

12

HOUSE BILL 260

Short Title:	Mayor of Ahoskie Term of Office.	(Local)
Sponsors:	Representatives Mobley; Spear and Wray.	,
Referred to:	Local Government II, if favorable, Judiciary I.	•
	February 23, 2009	•
	A BILL TO BE ENTITLED	
	CHANGE THE TERM OF OFFICE OF THE MAYOR OF AHOSE CARS TO FOUR YEARS.	CIE FROM
The General	Assembly of North Carolina enacts:	v
	ECTION 1. The Charter of the Town of Ahoskie, being Chapter 609	
	rs, as amended under G.S. 160A-101 to make the Mayor elected for	a two-year
	ualified voters, is amended by adding a new section to read:	
"Sec. 4.3	A. Elections of Mayor. The Mayor shall be elected for a four-year te	rm in 2011
and quadrenr	nially thereafter by all the qualified voters of the town."	
	ECTION 2. This act does not affect the term of office of the Mayor	r elected in
2009.		
S	ECTION 3. This act becomes effective January 1, 2011.	





HOUSE BILL 260: Mayor of Ahoskie Term of Office

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

March 2, 2009

Judiciary I

Introduced by: Rep. Mobley

Prepared by: R. Erika Churchill

Analysis of:

First Edition

Committee Counsel

SUMMARY: House Bill 260 would change the term of office for the Mayor of Ahoskie from two years to four years.

BILL ANALYSIS: The bill would change the term of office for the Mayor of Ahoskie from two years to four years. The change would not alter the term of the current mayor.

EFFECTIVE DATE: January 1, 2001

H260-SMST-6(el) vl

The following report(s) from standing committee(s) is/are presented:				
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.				
Committee Substitute for				
HB 260 A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE				
OF THE MAYOR OF AHOSKIE FROM TWO YEARS TO FOUR YEARS.				
With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY I.				
COD JOUDNAL LICE ONLY				
(FOR JOURNAL USE ONLY)				
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on				
·				
The bill/resolution is re-referred to the Committee on .				

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 193

Short Title:	Electronic Notice of Public Hearings. (Public)
Sponsors:	Representatives Stam, Howard (Primary Sponsors); E. Floyd, Hurley, Jackson, Johnson, Neumann, and Randleman.
Referred to:	Local Government II, if favorable, Judiciary I.

February 18, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALL CITIES AND COUNTIES TO GIVE ELECTRONIC NOTICE OF PUBLIC HEARINGS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Sections 1 and 2 of S.L. 2007-86, as amended by S.L. 2008-5, 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 published through electronic means, including, but not limited to, the Town's City's Internet site. site, in substitution for other published notice, except if the city operates a cable access channel, notice shall also be made on that channel. Publication through electronic means shall satisfy any newspaper publication requirement for a public hearing provided by law and any requirement for publication of a public hearing where the method of publication is not specified. 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 1.(b) The Revisor of Statutes shall codify Section 1 of S.L. 2007-86, as rewritten by this section, as G.S. 160A-81.2, to be entitled "Electronic Notice of Public Hearings."

SECTION 2. S.L. 2003-161 is repealed, but any ordinance adopted by either the City of Raleigh or the Town of Lake Waccamaw under that act shall remain valid until amended or repealed under G.S. 160A-81.2.

SECTION 3.(a) Sections 1 and 2 of S.L. 2003-81 read as rewritten:

"SECTION 1. A county may adopt ordinances providing that legal notice of public hearings may be published through electronic means in lieu of publication in any newspaper. The publication may be on the county's Internet site or by any other means, means, except if the county operates a cable access channel, notice shall also be made on that channel. Publication through electronic means shall satisfy any newspaper publication requirement for a public hearing provided by law and any requirement for publication of a public hearing where the method of publication is not specified. Ordinances adopted pursuant to this section shall not supersede any State law that requires notice by mail to certain classes of persons or the posting of signs on certain property, nor shall there be any alteration of the publication schedule required by State law.

"SECTION 2. This act applies to Cabarrus County only."



13

14

SECTION 3.(b) The Revisor of Statutes shall codify Section 1 of S.L. 2003-81 as rewritten by this section as G.S. 153A-52.2, to be entitled "Electronic Notice of Public Hearings."

SECTION 4. G.S. 159-1(b)(5) reads as rewritten:

- "(b) The words and phrases defined in this section have the meanings indicated when used in this Chapter, unless the context clearly requires another meaning, or unless the word or phrase is given a more restrictive meaning by definition in another Article herein.
 - (5) "Publish," "publication," and other forms of the word "publish" mean insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements advertisements, but in the case of notice of a public hearing also includes publication as provided by G.S. 153A-52.2 or G.S. 160A-81.2.

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



HOUSE BILL 193: Electronic Notice of Public Hearings

2009-2010 General Assembly

Committee:

House Local Government II, if favorable.

Date:

March 3, 2009

Introduced by:

Judiciary I

Prepared by:

Steven Rose

Analysis of:

Reps. Stam, Howard First Edition

Committee Counsel

SUMMARY: HB 193 authorizes all cities and counties to adopt ordinances providing for notices of public hearings to be given by electronic means.

If the bill receives a favorable report from this committee, it is serially referred to House Judiciary I.

CURRENT LAW: In general, when notice of a public hearing by a city or county is required to be published, it must be published in a newspaper of general circulation in the county or political subdivision. G.S. 1-597. Some cities and one county have been given the option of using electronic means of publication by local acts. (Apex, Cary, Garner, Knightdale, Raleigh, Lake Waccamaw, and Catawba County.)

BILL ANALYSIS: The bill allows all cities and counties to adopt ordinances to allow notices of public hearings to be published through electronic means, including the government's Internet site. If the government operates a cable access channel, notice must also be published on that channel. This authorization does not supersede any State law requiring mailed notice to certain classes of people or requirements for posting property.

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

H193-SMRL-7(e1) v1

н.в			SESSION	LAW
• •	A BILL TO	O BE ENTITLEI)	
AN ACT TO ALLOW ALL CITIES A	AND COUNTIES	TO GIVE ELECTRO	ONIC NOTICE	OF PUBLIC
Introduced by Representative(s): Stam	and Howard (Prim	nary Sponsors).		
			· · · · · · · · · · · · · · · · · · ·	
For a complete list of co	osponsors for this bi	ill, please see the rep	ort inside the b	ill jacket.
Principal Clerk's Use Only				
PASSED 1st READING				
AND REFERRED TO COMMITTEE TO CON. L. OCAL Garanneway	B			
gudiciany I			· .	
		·	·	

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 193 A BILL TO BE ENTITLED AN ACT TO ALLOW ALL CITIES AND
COUNTIES TO GIVE ELECTRONIC NOTICE OF PUBLIC HEARINGS.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY I.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
The bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
The bill/resolution is re-referred to the Committee on
The one resolution is to reserve to the committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
,
The bill/resolution is re-referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

8 9

10

HOUSE BILL 219*

Wilhdrewn

1

Short Title:	Winterville/Public Nuisance Ordinance. (Local)			
Sponsors:	Representative McLawhorn.			
Referred to:	Local Government II.			
•	February 19, 2009			
	A BILL TO BE ENTITLED			
AN ACT TO AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NOTICE				
TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.				
The General Assembly of North Carolina enacts:				
SI	ECTION 1. Section 2 of S.L. 2005-44, as amended by S.L. 2007-3, S.L.			
2007-254, and S.L. 2008-23, reads as rewritten:				
"SECTIO	ON 2. This act applies to the County of New Hanover, the Cities of Wilmington			
	and the Towns of Cornelius, Davidson, Matthews, and Morehead City Morehead			
A. 1777	,,,,,,,, .			

City, and Winterville only."

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



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

2

3 4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21 22

23

Short Title:

HOUSE BILL 225

Rescheller.

(Local)

Sponsors: Representative K. Alexander.

Referred to: Local Government II, if favorable, Finance.

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to Mecklenburg County only.

Delegate Authority Re: Stamp Tax Overpayment.

SECTION 2. G.S. 105-228.37(b) reads as rewritten:

"(b) Hearing by County. — A board of county commissioners <u>may delegate to a county manager</u> the authority to consider written requests for a refund filed in accordance with <u>subsection</u> (a) of this section and the authority to either grant or deny such requests. If the <u>county manager decides</u> that the refund requested is due, the county <u>must refund the county's portion</u> of the overpayment, together with any applicable interest, to the taxpayer. If the <u>county manager finds</u> that the refund requested is not due, the board of county <u>commissioners must conduct a de novo</u> hearing on a request for refund in accordance with the procedures that apply to a hearing held by a board of equalization and review on an appeal concerning the listing or appraisal of property. If the board decides that a refund is due, it—the county must refund the county's portion of the overpayment, together with any applicable interest, to the taxpayer. If the board finds that no refund is due, the written decision of the board must inform the taxpayer that the taxpayer may appeal the decision to the Property Tax Commission."

SECTION 3. This act is effective when it becomes law. The procedures for review of disputed tax matters enacted by this act apply to claims for refund pending on or filed on or after the effective date of this act. This act does not affect matters for which a taxpayer may appeal or has appealed to the Property Tax Commission.



1



HOUSE BILL 225: Delegate Authority Re: Stamp Tax Overpayment

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

March 4, 2009

Finance

Introduced by:

Analysis of:

Rep. K. Alexander

First Edition

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 225 would authorize the board of county commissioners to delegate to the county manager the authority to conduct an initial review of a taxpayer's request for a refund on the overpayment of an excise stamp tax. This act applies to Mecklenburg County only.

[As introduced, this bill was identical to S269, as introduced by Sen. Clodfelter, which is currently in Senate Finance.

CURRENT LAW: Excise stamp taxes apply to conveyances in real estate located in North Carolina other than governmental units or instrumentalities of governmental units. G.S. 105-228.28. A taxpayer who pays more than he or she owes may request a refund of the overpayment by filing a written request with the board of county commissioners of the county where the tax was paid. The request must be filed within six months after the date the tax was paid and must explain why the taxpayer believes a refund is due. G.S. 105-228.37(a).

A board of county commissioners must conduct a hearing on a request for refund in accordance with the procedures that apply to a hearing held by a board of equalization and review on an appeal concerning the listing or appraisal of property. If the board decides that a refund is due, it must refund the county's portion of the overpayment, together with any applicable interest, to the taxpayer. If the board finds that no refund is due, the written decision of the board must inform the taxpayer that the taxpayer may appeal the decision to the Property Tax Commission. A decision of the Property Tax Commission is also subject to judicial review. G.S. 105-228.37(b)-(d).

BILL ANALYSIS: House Bill 225 would permit the board of county commissioners of Mecklenburg County to delegate to a county manager the authority to consider written requests for refunds of the overpayment of an excise stamp tax. If the county manager decides that the refund requested is due, the county must refund to the taxpayer the county's portion of the overpayment with any applicable interest. If the county manager finds that the refund requested is not due, the board of county commissioners must conduct a de novo hearing on a request for refund.

EFFECTIVE DATE: This act is effective when it becomes law. The procedures for review of disputed tax matters enacted by this act apply to claims for refund pending on or filed on or after the effective date of this act. This act does not affect matters for which a taxpayer may appeal or has appealed to the Property Tax Commission.

H225-SMRN-5(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1

2

3 4

5

6

7

9

10

11

HOUSE BILL 234

Short Title: Regulation of Golf Carts in Troutman. (Local) Representatives Mills and McCormick (Primary Sponsors). Sponsors: Local Government II, if favorable, Transportation. Referred to: February 23, 2009 A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF TROUTMAN TO THE TOWNS THAT MAY REGULATE GOLF CARTS. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 160A-300.5(c) reads as rewritten: This section applies to the County of New Hanover, to the Cities of Locust, Saluda, "(c) and Wilmington, to the Towns of Badin, Beulaville, Butner, Carolina Beach, Emerald Isle, Erwin, Faison, Fremont, Hobgood, Indian Beach, Kings Mountain, Kure Beach, Mayodan, Morrisville, Mount Olive, Oakboro, Oriental, Pineville, Shelby, Troutman, and Wrightsville Beach, and to the Village of Pinehurst only."

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



1



HOUSE BILL 234: Regulation of Golf Carts in Troutman

2009-2010 General Assembly

Committee:

House Local Government II, if favorable,

Date:

4 March 2009

Transportation Introduced by:

Reps. Mills, McCormick

Prepared by: George F. Givens

Analysis of:

First Edition

Committee Counsel

SUMMARY: House Bill 234 authorizes the Town of Troutman to regulate the operation of golf carts on any public street or highway within the Town, and on any property owned or leased by the Town.

CURRENT LAW: Under current general 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.

G.S.160A-300.5 authorizes several municipalities and one county to regulate by ordinance the operation of golf carts on any public street or highway within the respective municipality or county, or on any property owned or leased by the municipality or county. This statute authorizes the listed jurisdictions to 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. [Note: The complete text of G.S. 160A-300.5 is set out on the second page of this summary.]

BILL ANALYSIS: House Bill 234 authorizes the Town of Troutman to regulate the operation of golf carts on any public street or highway within the Town, and on any property owned or leased by the Town.

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

BACKGROUND: In addition to the municipalities and the county listed in G.S. 160A-300.5, the following municipalities have authority granted by local act to regulate golf carts:

- Bald Head Island S.L. 2002-129
- Beech Mountain S.L. 2003-124
- Benson S.L. 2006-149
- Bladenboro S.L. 2005-11
- Cary S.L. 2001-485
- Caswell Beach S.L. 2005-58, 2006-149
- Chadbourn S.L. 2006-149, S.L. 2007-18
- Clarkton S.L. 2006-165, S.L. 2007-18
- Conover S.L. 2007-259
- Elizabethtown S.L. 2005-11, S.L. 2007-18
- Faison S.L. S.L. 2006-27
- Four Oaks S.L. 2007-18
- Lake Waccamaw S.L. 2001-356
- Lake Royale community in Franklin and Nash Counties S.L. 1999-11
- North Topsail Beach S.L. 2007-204
- Rose Hill S.L. 2005-11, S.L. 2007-18
- Seven Devils S.L. 2004-58
- Seven Lakes community in Moore County S.L. 2002-82
- Tabor City S.L. 2006-149, S.L. 2007-18
- Whispering Pines S.L. 2002-82

House Bill 234

Page 2

Note: At its last meeting, this committee gave a favorable report to a similar bill for the Town of Bethel. The House Committee on Local Government I has given favorable reports to eleven similar bills for other municipalities. Also, House Bill 320, which would authorize all units of local governments to regulate golf carts, has been referred to the House on Local Government I.

The complete text of G.S. 160A-300.5 reads as follows:

"§ 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 city 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 County of New Hanover, to the Cities of Locust, Saluda, and Wilmington, to the Towns of Badin, Beulaville, Butner, Carolina Beach, Emerald Isle, Erwin, Faison, Fremont, Hobgood, Indian Beach, Kings Mountain, Kure Beach, Mayodan, Morrisville, Mount Olive, Oakboro, Oriental, Pineville, Shelby, and Wrightsville Beach, and to the Village of Pinehurst only.
- (d) For purposes of this section, the term "city" shall include a city, a town, a village, or a county. For purposes of this section, the term "county" shall mean any unincorporated areas within that county boundary."

Giles Perry, staff attorney, substantially contributed to this summary.

H234-SMRT-8(e1) v2

The following report(s) from standing committee(s) is/are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
TO THE TOWNS THAT MAY REGULATE GOLF CARTS.
With a favorable report and recommendation that the bill be re-referred to the Committee on TRANSPORTATION.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 246

1

	Short Title:	Anson/Delinquent Tax - Deny Building Permit.	(Local)
	Sponsors:	Representative Gibson.	
	Referred to:	Local Government II, if favorable, Finance.	
		February 23, 2009	
1		A BILL TO BE ENTITLED	
2	AN ACT PR	OVIDING THAT ANSON COUNTY MAY PROHIBIT THE ISSUAN	CE OF A
3	BUILDIN	NG PERMIT TO A DELINQUENT TAXPAYER.	
4	The General	Assembly of North Carolina enacts:	
5		ECTION 1. Section 3(b) of S.L. 2005-433, as amended by Section	2 of S.L.
6		d Section 1 of S.L. 2007-58, reads as rewritten:	
7	"SECTION	ON 3.(b) This section applies to Anson, Davie, Gates, Greene, Lenois	, Lincoln,
8		ne, and Yadkin Counties only."	
9	•	ECTION 2. This act is effective when it becomes law.	





HOUSE BILL 246: Anson/Delinquent Tax - Deny Building Permit

2009-2010 General Assembly

Committee:

House Local Government II, if favorable,

Date:

4 March 2009

Analysis of:

Finance

Introduced by: Rep. Gibson First Edition

Prepared by: George F. Givens

Committee Counsel

SUMMARY: House Bill 246 would authorize Anson County to prohibit issuance of a building permit to a person who owes delinquent property taxes.

CURRENT LAW: Section 3(a) of S.L. 2005-433 (G. S. 153A-357(c)) authorizes certain counties to prohibit the issuance of a building permit to a person who owes delinquent property taxes on property owned by the person.

As originally enacted in 2005, this authorization applied only to Greene, Lenoir, Iredell, Wayne, and Yadkin Counties. Davie and Lincoln Counties were added in 2006 and Gates County was added in 2007.

Note: The complete text of Section 3(a) of S.L. 2005-433 is set out in the BACKGROUND portion of this summary.

BILL ANALYSIS: House Bill 246 would authorize Anson County to prohibit issuance of a building permit to a person who owes delinquent property taxes.

Note: At its last meeting, this committee gave a favorable report to a Proposed Committee Substitute for House Bill 103, which would grant the same authority to Alexander, Catawba, and Chowan Counties.

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

BACKGROUND: The complete text of Section 3(a) of S.L. 2005-433 (G.S. 153A-357(c)) reads as follows:

"(c) A county may by ordinance provide that a permit may not be issued under subsection (a) of this section to a person who owes delinquent property taxes, determined under G.S. 105 360, on property owned by the person. Such ordinance may provide that a building permit may be issued to a person protesting the assessment or collection of property taxes."

H246-SMRT-9(e1) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.	
By Representative Braxton (Chair) for the Committee on LO	CAL GOVERNMENT II.
Committee Substitute for	
HB 246 A BILL TO BE ENTITLED AN ACT PROVIDING	
MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO	A DELINQUENT
TAXPAYER	•
With a favorable report and recommendation that the bill be re-ref FINANCE.	
(FOR JOURNAL USE ONLY)	
Pursuant to Rule 32(a), the bill/resolution is re-referred to	the Committee on
The bill/resolution is re-referred to the Committee on	·

BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

Bill	246	Sponsor	Livson III
Favorable		Motion by	Hilson _
Unfavorable		Motion by	
Amended		Motion by	
		Motion by	
Comm. Sub.		. Motion by	
Original Bill	1. 0	Madan ber	
Re-referred	Finance	Motion by	
Other Action		-	
•	******	*****	.)
•	^		Maril. (F
Bill	260	Sponsor	Movey
Favorable		Motion by	- Rucio (J.
Unfavorable		Motion by	•
Amended		Motion by	
Comm. Sub.		_ Motion by	
Original Bill	Or	- Motion by	•
Re-referred Other Action	71-	- Motion by	
Other Action		-	
	******	****	
Bill		Sponsor	
Favorable		Motion by	
Unfavorable		Motion by	
-		Motion by	
Amended		-	
Comm. Sub.		_ Motion by	
Original Bill		- ·	
Re-referred		_ Motion by	
Other Action		_	
	*****	*****	
Bill		Sponsor	·
Favorable		Motion by	
Unfavorable		Motion by	
Amended		Motion by	
		Motion by	
Comm. Sub.			
Original Bill			
Re-referred		Motion by	
Other Action			

BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

	Bill Favorable Unfavorable Amended Comm. Sub. Original Bill Re-referred	193 ————————————————————————————————————	Sponsor Motion by Motion by Motion by Motion by Motion by	Stam
	Other Action	0	•	
		******	****	
line of the	Bill Favorable Unfavorable Amended Comm. Sub. Original Bill Re-referred Other Action	219	Sponsor Motion by Motion by Motion by Motion by Motion by	M. Lawhorn
		******	*****	
	Bill Favorable Unfavorable Amended Comm. Sub. Original Bill Re-referred Other Action	225 Jinance	Sponsor Motion by Motion by Motion by Motion by	Olyander table but well must well
		******	·*****	
	Bill Favorable Unfavorable Amended Comm. Sub. Original Bill	234	Sponsor Motion by Motion by Motion by Motion by	Suchen
	Re-referred Other Action	Chaneforlalm	Motion by	

House Pages

LOCAL & REC Name Of Committee: GOUT T Date: 3-4-09	
Name: Brandon Whitmine	
County: Wayne	
Sponsor: Soger	_
Name: Jeremy Blaylock	
County: Wake	_
Sponsor: Dan Blue -	
Name:	_
County:	_
Sponsor:	_
Name:	_
County:	-
Sponsor:	_
Vame:	
County:	-
Śpónsor:	_
Sgt-At-Arms	
Jame: MARVIN LEE	_
Tame: TREY ROLEY	· —
Tame: Bon Rossi	_

VISITOR REGISTRATION SHEET

LOCAL	GOI	ERN	ÆNT	II
DOC! M	UU I			

MARCH 4, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME A	FIRM OR AGENCY AND ADDRESS
Micialde	- MWC
R. Paul Wilms	WGR
Matt Bosse	Wate Co.
Keith Weatherly	Rep. Stan
DANIEC BAUM	KYL GATE;
Hubert Owers	Common Cause
J. Pinsan	NCCLGR
JA ch Cogart	Wamble
Rep Kelly Alexanda	Mecic
Rupi Dallin Inden	Wate
	I

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

MARCH 4, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CàdyThomas	NC ASSIN 1 REALTIPES
Lisa Markn	Ne Home Brilders.
Kim Hibbarl	NCLM
Jun Blackburn	NC ASSOCIALLE of County Commissions
Chr.s McLaughlin	UNC 506
Donalfilm	Elech. Citis
JB SSIAN	NC Press Ason
Christine Wunsoho	Sob - Daily Bulloth
Chos Valeuri	Valaux, Group, L4
Kelli Kulma	NCLM
Allson Conper	Rose Rand Wallace Althurs, P.A.

North Carolina General Assembly Pending House ittee on Local Gove: it II

Page: of 001 Leg. Day: .8/S-018

02/26/2009

∵6

Date: Time:

Bill	Introducer	Short Title		Date	Latest Action	•
H= 59	Allen	FRANKLIN COUNTY/911 FUND USES.	H		Ref to the Com on Local Government XI, if favorable,	hold
		• ;		Γ	Ways & Means / Broadband Connectivity	1 -
H 193	Stam	ELECTRONIC NOTICE OF PUBLIC	Н		Ref to the Com on Local—	
		HEARINGS.			Government_II, if_favorable, udiciary_I_	
H-21'9=	McLawhorn	WINTERVILLE/PUBLIC NUISANCE ORDINANCE.	Н	02-19-2009	Ref To Com On Local Government	•
H 225=	Alexander	DELEGATE AUTHORITY RE: STAMP TAX OVERPAYMENT.	Н		Ref to the Com on Local Government II, if favorable,	
		OVERLAIMENT.			Finance	
H 234	Mills	REGULATION OF GOLF CARTS IN	Н		Ref to the Com on Local	
4	•	TROUTMAN.			Government <u>II, if favorable,</u> Transportation	
H 246	Gibson, III	ANSON/DELINQUENT TAX - DENY	Н		Ref to the Com on-Local-	
	,	BUILDING PERMIT.			Government II, if favorable,	,
<u> </u>	Mobiler	MAYOR OF AHOSKIE TERM OF OFFICE.	н		Finance Ref to the Com on Local	\checkmark
H_260	Mobley	MAIOR OF ANOSKIE TERM OF OFFICE.	п		Government II, (If favorable,	
	•				Judiciary I)	

2009-2010 Biennium

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

A bold line indicates the bill is an appropriations bill.

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

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

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, March 11, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

Barbara Hocutt (Committee Assistant)

BILL NO.	SHORT TITLE	SPONSOR
HB 225	Delegate Authority Re: Stamp Tax Overpayment.	Representative Kelly M. Alexander, Jr.
HB 322	Williamston/Overgrown Vegetation	Representative Warren
112 222	Ordinance.	•
HB 326	High Point Electronic Notice.	Representative Wiley
		Representative Jones
HB 337	Statesville Deannexation.	Representative Howard
HB 347	Southport Annexation Agreement.	Representative Stiller

Respectfully, Representative Braxton, Chair

hereby certify this notice was filed by the committee assistant at the following offigorial o'clock on March 05, 2009.	ces at
Principal Clerk Reading Clerk – House Chamber	

LOCAL GOVERNMENT II COMMITTEE March 11, 2009 AGENDA

I.	Call to Oro	ler	
II.	Introduction	ons	•
III.	Bills		•
	HB 225	Delegate Authority Re: Stamp Tax	Rep. Alexander
	HB 322	Williamston/Overgrown Vegetation	
		Ordinance	Rep. Warren
	HB 326	High Point Electronic Notice	Reps. Wiley & Jones
	HB 337	Statesville Deannexation	Rep. Howard
	HB 347	Southport Annexation Agreement	Rep. Stiller

LOCAL GOVERNMENT COMMITTEE II March 11, 2009, Minutes

Representative R. Van Braxton, Chair of the Local Government Committee II, called the meeting of the Committee to order at 11:00 a.m. on Wednesday, March 11, 2009 in Room 1425. The following members were present: Braxton, Gibson, Wiley, McElrath, Stewart, Floyd, Guice, Stam, Warren, Blackwell, Langdon, Tucker, Lucas and Samuelson. The Pages serving the committee were: Caroline Smith of Wake County sponsored by Speaker Hackney and Rainey Patel of Wake County sponsored by Speaker Hackney. The Sergeants-at-Arms were Marvin Lee, Bob Rossi and Trey Raley.

Representative Braxton announced these agenda changes. Rep. Riley requested her bill, House Bill 326, be removed from consideration at this time. House Bill 347 was moved to the beginning of the agenda.

Representative Bonner Stiller presented a Proposed Committee Substitute to House Bill 347, AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION AGREEMENT. Guest Tony Tetterton of Fair Annexation Coalition presented opposition to the bill. Representative Russell Tucker moved an unfavorable report to the original bill and a favorable report to the Proposed Committee Substitute with a recommendation that it be re-referred to Finance. The motion was accepted.

Representative Kelly Alexander submitted House Bill 225, AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION, for the consideration of the committee. Representative Elmer Floyd moved a favorable report with a recommendation that it be re-referred to Finance, and the motion was accepted.

House Bill 322, AN ACT AUTHORIZING THE TOWN OF WILLIAMSTON TO GIVE AN ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE, was presented Representative Edith Warren, Primary Sponsor. After some discussion about its constitutionality, Representative Elmer Floyd moved a favorable report with a recommendation that it be re-referred to the Committee on Finance. The motion passed.

Representative Julia Howard presented her bill for consideration, House Bill 337, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF STATESVILLE. Representative Marvin Lucas moved a favorable report with a recommendation that it be re-referred to the Committee on Finance, and the motion passed.

The meeting was adjourned by the Chair of the Committee, Representative R. Van Braxton, at 11:30 a.m.

Representative K. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

Barbera Cocult

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

provided in that agreement.

HOUSE BILL 347*

Short Title:	Southport Annexation Agreement. (Local)
Sponsors:	Representative Stiller.
Referred to:	Local Government II, if favorable, Finance.
	March 2, 2009
AN ACT TO AGREEM	A BILL TO BE ENTITLED ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION IENT.
SI	Assembly of North Carolina enacts: ECTION 1. Notwithstanding any applicable provision of the General Statutes or blic or local law, the City of Southport is granted certain contract powers as
(1	To enter into an agreement with Carolina Power and Light Company, a North Carolina corporation doing business as Progress Energy Carolinas, Inc., and with the North Carolina Eastern Municipal Power Agency, a joint agency organized and existing under Chapter 159B of the General Statutes, whereby the City of Southport may provide that certain property more particularly described in the agreement may not be involuntarily annexed by the Town prior to January 1, 2073, under the General Statutes as they now exist or may be subsequently amended, except as may be provided in that agreement. The City of Southport shall not seek to repeal this act.
(2	Any agreement entered into as provided in subdivision (1) of this section is deemed to be proprietary and commercial in nature and is specifically determined to be consistent with the public policy of the State of North Carolina.
(3	Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the governing board of the City of Southport during the full term of such agreement and any extension thereof.
. (4	
discussed in North Carolic Carolina East Chapter 1591	ECTION 2. The City of Southport may accept as consideration for the agreement Section 1 of this act the acquiescence by Carolina Power and Light Company, a na corporation doing business as Progress Energy Carolinas, Inc., and the North stern Municipal Power Agency, a joint agency organized and existing under 3 of the General Statutes in an annexation by the City of Southport of the areas that agreement



SECTION 3. This act is effective when it becomes law and also applies to an agreement dated August 27, 2008, that conforms with this act. That agreement is specifically ratified by the General Assembly.



HOUSE BILL 347: Southport Annexation Agreement

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

March 11, 2009

Finance

Introduced by: Rep. Stiller

Prepared by: Brad Krehely

Grand Mark Car Carry

Analysis of: PCS- H347-CSRN-3

Committee Co-Counsel

SUMMARY: House Bill 347 is a local act that would allow the City of Southport to enter into an annexation agreement. The Proposed Committee Substitute corrects one typographical error.

[As introduced, this bill was identical to S315, as introduced by Sen. Soles, which is currently in Senate State and Local Government.]

BILL ANALYSIS: House Bill 347 specifically authorizes the City of Southport to enter into an agreement with Progress Energy Carolinas and the North Carolina Eastern Municipal Power Agency. The PCS does all of the following:

- Stipulates that certain property described in the agreement may not be involuntarily annexed by the City of Southport before January 1, 2073.
- Provides that any agreement entered into is proprietary and commercial in nature and is consistent with the public policy of the State of North Carolina.
- Provides that any agreement entered into is a continuing agreement and is binding on and enforceable against the governing board of the City of Southport during the full term of the agreement.
- Provides that the parties may modify, amend, or extend the agreement by mutual written consent, without the approval of the General Assembly as long as the modification does not materially alter the concept of the agreement.

EFFECTIVE DATE: This act is effective when it becomes law and also applies to an August 27, 2008 agreement which the General Assembly ratifies in this act.

BACKGROUND: Similar legislation has been enacted for the following municipalities:

- Town of Fletcher- S.L. 2008-51
- Town of Navassa- S.L. 2007-314
- Town of Weldon- S.L. 2001-425
- Town of Huntersville- S.L. 2000-100

H347-SMRN-7(e1) v6

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Н

HOUSE BILL 347* PROPOSED COMMITTEE SUBSTITUTE H347-CSRN-3 [v.1]

3/6/2009 11:48:52 AM

Short Title	: Sc	outhport Annexation Agreement.	(Local)
Sponsors:		•	
Referred to	D:		
		March 2, 2009	·
		A BILL TO BE ENTITLED	,
		LOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANN	EXATION
AGRE			
The Gener		embly of North Carolina enacts:	Statutas am
•		FION 1. Notwithstanding any applicable provision of the General c or local law, the City of Southport is granted certain contract	
follows:	(2)	To enter into an agreement with Carolina Power and Light Control Carolina corporation doing business as Progress Energy Inc., and with the North Carolina Eastern Municipal Power Ager agency organized and existing under Chapter 159B of the General whereby the City of Southport may provide that certain proparticularly described in the agreement may not be involuntarily at the City prior to January 1, 2073, under the General Statutes as exist or may be subsequently amended, except as may be provided agreement. The City of Southport shall not seek to repeal this act. Any agreement entered into as provided in subdivision (1) of this deemed to be proprietary and commercial in nature and is a determined to be consistent with the public policy of the State Carolina.	Carolinas, acy, a joint al Statutes, perty more innexed by they now ded in that is section is specifically
	(3)	Any agreement entered into as provided in subdivision (1) of this continuing agreement and is binding on and enforceable against and future members of the governing board of the City of South the full term of such agreement and any extension thereof.	the current
	(4) SEC ⁻	The parties to any agreement entered into as provided in subdiviting this section are authorized by this section to modify, amend, and e agreement on mutual written consent, without the approval of the Assembly, provided that any such modification or amendment materially alter the concept of the agreement. TION 2. The City of Southport may accept as consideration for the	xtend such he General t does not
	in Sec	ction 1 of this act the acquiescence by Carolina Power and Light C	Company, a
North Car	olina (corporation doing business as Progress Energy Carolinas, Inc., and	the North



Carolina Eastern Municipal Power Agency, a joint agency organized and existing under

D

Ceneral	Assembly	of North	Carolina
Ochel at	Wascinni	01 1401 (11	Calullia

1 2

3

4 5

Session 2009

Chapter 159B of the General Statutes in an annexation by the City of Southport of the areas provided in that agreement.

SECTION 3. This act is effective when it becomes law and also applies to an agreement dated August 27, 2008, that conforms with this act. That agreement is specifically ratified by the General Assembly.

Page 2 House Bill 347* H347-CSRN-3 [v.1]

D

H

HOUSE BILL 347* PROPOSED COMMITTEE SUBSTITUTE H347-PCS30157-RN-3

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Short Title:	Southport Annexation Agreement. (Local)
Sponsors:	
Referred to:	
	March 2, 2009
	A BILL TO BE ENTITLED
AN ACT TO AGREEM	ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION MENT.
	Assembly of North Carolina enacts:
	ECTION 1. Notwithstanding any applicable provision of the General Statutes or
	blic or local law, the City of Southport is granted certain contract powers as
(1	North Carolina corporation doing business as Progress Energy Carolinas, Inc., and with the North Carolina Eastern Municipal Power Agency, a joint agency organized and existing under Chapter 159B of the General Statutes, whereby the City of Southport may provide that certain property more particularly described in the agreement may not be involuntarily annexed by the City prior to January 1, 2073, under the General Statutes as they now exist or may be subsequently amended, except as may be provided in that agreement. The City of Southport shall not seek to repeal this act.
(3	
(4 Si	•



discussed in Section 1 of this act the acquiescence by Carolina Power and Light Company, a

North Carolina corporation doing business as Progress Energy Carolinas, Inc., and the North

Carolina Eastern Municipal Power Agency, a joint agency organized and existing under

General	Assembl	y Of North	Carolina
---------	---------	------------	----------

Session 2009

1 Chapter 159B of the General Statutes in an annexation by the City of Southport of the areas provided in that agreement.

3 4 5

SECTION 3. This act is effective when it becomes law and also applies to an agreement dated August 27, 2008, that conforms with this act. That agreement is specifically ratified by the General Assembly.

Page 2 House Bill 347* H347-PCS30157-RN-3

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 347 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF
SOUTHPORT TO ENTER INTO AN ANNEXATION AGREEMENT.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

AGREEMENT

THIS AGREEMENT, dated as of August 27, 2008, is made by and between THE CITY OF SOUTHPORT, a North Carolina municipal corporation ("Southport"), and CAROLINA POWER & LIGHT COMPANY, a North Carolina corporation doing business as Progress Energy Carolinas, Inc. ("Progress") and NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY, a joint agency organized and existing under Chapter 159B of the General Statutes of North Carolina ("Power Agency").

WITNESSETH:

WHEREAS, Southport wishes to annex portions of Progress' and Power Agency's property located in Brunswick County, North Carolina into the municipal limits of Southport; and

WHEREAS, Southport has requested that Progress and Power Agency agree to allow a portion of its real property in Brunswick County, North Carolina more particularly described in Exhibit A (the "Annexation Area") to be annexed by Southport; and

WHEREAS, Progress and Power Agency have agreed to allow the Annexation Area to be annexed by Southport upon the terms and conditions set forth in this Agreement;

NOW, THEREFORE, in consideration of the premises and the mutual covenants and promises herein contained, the parties hereto agree as follows:

Annexation Area. In consideration of the terms and conditions contained in this Agreement, including without limitation Southport's agreement and covenant to submit this Agreement to the North Carolina General Assembly for ratification and to support said submission, Progress and Power Agency hereby agree to allow the Annexation Area to be annexed by Southport upon the terms and conditions of this Agreement. Within thirty (30) days of the execution of this Agreement, Southport, at lits sole cost and expense, will cause the Annexation Area to be surveyed and a proposed subdivision map or plat of the Annexation Area to be prepared which complies with all requirements for approval and recording in Brunswick County, North Carolina, in order to subdivide the Annexation Area as a separate tract or parcel from the tract or parcel of which the Annexation Area is currently a part, and shall deliver such proposed subdivision map or plat to Progress and Power Agency for review and approval, in their sole and absolute discretion, but such discretion shall be exercised in good faith by Progress and Power Agency. Southport hereby agrees to cause any changes or modifications to be made to such proposed subdivision map or plat as Progress or Power Agency may require in their sole and absolute discretion, at Southport's sole cost and expense, provided that such changes do not materially affect Southport's ability to proceed with its intended annexation. In the event that the proposed modifications materially affect Southport's ability to proceed with its intended annexation, Southport shall so notify Progress and Power Agency in writing and the parties shall endeavor to mutually agree upon changes which do not materially affect Southport's ability to proceed with its intended annexation. Upon approval of such subdivision map or plat by

Progress and Power Agency and acceptance by Southport, such subdivision map or plat shall be recorded in the Brunswick County Registry at Southport's sole cost and expense, and Southport agrees to include the Annexation Area, and only the Annexation Area, in the resolution of intent, annexation plans and ordinance which it currently intends to adopt. Southport agrees to initiate said annexation proceedings by adoption of a resolution of intent no later than October 1, 2008 unless prevented from doing so by an Act of the North Carolina General Assembly prohibiting such action, and in any event to proceed in accordance with applicable law to annex the Annexation Area in an expeditious manner.

Once an annexation ordinance which includes the Annexation Area becomes effective and time for appellate review has expired, at Progress' or Power Agency option and within thirty (30) days of written request therefor by Progress or Power Agency, Southport, at its sole cost and expense, will cause a proposed recombination map, plat or instrument of combination to be prepared which complies with all requirements for approval and recording in Brunswick County, North Carolina in order to recombine the Annexation Area with the tract or parcel of which the Annexation Area is currently a part so that the Annexation Area shall no longer be a separate tract or parcel but shall once again be a part of the tract or parcel of which the Annexation Area is currently a part. Southport hereby agrees to submit said recombination map or instrument of combination to Progress and Power Agency for their approval and execution. Upon approval and execution of such recombination map or instrument of combination by Progress and Power Agency, such recombination map or instrument of combination shall be recorded in the Brunswick County Registry at Southport's sole cost and expense.

Southport hereby agrees that only the Annexation Area shall be subject to ad valorem taxes, and that notwithstanding its annexation of the Annexation Area, the Annexation Area shall not be subject to Southport's zoning or land use ordinances or regulations of any kind or type, whether now existing or hereafter adopted, amended or modified.

Agency subdividing the Annexation Area and allowing the Annexation Area to be annexed by Southport, during the term of this Agreement, Southport hereby agrees not to involuntarily annex or make any attempt to annex any other portion of Progress' and Power Agency 's real property located in Brunswick County, North Carolina, identified by the tax parcel numbers listed in Exhibit-B attached hereto, or any facilities, equipment, fixtures or any other personal property located thereon, whether now owned or hereafter acquired by Progress and Power Agency or any parent, subsidiary or affiliate of Progress or Power Agency (the "Progress-Power Agency Property"), nor will Southport commence any proceedings intended to accomplish the involuntary annexation of the Progress-Power Agency Property or take any steps seeking to secure the involuntary annexation of the Progress-Power Agency Property by the North Carolina General Assembly during the term of this Agreement, and Southport will oppose all efforts by the North Carolina General Assembly or any other entity to annex the Progress-Power Agency Property into Southport during the term of this Agreement.

Provided, however, that in the event this Agreement is ratified by the North Carolina General Assembly, and Southport, on or before September 1, 2017, requests that Progress and Power Agency allow Southport to annex an additional area of the Progress-Power Agency

2

Property which consists of a strip or parcel of land which is not greater than 100 feet in width and which parcel runs parallel and contiguous and to the west of North Carolina Highway 87 where it crosses Progress' and Power Agency's intake canal north of Southport from the southern line of Brunswick County tax parcel number 20600001 to the northern line of Brunswick County tax parcel number 20600001 (the "Highway 87 Area"), Progress and Power Agency will allow subdivision and annexation of the Highway 87 Area under the same terms and conditions as are set forth herein with respect to the Annexation Area, including that only the Annexation Area and the Highway 87 Area shall be subject to ad valorem taxes, and that notwithstanding its annexation of the Annexation Area and the Highway 87 Area, neither the Annexation Area nor the Highway 87 Area shall be subject to Southport's zoning or land use ordinances or regulations of any kind or type, whether now existing or hereafter adopted, amended or modified, provided further that an annexation ordinance for the Highway 87 Area must be adopted by Southport no later than September 1, 2018.

- Ratification. The parties acknowledge and agree that this Agreement must be submitted for ratification by the North Carolina General Assembly, and Southport hereby agrees to seek legislation to be enacted and made law in North Carolina which specifically authorizes, ratifies and makes this Agreement and its terms enforceable and binding upon Southport not later than September 1, 2009. Progress and Power Agency hereby agrees to cooperate with Southport in seeking ratification of this Agreement by the North Carolina General Assembly, but the primary responsibility for such legislation shall be with Southport. Neither party will take any action to oppose or delay the ratification of this Agreement by the North Carolina General Assembly.
- 4. Term. The term of this Agreement shall be for sixty-five (65) years, from the date hereof until August 27, 2073.
- Representations and Warranties of Southport. Southport hereby represents and warrants to Progress and Power Agency as follows: (a) Southport is a municipal corporation duly organized and existing under the laws of the State of North Carolina; (b) Southport has full power and authority to enter into this Agreement and to perform its obligations hereunder; (c) Southport's execution and delivery of this Agreement and the performance of its respective obligations hereunder have been duly authorized and will not constitute a violation of or default under any writ, order, judgment, decree, statute, rule or governmental regulation applicable to Southport; and (d) assuming due authorization, execution and delivery by Progress and Power Agency, upon ratification of this Agreement by the North Carolina General Assembly, this Agreement will constitute the valid and binding obligation of Southport, enforceable in accordance with its terms.
- 6. Representations and Warranties of Progress. Progress hereby represents and warrants to Southport and Power Agency as follows: (a) Progress is a corporation duly organized and existing under the laws of the State of North Carolina; (b) Progress has full power and authority to enter into this Agreement and to perform its obligations hereunder; (c) Progress' execution and delivery of this Agreement and the performance of its respective obligations hereunder have been duly authorized and will not constitute a violation of or default under any writ, order, judgment, decree, statute, rule or governmental regulation applicable to Progress; and (d) assuming due authorization, execution and delivery by Southport and Power Agency, this Agreement constitutes the valid and binding obligation of Progress, enforceable in accordance with its terms.

- 7. Representations and Warranties of Power Agency. Power Agency hereby represents and warrants to Southport and Progress as follows: (a) Power Agency is a joint agency duly organized and existing under the laws of the State of North Carolina; (b) Power Agency has full power and authority to enter into this Agreement and to perform its obligations hereunder; (c) Power Agency's execution and delivery of this Agreement and the performance of its respective obligations hereunder have been duly authorized and will not constitute a violation of or default under any writ, order, judgment, decree, statute, rule or governmental regulation applicable to Power Agency; and (d) assuming due authorization, execution and delivery by Southport and Progress, this Agreement constitutes the valid and binding obligation of Power Agency, enforceable in accordance with its terms.
- 8.. <u>Binding Agreement</u>. This Agreement, and the terms, covenants and conditions hereof, shall be binding upon and inure to the benefit of the parties hereto, and to their respective successors and assigns.
- 9. <u>Final Agreement; Amendment</u>. This Agreement contains the final, complete and exclusive statement of the agreement between the parties with respect to the transactions contemplated herein and all prior or contemporaneous written or oral agreements with respect to the subject matter hereof are superseded hereby. No change, amendment, qualification or cancellation hereof shall be effective unless in writing and executed by each of the parties hereto.
- 10. Governing Law. The validity and interpretation of this Agreement and performance of the parties hereto of their respective duties and obligations hereunder shall be governed by the State of North Carolina.
- 11. <u>Counterparts</u>. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[Signatures appear on the following page.]

6345257

IN WITNESS WHEREOF, Southport, Progress and Power Agency have duly executed this Agreement under seal on the day and year first written above.

SOUTHPORT:

THE CITY OF SOUTHPORT, a North Carolina municipal corporation

Sandra P. Spencer, Mayor

PROGRESS:

CAROLINA POWER & LIGHT COMPANY, a North Carolina corporation doing business as Progress Energy Carolinas, Inc.

Name: Benjamin
Title: Brynswick Vie

NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY.

By:___

Name: KENNETH M. KABEL

Title: SR. VP. NCEMPA/ELECTRICION SVCS

Exhibit A

BEGINNING AT A POINT LOCATED IN THE EASTERN LINE OF THE C.P.L. DISCHARGE CANAL AND THE WESTERN LINE OF WALMART REAL ESTATE BUSINESS AS RECORDED IN DEED BOOK 1361 PAGE 614 B.C.R., SAID POINT ALSO LOCATED N-68-19-06-W 487.54' FROM N.C.G.S. MONUMENT "MILLER" HAVING COORDINATES OF N =72137.33' E=2294174.382 (NAD 1927). THENCE FROM POINT OF BEGINNING SO LOCATED RUNNING N-48-50-53-W 1547.09' TO A POINT LOCATED IN THE WESTERN LINE OF THE C.P.L DISCHARGE CANAL AND ALSO LOCATED IN THE EASTERN LINE OF THE WILLIAM THOMAS JONES PROPERTY DESCRIBED IN DEED BOOK 578 PAGE 1099 B.C.R., THENCE RUNNING ALONG AND WITH THE C.P.L. DISCHARGE CANAL N-55-14-08-E 355.98' TO A POINT LOCATED IN THE WESTERN LINE OF THE C.P.L. DISCHARGE CANAL AND ALSO LOCATED IN THE EASTERN LINE OF PROPERTY BELONGING TO ROAPST HOLDING COMPANY LLC RECORDED IN DEED BOOK 1665 PAGE 1149 B.C.R. THENCE IN A SOUTHEAST DIRECTION S-48-39-40-E 1545.97' TO A POINT LOCATED IN THE EASTERN LINE OF THE C.P.L. DISCHARGE CANAL POINT, ALSO LOCATED IN THE WESTERN LINE OF PROPERTY OWNED BY JOHN A. McCLOSKEY RECORDED IN DEED BOOK 2364 PAGE 476 OF B.C.R. THENCE RUNNING WITH THE EASTERN LINE OF C.P.L. DISCHARGE CANAL S-55-15-26-W 350.81' TO THE POINT OF BEGINNING CONTAINING 12.17 ACRES AND DEPICTED ON A PLAT ENTITLED CAROLINA POWER AND LIGHT COMPANY DOING BUSINESS AS PROGRESS ENERGY CAROLINAS, INC BY TIDE WATER SURVEYING DATED 07/07/08 - 07/10/08 William W. DeLaney II P.L.S.

Exhibit B

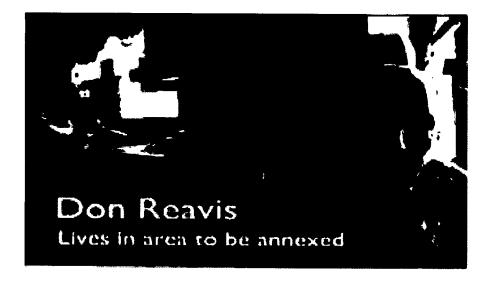
Brunswick County Tax Parcel Numbers

2642J002 1170005902 20700001 20600001 22100011 2511A02102 251IA02103 251IA02104 251IA001 251IA021 251IA02101 2370002201 13600004 A 03900012 03000013 02900014 0280000835

0280000837 235KJ011

7





US 301 South					Est.
Pin Number	Owner	Mailing Address	Site Address	Tax Value	Tax Bill.
168207-59-0746	Johnston County Board of Education	P.O. Box 1336	193 Galilee Rd.	\$ -	\$ -
100207-39-0740	Johnston County Board of Education	Smithfield, 27577	193 Gaillee Mu.	<u>Ψ</u>	<u>Ψ </u>
400007 ED 0007	Cecil B. Heavner	P.O. Box 1266	N/A	\$ 24,740.00	\$ 141.02
168207-59-0627	Cecii B. Reaviler	Smithfield, 27577	IN/A	Ψ 2.4,740.00	Ψ 171.0
168207-59-0517	Olivene M. Johnson	133 Galilee Rd	133 Galilee Rd	\$ 41,080.00	\$ 234.10
100207-39-0317	Forrest David Johnson	Smithfield, 27577	133 Gainee ING	Ψ 41,000.00	Ψ 204.11
169206 40 0499	Billy Mack Strickland	P.O. Box 189	N/A	\$ 113,160.00	\$ 645.0
168206-49-9488	Billy Wack Strickland	Carolina Beach, 28428-0189		\$ 113,100.00	Ψ 043.0
168206-49-9377	Dhillin Blockmon	P.O. Box 848	71 Galilee Rd.	\$ 40,410.00	\$ 230.3
100200-49-93//	Phillip Blackmon	Four Oaks, 27524-8266	7 1 Gamee Itu.	φ τυ,τιυ.υυ	Ψ 200.0-
460000 40 4240	Johnston County Board of Education	P.O. Box 1336	159 Galilee Rd.	\$ -	\$ -
168206-49-4312	Johnston County Board of Education		159 Gaillee Ru.	1	-
400000 40 0440	Dhillia Blackwan	Smithfield, 27577 P.O. Box 848	N/A	\$ 67,770.00	\$ 386.29
168206-49-9149	Phillip Blackmon	Four Oaks, 27524-8266	IN/A	\$ 67,770.00	3 300.2 3
400007 50 0005	Coord C Malant		N/A	\$ 70,330.00	\$ 400.8
168207-58-0925	George C. McLamb	133 Tram Lane Clayton, 27520	IN/A	\$ 70,330.00	9 400.00
400000 40 7070	Willam Andrew Braswell	3246 US HWY 301 S	N/A	\$ 49,070.00	\$ 279.7
168206-48-7976	Carol Braswell		IN/A	Φ 49,070.00	\$ 213.11
168206-48-8716	Walter Gaston Lassiter, Jr.	Smithfield, 27577 98 Skinner Rd.	N/A	\$ 15,900.00	\$ 90.6
100200-40-0710	vvaller Gaston Lassiter, Jr.	Four Oaks, 27524	- IN/A	\$ 15,300.00	φ 90.0.
168206-48-7494	George C. McLamb	133 Tram Lane	N/A	\$ 14,260.00	\$. 81.28
100200-40-7494	George C. McLamb	Clayton, 27520	IN/A	Ψ 14,200.00	Ψ 01.21
168206-48-7745	Walter G. Lassiter Heirs	98 Skinner Rd.	N/A	\$ 95,540.00	\$ 544.58
100200-40-7743	Waiter G. Lassiter Fields	Four Oaks, 27524		Ψ 00,040.00	Ψ 0-1-1.00
168206-48-5825	Vera Faye S. Stephenson	2480 Buffalo Rd	N/A	\$ 85,650.00	\$ 488.2°
100200-40-3023	Vera Paye 3. Stephenson	Smithfield, 27577		Ψ 05,050.00	Ψ 400.2
168206-48-5714	Vera Faye S. Stephenson	2480 Buffalo Rd	N/A	\$ 42,040.00	\$ 239.6
100200-40-3714	veia i aye o. otephenson	Smithfield, 27577	IN/A	Ψ 12,010.00	Ψ 200.0
168206-48-4711	Sallie M. Lassiter Life Estate	98 Skinner Rd.	N/A	\$ 111,820.00	\$ 637.3
100200-40-47111	Walter Gaston Lassiter, Jr.	Four Oaks, 27524		Ψ 111,020.00	Ψ 007.01
168206-48-4540	Sallie M. Lassiter Life Estate	98 Skinner Rd.	N/A	\$ 6,420.00	\$ 36.59
100200-40-4340	Walter Gaston Lassiter, Jr.	Four Oaks, 27524	IND	Ψ 0,420.00	Ψ 30.0.
168206-48-4407	Walter Gaston Lassiter, Jr.	98 Skinner Rd.	N/A	\$ 6,420.00	\$ 36.5
100200-40-4407	Waiter Gastoff Lassiter, Jr.	Four Oaks, 27524	11//	Ψ 0,420.00	Ψ 30.3.
168206-48-3432	Christopher Jason McCartan	130 Trinity Circle	N/A	\$ 76,170.00	\$ 434.1
	Orinstopher Jason MicCartain	Four Oaks, 27524		Ψ /0,1/0.00	Ψ 707.1
168206-48-2301	Edward Milton Holt	1373 US 701 S.	N/A	\$ 108,930.00	\$ 620.90
100200-10-2301	Edward Millori Front	Four Oaks,27524	13//	Ψ 100,800.00	Ψ 020.91
1688206-48-0296	Mohammad F. Purmul	25 Annie V. Drive	3388 US 301 S.	\$ 63,690.00	\$ 363.0
1000200-40-0200	Workshill and L. Latting	Clayton, 27520	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	3 55,550.00	+ 555.00



Swimming Lessons - residents	
Group Tennis Lessons	
Adult Resident\$30.00	
Adult Non Resident\$50.00	
Youth Resident \$25.00	
Youth Non Resident	
Athletic Camps (Offered through P&R by individuals & Organizations) 10% of gross	j
Athletic Field Rental (includes club teams, i.e. AAU, CASL, etc.) Youth Adult	
Up to 2 hours (day hours) - Resident	
Up to 2 hours (day hours) - Non-Resident	,
Up to 2 hours (night hours) - Resident)
Up to 2 hours (night hours) - Non-Resident	,
2 - 4 hours - Resident (day hours)	
2 - 4 hours - Non-Resident (day hours)	
2 - 4 hours - Resident (night hours)	
2 - 4 hours - Non-Resident (night hours)	
4 hours - All Day - Resident	
4 hours - All Day - Non-Resident	
Tournaments Fee	į
Diania Chaltana (ayaant Datana, Chaltan)	
<u>Picnic Shelters (except Rotary Shelter)</u> (\$50.00 clean-up deposit required)	
Up to 2 hours - Resident	١
Up to 2 hours - Non-Resident	
2 - 4 hours - Resident	
2 - 4 hours - Non-Resident	
4 hours - All Day - Resident	
4 hours - All Day - Non-Resident \$100.00	
4 hours - An Day - Non-Resident \$100.00	,
Rotary Picnic Pavilion (Large Shelter)	
(\$50.00 clean-up deposit required)	
Up to 2 hours -	
Entire Shelter	
Resident)
Non-Resident	
½ Shelter	
Resident \$25.00)

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Η

HOUSE BILL 225

Short Title: Delegate Authority Re: Stamp Tax Overpayment. (Local)

Sponsors: Representative K. Alexander.

Referred to: Local Government II, if favorable, Finance.

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to Mecklenburg County only.

SECTION 2. G.S. 105-228.37(b) reads as rewritten:

"(b) Hearing by County. — A board of county commissioners may delegate to a county manager the authority to consider written requests for a refund filed in accordance with subsection (a) of this section and the authority to either grant or deny such requests. If the county manager decides that the refund requested is due, the county must refund the county's portion of the overpayment, together with any applicable interest, to the taxpayer. If the county manager finds that the refund requested is not due, the board of county commissioners must conduct a de novo hearing on a request for refund in accordance with the procedures that apply to a hearing held by a board of equalization and review on an appeal concerning the listing or appraisal of property. If the board decides that a refund is due, it—the county must refund the county's portion of the overpayment, together with any applicable interest, to the taxpayer. If the board finds that no refund is due, the written decision of the board must inform the taxpayer that the taxpayer may appeal the decision to the Property Tax Commission."

SECTION 3. This act is effective when it becomes law. The procedures for review of disputed tax matters enacted by this act apply to claims for refund pending on or filed on or after the effective date of this act. This act does not affect matters for which a taxpayer may appeal or has appealed to the Property Tax Commission.





HOUSE BILL 225:

Delegate Authority Re: Stamp Tax Overpayment

2009-2010 General Assembly

Analysis of:

Committee: House Local Government II, if favorable,

Date:

March 4, 2009

Finance

Introduced by: Rep. K. Alexander

First Edition ·

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 225 would authorize the board of county commissioners to delegate to the county manager the authority to conduct an initial review of a taxpayer's request for a refund on the overpayment of an excise stamp tax. This act applies to Mecklenburg County only.

[As introduced, this bill was identical to S269, as introduced by Sen. Clodfelter, which is currently in Senate Finance.]

CURRENT LAW: Excise stamp taxes apply to conveyances in real estate located in North Carolina other than governmental units or instrumentalities of governmental units. G.S. 105-228.28. A taxpayer who pays more than he or she owes may request a refund of the overpayment by filing a written request with the board of county commissioners of the county where the tax was paid. The request must be filed within six months after the date the tax was paid and must explain why the taxpayer believes a refund is due. G.S. 105-228.37(a).

A board of county commissioners must conduct a hearing on a request for refund in accordance with the procedures that apply to a hearing held by a board of equalization and review on an appeal concerning the listing or appraisal of property. If the board decides that a refund is due, it must refund the county's portion of the overpayment, together with any applicable interest, to the taxpayer. If the board finds that no refund is due, the written decision of the board must inform the taxpayer that the taxpayer may appeal the decision to the Property Tax Commission. A decision of the Property Tax Commission is also subject to judicial review. G.S. 105-228.37(b)-(d).

BILL ANALYSIS: House Bill 225 would permit the board of county commissioners of Mecklenburg County to delegate to a county manager the authority to consider written requests for refunds of the overpayment of an excise stamp tax. If the county manager decides that the refund requested is due, the county must refund to the taxpayer the county's portion of the overpayment with any applicable interest. If the county manager finds that the refund requested is not due, the board of county commissioners must conduct a de novo hearing on a request for refund.

EFFECTIVE DATE: This act is effective when it becomes law. The procedures for review of disputed tax matters enacted by this act apply to claims for refund pending on or filed on or after the effective date of this act. This act does not affect matters for which a taxpayer may appeal or has appealed to the Property Tax Commission.

H225-SMRN-5(e1) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 225 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INITIAL REVIEW
OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR
PURPOSES OF STREAMLINING RESOLUTION.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

2

3

4

5

6

8

9 10

11

12 13

14

15

16

7.

HOUSE BILL 322*

Short Title: Williamston/Overgrown Vegetation Ordinance. (Local) Sponsors: Representative E. Warren. Referred to: Local Government II, if favorable, Finance. March 2, 2009 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WILLIAMSTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION ORDINANCE. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 160A-200(a) reads as rewritten: 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 2. This act applies to the Town of Williamston only.

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





HOUSE BILL 322: Williamston/Overgrown Vegetation Ordinance

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

March 9, 2009

Finance

Introduced by: Rep. E. Warren First Edition

Analysis of:

Prepared by:

Steven Rose

Committee Counsel

SUMMARY: House Bill 322 would add the Town of Williamston to the municipalities authorized to remedy chronic violations of their overgrown vegetation ordinance after providing chronic violators only annual notice. The bill would also define a "chronic violator" as a person with 2 violations in the previous year. The expense of remedying the violation would become a lien upon the chronic violator's property and be collected as unpaid taxes.

[As introduced, this bill was identical to S294, as introduced by Sen. Jenkins, which is currently in Senate State and Local Government.l

CURRENT LAW: G.S. 160A-174 grants to cities the authority to adopt ordinances related to the health, safety, or welfare of their 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.

G.S. 160A-200 gives to 26 named municipalities the authority to give a "chronic violator" of the municipality's overgrown vegetation ordinance notice on an annual basis. A "chronic violator" is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least 3 times under the overgrown vegetation ordinance. Under the statute, if a chronic violator's property is in violation of the ordinance again, the municipality may take action to remedy the violation, i.e., cut down the weeds, after giving only the annual notice. The expense of the action would be a lien on the property and would be collected as unpaid taxes.

BILL ANALYSIS: HB 322 would add the Town of Williamston to the municipalities that may remedy violations by a "chronic violator" of the municipality's overgrown vegetation ordinance after only annual notification. It would also define, for Williamston only, a "chronic violator" as one with 2 violations in the past year, not three.

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

BACKGROUND: Article II, Section 24 of the North Carolina Constitution prohibits the General Assembly from enacting local acts relating to health, sanitation, and the abatement of nuisances. A court could potentially determine that HB 322 is a local act dealing with health, sanitation, or the abatement of nuisances and therefore find it unconstitutional.

H322-SMRL-11(e1) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 322 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF
WILLIAMSTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE
TOWN'S OVERGROWN VEGETATION ORDINANCE.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on .

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

2

4

5 6

7

8

9 10

11

26

27

28

29 30

31

32

33

34

35 36

37

HOUSE BILL 337

Short Title:	Statesville Deannexation.	(Local)
Sponsors:	Representative Howard.	
Referred to:	Local Government II, if favorable, Finance.	

March 2, 2009

1 A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF STATESVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the City of Statesville are reduced by removing the following described territory:

PARCEL 1:

ALL that certain piece and parcel of land as described in Deed Book 834, Page 527, LESS and EXCEPTING that certain 17.88 ac as described in Deed Book 847 Page 906, Iredell County Registry.

PARCEL 2:

BEGINNING at an existing iron, Twin Oaks Golf Course corner in the line of Anne 12 Pornce, and runs from the beginning with the line of said Pornce and continuing with the line of 13 14 Gillespie, North 83 deg. 30 min. 35 sec. West 921.36 feet to an existing iron, Gillespie's corner; thence with the line of said Gillespie, South 2 deg. 30 min. West 209.58 feet to an existing iron, 15 common corners of Gillespie and Willie Belle Corry; thence with the new line of Willie Belle 16 17 Corry, South 06 deg. 59 min. 40 sec. West 40.62 feet to the Northwestern corner of a 5.23 acre 18 tract being conveyed to Charles Y. Corry and wife, by deed dated June 10, 1977; thence with the line of said Charles Y. Corry and wife, South 83 deg. 30 min. 35 sec. East 905.48 feet to the 19 20 Northeastern corner of said Charles Y. Corry and wife in the line of the Twin Oaks Golf Course Property; thence with the line of said Golf Course Property; North 06 deg. 52 min. 10 sec. East 21 249.70 feet to the point of Beginning, containing 5.23 acres, more or less, and being the 22 23 identical property described as SECOND TRACT in the deed from Willie Belle Corry, Widow, 24 to Ethel Corry Holiday, dated June 10, 1977, and recorded in Deed Book 614, page 175, Iredell 25 County Registry.

PARCEL 3:

BEGINNING at a point in the line of the Twin Oaks Golf Course Property, which point is located South 06 deg. 52 min. 10 sec. West 249.70 feet from an existing iron marking the Twin Oaks Golf Course corner in the line of Anne Pornce, which beginning point is also the Southwestern corner of a 5.23 acre tract being conveyed to Ethel Corry Holiday by deed dated June 10, 1977, and runs thence from the beginning with the line of said Twin Oaks Golf Course Property, South 06 deg. 52 min. 10 sec. West 251.60 feet to a point in said line, which point is located North 06 deg. 51 min. 10 sec. East 547.27 feet from the Northeastern corner of James McCombs as described in Deed Book 574, Page 546, Iredell County Registry, N.C.; thence North 83 deg. 30 min. 35 sec. West 906.03 feet to a stake; thence North 06 deg. 59 min. 40 sec. East 251.60 feet to the Southwestern corner of the 5.23 acre tract being conveyed to Ethel Corry Holiday; thence with the line of said Holiday, South 83 deg. 30 min. 35 sec. East 905.48



feet to the point BEGINNING, containing 5.23 acres, more or less, and being the second tract 1 in the deed from Willie Belle Corry, Widow, to Charles Y. Corry, and wife, Carolyn I. Corry, 2 by deed dated June 10, 1977, and recorded in Book 651, page 362, Deed Records for Iredell 3 4 County. 5

Parcel 4:

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

BEGINNING at the Northwestern corner of James McCombs as described in Deed Book 6 574, at page 546, in the line of William Stevenson and runs from the beginning with the line of 7 William Stevenson and continuing with a new line of Willie Belle Corry, North 06 deg. 59 min. 8 40 sec. East 460.20 feet to the Southwestern corner of a 5.23 acre tract being conveyed to 9 Charles Y. Corry and wife by deed of even date; thence with the line of said 5.23 acre tract, 10 South 83 deg. 30 min. 35 sec. East 906.03 feet to the Southeastern corner of said 5.23 acre tract 11 in the line of the Twin Oaks Golf Course Property; thence with the line of said Golf Course 12 Property, South 06 deg. 52 min. 10 sec. West 547.27 feet to the Northeastern corner of James 13 McCombs; thence with the line of said McCombs North 78 deg. 01 min. 20 sec. West 910.63 14 feet to the point of BEGINNING, containing 10.48 acres, more or less, according to a survey 15 by R. B. Kestler, Jr., Registered Surveyor, dated December 5, 1967, and being the identical 16 property described as Tract Two in the deed from Willie Belle Corry to Berthaline Corry 17 Danner, dated June 10, 1977, and recorded in Deed Book 608, page 608, Iredell County 18 Registry. For further back title see deed from Berthaline Corry Danner to George Costella 19 Danner dated April 14, 1987, recorded in Book 747, page 377, Iredell County Registry, and 20 deed from Donald L. Corry and wife to George Costella Danner dated October 16, 1987 and 21 recorded in Deed Book 757, page 14, Iredell County Registry. 22 23 Parcel 5:

Being all that tract of land containing 17.879 acres by coordinate geometry lying and being in Chambersburg Township, Iredell County, North Carolina bounded by natural boundaries and/or lands owned by and/or in possession of persons as follows: on the east and north by the Woodridge Corporation (formerly Vernon C. Neall, Inc., Deed Book 756, Page 09, Tract III); on the east by NCSR #2319, commonly known as Twin Oaks Road; and on the south by Iredell County (Deed Book 744, Page 570 and Deed Book 816, Page 155); and being more particularly described by courses and distances according to a survey performed in September, 1991 by Municipal Engineering Services Co., P.A., under the direction and supervision of C. Neal Bare, RLS L-2425 as follows:

BEGINNING on an iron found at the northeast corner of Iredell County property (Deed Book 744, Page 570) at North 34 degrees 17 minutes 05 seconds East (NC Grid) 4859.19 feet (Horizontal Surface) from USGS Control Monument "Third" N.A.D. 1983 X=443,954.051m Y=224,594.659m; thence from the point of BEGINNING and along the dividing boundary line between said county and the aforesaid Woodridge Corporation properties the following six (6) courses and distances: (1) South 65 degrees 42 minutes 34 seconds West 226.09 feet to an iron found; (2) South 36 degrees 29 minutes 07 seconds East 17.44 feet to an iron found; (3) South 71 degrees 37 minutes 09 seconds West 613.56 feet to an iron found; (4) North 84 degrees 33 minutes 36 seconds West 1475.82 feet to an iron found in the eastern boundary of the Iredell County property (Deed Book 816, Page 155); (5) North 04 degrees 47 minutes 49 seconds East 153.67 feet to an iron found: and (6) South 85 degrees 10 minutes 10 seconds West 143.53 feet to an iron found at North 75 degrees 53 minutes 06 seconds East 127.05 feet from an iron rebar found; thence along a new line North 74 degrees 50 minutes 30 seconds West 16.30 feet to a point in the centerline of a branch, a tributary to Fourth Creek: thence down and along the center of said branch the following 44 courses and distances:

- North 30 degrees 05' 20" East 68.93' (1)
- North 49 degrees 48' 58" East 95.27' 49 (2)
- 50 North 54 degrees 56' 35" East 32.82' (3)
- North 29 degrees 36' 14" West 36.47' 51 (4)

Session 2009

- 1 (5)
- 2 (6) North 44 degrees 50' 34" East 66.31'
- 3 (7) North 74 degrees 01' 10" East 47.39'
- 4 North 18 degrees 18' 37" East 40.62' (8)
- 5 (9) North 76 degrees 25' 34" East 26.35'
- ٠6 (10)South 84 degrees 53' 34" East 70.55'
- 7 North 37 degrees 55' 43" East 39.37' (11)
- 8 South 83 degrees 45' 27" East 43.11' (12)
- 9 (13)South 60 degrees 31' 40" East 58.70'
- South 68 degrees 45' 37" East 84.89' 10 (14)
- South 63 degrees 41' 34" East 50.71' 11 (15)
- 12 South 56 degrees 36' 07" East 79.24' (16)
- 13 South 74 degrees 27' 26" East 26.65' (17)
- South 05 degrees 45' 55" East 18.46' 14 (18)
- 15 (19)South 68 degrees 16' 58" East 39.45'
- 16 (20)North 05 degrees 11' 38" East 17.28'
- North 77 degrees 02' 41" East 68.68' 17 (21)
- North 61 degrees 36' 18" East 73.20' 18 (22)
- 19 South 78 degrees 08' 23" East 94.64' (23)
- 20 (24)South 81 degrees 39' 16" East 63.60'
- North 87 degrees 22' 49" East 92.50' 21 (25)
- 22 South 47 degrees 27' 07" East 31.12' (26)
- 23 South 85 degrees 32' 39" East 63.50' (27)
- South 74 degrees 30' 37" East 81.08' 24 (28)
- South 68 degrees 02' 43" East 46.47' 25 (29)
- South 78 degrees 14' 03" East 85.81' 26 (30)
- 27 (31)South 88 degrees 33' 01" East 14.86' 28 (32)South 83 degrees 20' 10" East 73.94'
- 29 South 59 degrees 22' 07" East 104.35' (33)
- South 62 degrees 48' 13" East 32.53' 30 (34)
- 31 (35)South 63 degrees 57' 32" East 117.55'
- 32 South 72 degrees 47' 30" East 82.60' (36)
- 33 (37)North 63 degrees 14' 58" East 34.48'
- North 63 degrees 04' 52" East 78.04' 34 (38)
- 35 (39)North 40 degrees 45' 50" East 103.59'
- 36 (40)North 87 degrees 43' 58" East 24.62'
- 37 North 25 degrees 58' 17" East 45.02' (41)
- 38 North 76 degrees 39' 57" East 110.44' (42)39 (43)North 77 degrees 47' 04" East 40.61'
- 40 (44)North 51 degrees 12' 29" East 63.73' to an iron set near the end of triple arch culverts
- 41 carrying said branch under NCSR #2319; thence South 44 degrees 50 minutes 20 seconds East
- 261.13 feet to the point of BEGINNING. 42

43

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



HOUSE BILL 337: Statesville Deannexation

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

11 March 2009

Finance

Rep. Howard Introduced by:

First Edition Analysis of:

Prepared by: George F. Givens

Committee Counsel

SUMMARY: House Bill 337 would remove certain property, which is described in the bill by metes and bounds, from the jurisdiction of the City of Statesville.

CURRENT LAW: Additions to the jurisdiction of a city are made by annexation. The procedure by which a city annexes property and thereby expands its corporate limits is set out in the General Statutes and does not require an act of the General Assembly. Deannexation (removal of property from a city's jurisdiction) is relatively rare and a specific act of the General Assembly is required in each instance.

BILL ANALYSIS: House Bill 337 would remove certain property, which is described in the bill by metes and bounds, from the jurisdiction of the City of Statesville.

EFFECTIVE DATE: House Bill 337 would become effective when it becomes law.

H337-SMRT-10(e1) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 337 A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED
PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF STATESVILLE.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

MARCH 11, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tony Tetterton	Fair Annexation Coalition
Jessica Hayes	NC Home Builders Assn
Charles Marshall	Brooks, Piece et al
Korny Haules	Propess Every
DANIEL ROLL	KHL GATER
SILL SLOGGIN	. · · · · · · · · · · · · · · · · · · ·
Jim Blackburn	NC ASSOCIATION of Country Commissioners
//	,
	·

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

MARCH 11, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lindsey Smith	UNC School of Law Caneur Servicer
Brian Lewis	UNC School of Law Career Services Office
Holly Bryan	N
Cady Thomas	NC ASSN of REALTORS
Estherine Davis	ElectriCities
Jona Doters	JPASSOE
Daniel Ambria	Electricities
JAMES WHITE.	Intern w/ NC. Housiz

House Pages

Name Of Committee:	Dai:-:	3-11-0
1. Name: Caroline, Smith		
County: Wake.	⊗	
Sponsor: Hackney		
2. Name: RMMI POHE!		
County: WAKL		
Sponsor: HALKNEY		
) Name:		· · · · · · · · · · · · · · · · · · ·
County:	·	
Sponsor:		<u> </u>
1. Name:		
County:		· · · · · · · · · · · · · · · · · · ·
Sponsor:	<u> </u>	
i. Name:		<u> </u>
County:		
Sponsor:		
1	Sgt-At-Arms	•
Name: BOB ROSSI		:
Name: 1887 RALEY		
I. Name:	•	

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, March 18, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 352	Lottery School Capital Fund Formula.	Representative Allred
		Representative Randleman
HB 380	Strengthen Local Emergency	Representative Martin
	Management.	Representative Wainwright
HB 384	Fuquay-Varina Quick Take.	Representative Stam
HB 395	Surry County Occupancy Tax.	Representative Stevens
		Representative McCormick
HB 401	Boone Occupancy Tax.	Representative Tarleton
HB 464	Raleigh Energy Efficiency.	Representative Martin
		Representative Ty Harrell
		Representative Weiss
		Representative Ross

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4 o'clock on March 12, 2009.
☐ Principal Clerk ☐ Reading Clerk – House Chamber
Ada Finch (Committee Assistant)

HOUSE LOCAL GOVERNMENT II COMMITTEE MARCH 18, 2009 AGENDA

I.	Call	to	Order

II. Introductions

A. Bill Patterson added to staff

B. PagesC. Sergeants

III. Bills

HB 352	Lottery School Capital Fund Formula.	Representative Allred
	•	Representative Randleman
HB 380°	Strengthen Local Emergency	Representative Martin
	Management.	Representative Wainwright
HB 384	Fuquay-Varina Quick Take.	Representative Stam
HB 395	Surry County Occupancy Tax.	Representative Stevens
		Representative McCormick
HB 401	Boone Occupancy Tax.	Representative Tarleton
HB 464	Raleigh Energy Efficiency.	Representative Martin
		Representative Ty Harrell
		Representative Weiss
	•	Representative Ross

COMMITTEE ON LOCAL GOVERNMENT II March 18, 2009 Minutes

The Chairman of the Committee on Local Government II called the meeting of the committee to order at 11:00 a.m. The following members were present: Representatives Braxton, Tucker, Lucas, Blackwell, Guice, Warren, Langdon, Stewart, Stam, Wiley, McElrath and Samuelson. Representative Braxton introduced the Pages, Mary Webb of McDowell County sponsored by Representative Gillespie and Kayla McCargo of Dare County sponsored by Representative Spear. The Sergeants-at Arms were Marvin Lee, Bob Rossi and Trey Raley. Representative Braxton introduced the new staff member, Bill Patterson, to the committee.

House Bill 352, AN ACT TO CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP. The bill was removed from the agenda and will be taken up when the fiscal note is available, according to Representative Braxton, Chair.

Representative Martin introduced House Bill 380, AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. Doug Hoell, Director the State Emergency Preparedness Office, further explained the bill in answer to questions by Representatives Tucker and Blackwell. Representative Stam called attention to a grammatical error. Representative Lucas moved for an unfavorable report as to the original bill and favorable report as to the Proposed Committee Substitute and that it be re-referred to the Committee on Homeland Security, Military and Veterans Affairs. The motion was accepted.

Representative Tarleton's bill, House Bill 401 was advanced on the agenda. Representative Tarleton presented a Proposed Committee Substitute to House Bill 401, AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDTIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. Representative Tucker moved that the original bill be given an unfavorable report and the Proposed Committee Substitute be given a favorable report and re-referenced to the Committee on Finance. The motion passed.

House Bill 464, AN ACT TO MAKE THE PERMANENT AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES, AND TO EXPAND THE ACT TO ALL RALEIGH PILOT PROGRAMS AIMED AT

INCREASING ENERGY EFFICIENCY, was presented by Representative Grier Martin, one of the Primary Sponsors. Tom McCormick, Raleigh City Attorney, was recognized to explain the bill and promised to share the findings of Project Get Ready with other municipalities. Representative Lucas moved a favorable report on the bill and its rereferral to the Committee on Energy and Energy Efficiency. The motion was accepted.

Representative Stevens presented House Bill 395, AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A SIX PERENT ROOM OCCUPANCY TAX. Representative Tucker moved an unfavorable report as to the original bill and a favorable report as to the Proposed Committee Substitute with a re-referral to the Committee on Finance. The motion passed.

Representative Stam presented House Bill 384, AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS. Representative Langdon moved a favorable report on the bill and its re-referral to the Judiciary I Committee. The motion passed.

The meeting was adjourned at 11:33 a.m. by Representative Braxton, Chair.

Van Braxton, Chairman

1////

Representative F

Barbara Hocutt, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1

2

3

4

5

6

7 8

9

10 11

12

13

14

15

16

17 18

19

20 21

22

23

24

25 26

27

28

29

30

31 32

33

34

HOUSE BILL 352

Short Title: (Public) Lottery School Capital Fund Formula. Representatives Allred, Randleman (Primary Sponsors); and Starnes. Sponsors: Local Government II, if favorable, Finance, if favorable, Appropriations. Referred to: March 2, 2009 A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP. The General Assembly of North Carolina enacts: SECTION 1. G.S. 115C-546.2(d) reads as rewritten: Monies transferred into the Fund in accordance with Chapter 18C of the General Statutes shall be allocated for capital projects for school construction projects as follows: A sum equal to sixty five percent (65%) of those monies transferred in (1)accordance with G.S. 18C-164-shall be allocated on a per average daily membership basis according to the average daily membership for the budget year as determined and certified by the State Board of Education. (2) A sum equal to thirty-five percent (35%) of those monies transferred in accordance with G.S. 18C 164 shall be allocated to those local school administrative units located in whole or part in counties in which the effective county tax rate as a percentage of the effective State average tax rate is greater than one hundred percent (100%), with the following definitions applying to this subdivision: "Effective county tax rate" means the actual county tax rate multiplied by a three year weighted average of the most recent annual sales assessment ratio studies. "State average effective tax rate" means the average effective county tax rates for all counties. "Sales assessment ratio studies" means sales assessment ratio studies e. performed by the Department of Revenue under G.S. 105-289(h). No county shall have to provide matching funds required under subsection · (3) (c) of this section. (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects incurred on or after January 1, 2003.2000. (5) A county may not use monies in this Fund to pay for school technology needs."



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

H

1 2

HOUSE BILL 380*

Short Title:	: Strengthen Local Emergency Management. (
Sponsors:	England,	tatives Martin, Wainwright (Primary Sponsors); M. Alexander E. Floyd, Glazier, Harrison, Hughes, Insko, Lucas, McGee ear, Womble, and Wray.	-
Referred to:	Local Go Affairs.	vernment II, if favorable, Homeland Security, Military, and	Veterans
		March 4, 2009	
RECOMN PREPARI	MENDED EDNESS A	A BILL TO BE ENTITLED THEN LOCAL EMERGENCY MANAGEMENT CAPABILIT BY THE JOINT SELECT COMMITTEE ON EMERO ND DISASTER MANAGEMENT RECOVERY. If North Carolina enacts:	
	•	G.S. 166A-5(3) reads as rewritten:	
"(3		ions of State Emergency Management The functions of the	he State
`	•	ency management program include:	
	a.	Coordination of the activities of all agencies for emmanagement within the State, including planning, org staffing, equipping, training, testing, and the activation of emmanagement programs.	ganizing,
	b.	Preparation and maintenance of State plans for man-made or disasters. The State plans or any parts thereof may be inco into department regulations and into executive orders Governor.	rporated
	b1.	 Coordination with the State Health Director to amend or re North Carolina Emergency Operations Plan regarding publi matters. At a minimum, the revisions to the Plan shall provide following: The epidemiologic investigation of a known or surthreat caused by nuclear, biological, or chemical agent 2. The examination and testing of persons and animals thave been exposed to a nuclear, biological, or chemical 3. The procurement and allocation of immunizing agent prophylactic antibiotics. The allocation of the National Pharmaceutical Stockpits. The appropriate conditions for quarantine and isological to prevent further transmission of disease. Immunization procedures. The issuance of guidelines for prophylaxis and treat exposed and affected persons. 	ic health e for the uspected ts. that may al agent. ents and ile. ation in
	c.	Promulgation of standards and requirements for local plants are stated to the state of the state	



regulations, determination of eligibility for State financial assistance provided for in G.S. 166A-7 and provision of technical assistance to local governments. Standards and requirements for local plans and programs promulgated under this sub-subdivison shall be reviewed by the Division of Emergency Management at least biannually and updated as necessary.

- d. Development and presentation of training programs and public information programs to insure the furnishing of adequately trained personnel and an informed public in time of need.
- e. Making of such studies and surveys of the resources in this State as may be necessary to ascertain the capabilities of the State for emergency management, maintaining data on these resources, and planning for the most efficient use thereof.
- f. Coordination of the use of any private facilities, services, and property.
- g. Preparation for issuance by the Governor of executive orders, proclamations, and regulations as necessary or appropriate.
- h. Cooperation and maintenance of liaison with the other states, federal government and any public or private agency or entity in achieving any purpose of this Article and in implementing programs for emergency, disaster or war prevention, preparation, response, and recovery.
- i. Making recommendations, as appropriate, for zoning, building and other land-use controls, and safety measures for securing mobile homes or other nonpermanent or semipermanent works designed to protect against or mitigate the effects of a disaster.
- j. Coordination of the use of existing means of communications and supplementing communications resources and integrating them into a comprehensive State or State-federal telecommunications or other communications system or network."

SECTION 2. G.S. 166A-7 reads as rewritten:

"§ 166A-7. County and municipal emergency management.

- (a) The governing body of each county is responsible for emergency management, as defined in G.S. 166A-4, within the geographical limits of such county. All emergency management efforts within the county will be coordinated by the county, including activities of the municipalities within the county.
 - (1) The governing body of each county is hereby authorized to establish and maintain an emergency management agency for the purposes contained in G.S. 166A-2.
 - (2) The governing body of each county which establishes an emergency management agency pursuant to this authorization will appoint a coordinator who will have a direct responsibility for the organization, administration and operation of the county program and will be subject to the direction and guidance of such governing body.
 - (3) In the event any county fails to establish an emergency management agency, and the Governor, in his discretion, determines that a need exists for such an emergency management agency, then the Governor is hereby empowered to establish an emergency management agency within said county.
- (b) All incorporated municipalities are authorized to establish and maintain emergency management agencies subject to coordination by the county. Joint agencies composed of a county and one or more municipalities within its borders may be formed.

- 5 6 7 8 9 10
- 10 11 12 13 14 15

16 17

- 18 19 20 21
- 22 23 24

25

26

2728

- 29 30 31 32 33 34
- 37 38 39

35

36

- (b1) Counties and incorporated municipalities are authorized to form joint emergency management agencies composed of a county and one or more municipalities within the county's borders, between two or more counties, or between two or more counties and one or more municipalities within the borders of those counties.
- (c) Each county and incorporated municipality in this State is authorized to make appropriations for the purposes of this Article and to fund them by levy of property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues, whose use is not otherwise restricted by law.
 - (d) In carrying out the provisions of this Article each political subdivision is authorized:
 - (1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes and to provide for the health and safety of persons and property, including emergency assistance, consistent with this Article;
 - (2) To direct and coordinate the development of emergency management plans and programs in accordance with the policies and standards set by the State; Division of Emergency Management, consistent with federal and State laws and regulations;
 - (3) To assign and make available all available resources for emergency management purposes for service within or outside of the physical limits of the subdivision; and
 - (4) To delegate powers in a local state of emergency under G.S. 166A-8 to an appropriate official.
- Each county which establishes an emergency management agency pursuant to State standards and which meets requirements for local plans and programs may be eligible to receive State and federal financial assistance assistance, including State and federal funding appropriated for emergency management planning and preparedness, and for the maintenance and operation of a county emergency management program. Such financial assistance for the maintenance and operation of a county emergency management program will not exceed one thousand dollars (\$1,000) for any fiscal year and is subject to an appropriation being made for this purpose. Eligibility of each county will be determined annually by the State. Where the appropriation does not allocate appropriated funds between counties, the amount allocated to each county shall be determined annually by the Division of Emergency Management. The size of this allocation shall be based in part on the degree to which local plans and programs meet State standards and requirements promulgated by the Division, including those relating to professional competencies of local emergency management personnel. However, in making an allocation determination, the Division shall, where appropriate, take into account the fact that a particular county may lack sufficient resources to meet the standards and requirements promulgated by the Division."

SECTION 3. This act becomes effective October 1, 2009.



HOUSE BILL 380: Strengthen Local Emergency Management

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date: March 18, 2009

Homeland Security, Military, and Veterans

Affairs

Introduced by: Reps. Martin, Wainwright

Prepared by: Brad Krehely

Analysis of: First Edition Committee Co-Counsel

SUMMARY: House Bill 380 is a public bill that would strengthen local emergency management capabilities as recommended by the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery.

[As introduced, this bill was identical to S252, as introduced by Sen. Snow, which is currently in Senate State and Local Government.]

CURRENT LAW: Article 1 of Chapter 166A of the General Statutes is the Emergency Management Act. The State emergency management program includes preparations for, response to, and recovery from war or peacetime disasters. The Governor has general direction and control of the State emergency management program, but may delegate or subdelegate that authority. The Secretary of Crime Control and Public Safety is responsible to the Governor for emergency management activities and may ubdelegate this authority to a member of the Secretary's department. G.S. 166A-5. The Division of Emergency Management (DEM) is part of the Department of Crime Control and Public Safety.

The governing board of each county is responsible for emergency management within its geographical limits. Each county coordinates its emergency management efforts, including the activities of the municipalities within the counties. The governing board of each county may establish an emergency management agency and may appoint a coordinator of the agency. The law permits the formation of joint agencies (currently defined as "a county and one or more municipalities within its borders"). To carry out emergency management functions, each county and municipality may make appropriations and fund them through revenues, such as property taxes. G.S. 166A-7.

BILL ANALYSIS: House Bill 380 does all of the following:

- Clarifies that the promulgation of standards for local plans must be consistent with federal and State laws and regulations.
- Requires DEM to review biannually and update as necessary the standards for local plans and programs.
- Expands the types of joint agencies that counties and municipalities may form to include any of the following combinations:
 - O A county and one or more municipalities within the county's borders.
 - o Two or more counties.
 - o Two or more counties and one or more municipalities within the borders of those counties.
- Clarifies that counties which establish an emergency management agency may be eligible to receive State and federal assistance for various emergency management purposes.

House Bill 380

Page 2

- o Removes the \$1,000 per fiscal year cap on funding from the State for the operation of a county emergency management program.
- o Provides that where the appropriation does not allocate funds between counties, DEM determines the amount allocated to each county.
 - The size of the allocation is based in part on the degree to which local programs meet State standards and requirements promulgated by DEM. Where appropriate, DEM shall consider whether a county lacks sufficient resources to meet its standards.

EFFECTIVE DATE: This act becomes effective October 1, 2009.

BACKGROUND: During the 2008 Short Session, the General Assembly directed DEM, in consultation with the North Carolina Association of County Commissioners, to study ways to strengthen North Carolina's emergency management capabilities, especially at the local government level. (S.L. 2008-162). DEM reported the results of its study to the Joint Select Committee on Emergency Preparedness in November of 2008. The Joint Select Committee on Emergency Preparedness made a number of legislative proposals to the 2009 General Assembly, including House Bill 380.

H380-SMRN-11(e1) v5

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

	EDITION No H. B. No 380		DATE	2-10-0	Da
	S. B. No		Amendment	No	e filled in by
	COMMITTEE SUBSTITUTE Rep. Stam Sen.)				cipal Clerk)
1	moves to amend the bill on page	3	, line	<u> 31</u>	
2	() WHICH CHANGES THE TITLE by <u>deleting</u> the	word			Substituting
4	the word "among				•
5 6					
7			·		
} 9					
-					
				•	
. 9			SIGNED	Stan	
	ADOPTED X	FAILED	·	TABLED	

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 380 A BILL TO BE ENTITLED AN ACT TO STRENGTHEN LOCAL
EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT
SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER
MANAGEMENT RECOVERY.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS.
COD TOURNAL LICE ONLY
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
1 disdant to Rule 32(a), the only esolution is 10-10101100 to the committee on
·
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Untavorable Calendar.
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

H

HOUSE BILL 384

Short Title:	Fuquay-Varina Quick Take.	(Local)
Sponsors:	Representative Stam.	-
Referred to:	Local Government II, if favorable, Judiciary I, if favorable, Finance.	

March 4, 2009

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS.

The General Assembly of North Carolina enacts:

SECTION 1. 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 waterlines and treatment facilities, and sewer lines and treatment facilities, and opening, widening, extending, or improving public streets and roads, a town may use the authority and procedure prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided further, that whenever the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to be 'Town Manager,' and whenever the word 'highway' appears, it is deemed to include 'public works' in accordance with this section, providing further that nothing herein shall be construed to enlarge the power of the town to condemn property already committed 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 act are in addition to and supplementary to those powers granted by any local or general law.

SECTION 2. This act applies to the Town of Fuquay-Varina only.

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





HOUSE BILL 384: Fuquay-Varina Quick Take

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Judiciary I, if favorable, Finance

Introduced by: Rep. Stam Prepared by: Bill Patterson

Analysis of: First Edition Committee Counsel

Date:

March 16, 2009

SUMMARY: House Bill 384 would authorize the Town of Fuquay-Varina to use the condemnation procedures of Article 9 of Chapter 136 when taking property for water lines and treatment facilities, sewer lines and treatment facilities, or for opening, widening, extending or improving public streets and roads. Where property is taken for street or road right-of-way, the bill also would require that the owner be paid no less than either \$1.00 per square foot of property taken or the prorated ad valorem tax value of the parent tract, whichever is less.

CURRENT LAW: When a municipality such as the Town of Fuquay-Varina takes private property for a public purpose, it generally must follow certain procedures set forth in Chapter 40A of the General Statutes. Among other things, the Town must give the owner 30 days notice before commencing the condemnation action. In contrast to the condemnation procedures of Chapter 40A, the procedures authorized under Article 9 of Chapter 136 for the condemnation of property by the Department of Transportation do not require that the owner receive advance notice before the complaint is filed.²

Under current law, the measure of compensation for a partial taking is the difference in value of the entire tract immediately before the taking and the value of remainder immediately after the taking, with consideration given to any change in value resulting from the proposed project.³

BILL ANALYSIS: House Bill 384 would allow the Town of Fuquay-Varina to use the condemnation procedures under Article 9 of Chapter 136 when the property is being taken for the specified water, sewer and streets and roads projects. Under the procedures authorized by the bill, the Town would not be required to give the owner 30 days advance notice before it commences a condemnation proceeding, as now required under Chapter 40A. In addition, when the Town acquires property for street or road right-of-way, the bill would require that the owner be compensated in an amount not less than either \$1.00 per square foot of property taken, or the prorated ad valorem tax value of the parent tract, whichever is less.

Other local governments have been authorized to use the "quick take" procedures set forth in Article 9 of Chapter 136,⁴ and in at least two instances, the General Assembly has placed minimum limits on the amount of compensation to be paid when property is taken for street or road right-of-way.⁵

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

H384-SMTG-3(e1) v3

G.S. 40A-40. G.S. 136-103.

⁵ See, e.g., S.L. 2003-88 (Apex) and S.L. 2005-57 (Holly Springs).

Research Division O. Walker Reagan, Director (919) 733-2578

³ G.S.40A-66; G.S. 136-112(1).

⁴ See, e.g., S.L.1983-437 (Charlotte), S.L. 1985-47 (Winston-Salem), S.L. 1985-422 (Conover, Hickory, and Maiden), S.L. 1989-328 (Rocky Mount), S.L. 1989-348 (Wilson).

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:			
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.			
Committee Substitute for			
HB 384 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF			
FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF			
THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING			
PUBLIC STREETS AND ROADS.			
With a favorable report and recommendation that the bill be re-referred to the Committee on			
JUDICIARY I.			
(FOR JOURNAL USE ONLY)			
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on			
•			
The bill/resolution is re-referred to the Committee on			

H

HOUSE BILL 395

Short Title:	Surry County Occupancy Tax.	(Local)
Sponsors: Representatives Stevens, McCormick (Primary Sponsors); and E. Floyd		
Referred to:	Local Government II, if favorable, Finance.	

March 5, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Surry County District S Created. – Surry County District S is created as a taxing district. Its jurisdiction consists of that part of Surry County that is located outside of incorporated areas within the county. Surry County District S is a body politic and corporate and has the power to carry out the provisions of this act. The Surry County Board of Commissioners shall serve ex officio as the governing body of the district, and the officers of the county shall serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 2. Occupancy tax. – (a) Authorization and Scope. – The governing body of Surry County District S may levy a room occupancy tax of up to six percent (6%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155 as if Surry County District S were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this act.

SECTION 2.(c) Definitions. – The following definitions apply in this act:

- (1) Net proceeds. Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.



(3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the district or to attract tourists or business travelers to the district. The term includes tourism-related capital expenditures.

SECTION 2.(d) Distribution and Use of Tax Revenue. — Surry County District S shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Surry County District S Tourism Development Authority. The Authority shall use at least two-thirds of the proceeds remitted to it to promote travel and tourism in the Surry County District S and shall use the remainder for tourism-related expenditures. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of Surry County District S. None of the proceeds may be used to promote travel or tourism in areas within Surry County that are outside of the district or for tourism-related expenditures in the county that are outside of the district.

SECTION 3. Surry County District S Tourism Development Authority. – (a) Appointment and Membership. – When the governing body of the district adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Surry County District S Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals affiliated with businesses that collect the tax in the district, and at least one-half of the members must be individuals currently active in the promotion of travel and tourism in the district. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Surry County shall be the ex officio finance officer of the Authority.

SECTION 3.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 2 of this act. The Authority shall promote travel, tourism, and conventions in the district, sponsor tourist-related events and activities in the district, and finance tourist-related capital projects in the district.

SECTION 3.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the governing body of the district on its receipts and expenditures for the preceding quarter and for the year in such detail as the governing body of the district may require.

SECTION 4. G.S. 153A-155(g) reads as rewritten:

"§ 153A-155. Uniform provisions for room occupancy taxes.

(g) This section applies only to Alleghany, Anson, Brunswick, Buncombe, Burke,

40 Ca
41 Da
42 Me
43 Pa
44 Sa

Cabarrus, Camden, Carteret, Caswell, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Franklin, Granville, Halifax, Haywood, Madison, Martin, McDowell, Montgomery, Nash, New Hanover, New Hanover County District U, Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, and Washington Counties, to Surry County District S, to Watauga County District U, to Yadkin County District Y, and to the Township of Averasboro in Harnett County and the Ocracoke Township Taxing District."

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



HOUSE BILL 395: Surry County Occupancy Tax

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

March 17, 2009

Finance

Reps. Stevens, McCormick Introduced by:

Prepared by: Steven Rose

Analysis of:

First Edition

Committee Counsel

SUMMARY: House Bill 395 creates Surry County District S and authorizes the district to levy a 6% room occupancy tax. The district consists of all areas in the county not within an incorporated area. At least two-thirds of the proceeds would be used to promote travel and tourism and the remainder would be used for tourism-related expenditures. The bill conforms to the uniform occupancy tax provisions followed by the House Finance Committee.

If this bill receives a favorable report in this committee, it is serially referred to the House Finance Committee.

CURRENT LAW: No such authority currently exists for Surry County.

BILL ANALYSIS: House Bill 395 creates Surry County District S and authorizes the district to levy a 6% room occupancy tax. The district consists of all areas in the county not within an incorporated area. The proceeds must be remitted to a District S Tourism Development Authority (TDA), which must use at least two-thirds of the proceeds to promote travel and tourism and the remainder for tourism-related expenditures, all within District S. These administrative and use provisions conform to the uniform guidelines followed by the House Finance Committee.

UNIFORM OCCUPANCY TAX PROVISIONS	HB 395
Rate – The county tax rate cannot exceed 6% and the city tax rate, when combined with the county rate, cannot exceed 6%.	Conforms
Use – Two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism related expenditures.	Conforms
Definitions The term "net proceeds", "promote travel and tourism", and "tourism related expenditures" are defined terms.	Conforms
Administration – The net revenues must be administered by a local tourism development authority that has the authority to determine how the tax proceeds will be used, is created by a local ordinance, and at least 1/2 of the members must be currently active in the promotion of travel and tourism in the county and 1/3 of the members must be affiliated with organizations that collect the tax.	Conforms
Costs of Collection – The taxing authority may retain from the revenues its actual costs of collection, not to exceed 3% of the first \$500,000 collected each year plus 1% of the remainder collected each year.	Conforms

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

BACKGROUND: Since 1983, the General Assembly has authorized many units of local government to levy a room occupancy tax. In several instances, the General Assembly has authorized both a county and a city within that county to impose an occupancy tax. The rate of tax, the use of the tax proceeds, the administration of the tax, and the body with the authority to determine how the tax proceeds will be spent /ary considerably. Over the past several years, there has been a greater effort to make the occupancy taxes iniform. In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax legislation - G.S. 153A-155 and G.S. 160A-215. These provisions provide uniformity in the areas of levy, administration, collection, repeal, and penalties.

House Bill 395

Page 2

§ 153A-155. Uniform provisions for room occupancy taxes.

- (a) Scope. This section applies only to counties the General Assembly has authorized to levy room occupancy taxes.
- (b) Levy. A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.
- (c) Collection. Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. If a taxable accommodation is furnished as part of a package, the bundled transaction provisions in G.S. 105-164.4D apply in determining the sales price of the taxable accommodation. If those provisions do not address the type of package offered, the operator may determine an allocated price for each item in the package based on a reasonable allocation of revenue that is supported by the operator's business records kept in the ordinary course of business and collect tax on the allocated price of the taxable accommodation.

The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business.

The taxing county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing county a discount equal to the discount the State allows the operator for State sales and use tax.

- (d) Administration. The taxing county shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the county finance officer in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the taxing county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the county finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.
- (e) Penalties. A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing county has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.
- (f) Repeal or Reduction. A room occupancy tax levied by a county may be repealed or reduced by a resolution adopted by the governing body of the county. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction

House Bill 395

Page 3

of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

- (f1) Use. The proceeds of a room occupancy tax shall not be used for development or construction of a hotel or another transient lodging facility.
- (g) This section applies only to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell, Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Franklin, Granville, Halifax, Haywood, Madison, Martin, McDowell, Montgomery, Nash, New Hanover, New Hanover County District U, Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, and Washington Counties, to Watauga County District U, to Yadkin County District Y, and to the Township of Averasboro in Harnett County and the Ocracoke Township Taxing District.

Trina Griffin, Counsel to the House Finance Committee, substantially contributed to this summary.

H395-SMRL-13(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 395 PROPOSED COMMITTEE SUBSTITUTE H395-PCS50265-RLx-5

Short Title:	Surry County Occupancy Tax.		(Local)
Sponsors:			
Referred to:		•	

March 5, 2009

A BILL TO BE ENTITLED

AN ACT. TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Surry County District S created. – Surry County District S is created as a taxing district. Its jurisdiction consists of that part of Surry County that is located outside of incorporated areas within the County. Surry County District S is a body politic and corporate and has the power to carry out the provisions of this act. The Surry County Board of Commissioners shall serve ex officio as the governing body of the district, and the officers of the County shall serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 2. Occupancy tax. - (a) Authorization and Scope. - The governing body of Surry County District S may levy a room occupancy tax of up to six percent (6%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155 as if Surry County District S were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this act.

SECTION 2.(c) Definitions. – The following definitions apply in this act:

- (1) Net proceeds. Gross proceeds less the cost to the district of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or



1 2 3

4 5

> 6 7 8

9

21

22

23

28

29

> 35 36 37

34

38 39 40

41

46 47

48 49

business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.

Tourism-related expenditures. - Expenditures that, in the judgment of the (3) Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the district or to attract tourists or business travelers to the district. The term includes tourism-related capital expenditures.

SECTION 2.(d) Distribution and use of tax revenue. - Surry County District S shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Surry County District S Tourism Development Authority. The Authority shall use at least two-thirds of the proceeds remitted to it to promote travel and tourism in Surry County District S and shall use the remainder for tourism-related expenditures. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of Surry County District S. None of the proceeds may be used to promote travel or tourism in areas within Surry County that are outside of the district or for tourism-related expenditures in the county that are outside of the district.

SECTION 3. Surry County District S Tourism Development Authority. – (a) Appointment and Membership. – When the governing body of the district adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Surry County District S Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals affiliated with businesses that collect the tax in the district, and at least one-half of the members must be individuals currently active in the promotion of travel and tourism in the district. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Surry County shall be the ex officio finance officer of the Authority.

SECTION 3.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 2 of this act. The Authority shall promote travel, tourism, and conventions in the district, sponsor tourist-related events and activities in the district, and finance tourist-related capital projects in the district.

SECTION 3.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the governing body of the district on its receipts and expenditures for the preceding quarter and for the year in such detail as the governing body of the district may require.

SECTION 4. G.S. 153A-155(g) reads as rewritten: "§ 153A-155. Uniform provisions for room occupancy taxes.

This section applies only to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Franklin, Granville, Halifax, Haywood, Madison, Martin, McDowell, Montgomery, Nash, New Hanover, New Hanover County District U, Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, and Washington Counties, to Surry County District S, to Watauga County District U, to Yadkin County District Y, and to the Township of Averasboro in Harnett County and the Ocracoke Township Taxing District."

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 395 A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL TAXING
DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND
TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A
SIX PERCENT ROOM OCCUPANCY TAX.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

H

1

2

3 4

5

6

7

8

9

10

11 12

13

14 15

16 17

18

19

20

21 22

23 24

25

26

27 28

29

30

31

32 33

34 35

36

37

HOUSE BILL 401

1

Short Title: Boone Occupancy Tax. (Local) Representatives Tarleton; and E. Floyd. Sponsors: Referred to: Local Government II, if favorable, Finance.

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 170 of the 1987 Session Laws, as amended by S.L. 1998-35 and Section 21(o) of S.L. 2007-527, reads as rewritten:

"Section 1. Occupancy tax. (a) Authorization and scope.—scope. The Boone Town Council may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the corporate limits of the town that is subject to sales tax imposed by the State under G.S. 105-164.4(3):105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations organizations when furnished in furtherance of their nonprofit purpose.

- Additional Tax. In addition to the tax authorized by subsection (a) of this section, (a1) the Boone Town Council may levy a room occupancy and tourism development tax of up to three percent (3%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with this section. The Town of Boone may not levy a tax under this subsection unless it also levies a tax under subsection (a1) of this section.
- (b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section. Collection. Every operator of a business subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the town. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The town shall design, print, and furnish to all appropriate businesses and persons in the town the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects the occupancy tax levied under this section may deduct from the amount remitted to the town a discount of three percent (3%) of the amount collected.
 - Definitions. The following definitions apply in this section:



- 6 7 8
- 9 10 11 12

13

14

- 15 16 17 18 19
- 20 21 22

23

30

31

38

39

40

- 41 42 43 44 45
- 46 47 48 49

50

51

- Net proceeds. Gross proceeds less the cost to the town of administering (1) and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the gross proceeds.
- Promote travel and tourism. To advertise or market an area or activity, (2) publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the town. The term includes administrative expenses incurred in engaging in the listed activities.
- Tourism-related expenditures. Expenditures that, in the judgment of the (3) Authority, are designed to increase the use of lodging facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.
- Administration. The town shall administer a tax levied under this section. A tax (c) levied under this section is due and payable to the town finance officer in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the town. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

A return filed with the town finance officer under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return-required by this section shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to any other penalty, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid.

Any person who willfully attempts in any manner to evade a tax imposed under this section or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one-thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The town council may, for good cause shown, compromise or forgive the penalties imposed by this subsection.

- Distribution and use of tax revenue. Use of Tax Revenue. The Town of Boone shall, on a quarterly basis, remit sixty percent (60%) of the net proceeds of the occupancy tax levied under this section to the Boone Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this section to promote travel and tourism. The Authority shall use the remainder for tourism-related expenditures that are recommended by the Boone Town Council and approved by the Authority. may spend funds remitted to it under this subsection only to further the development of travel, tourism, and conventions for the Town of Boone. The Town of Boone may deposit the remainder of the net proceeds in its general funds to be used for any lawful purpose. As used in this subsection, "net proceeds" means gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer.
- (f) Effective date of levy. A tax levied under this section shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.
- (g) Repeal. A tax levied under this section may be repealed by a resolution adopted by the Boone Town Council. Repeal of a tax levied under this section shall become effective on the

1

20 21 22

23

19

24 25

> 27 28 29

30

26

35

36

42 43

41

44 45

46 47

51

48 49

50

first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this section does not affect a liability for a tax that was attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

Sec. 2. Tourism Development Authority. (a) Appointment and membership. — When the town council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Boone Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The town council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall be composed of nine voting members appointed by the Boone Town Council as follows:

- Three individuals who are owners or operators of taxable tourist (1)accommodations in Boone, one of whom resides in Boone and two of whom reside in Watauga County.
- One resident of Watauga County who owns or operates a restaurant in (2) Boone.
- Two residents of Boone who are members of the Boone Area Chamber of $\left(3\right)$ Commerce.
- One member of the Boone Town Council. (4)
- (5) Two residents of the Town of Boone.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Boone shall be the ex officio finance officer of the Authority but shall not be a member of the authority.

The members of the Authority shall serve without compensation and shall serve for a term of three years, except that the town council shall designate three of the initial appointees to serve two year terms. Vacancies shall be filled in the same manner as original appointments and members appointed to fill vacancies shall serve for the remainder of the unexpired term. The Authority shall elect from its membership a chair; the Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings.

- Powers and duties. Duties. The Authority may contract with any person, legal entity, firm, or organization to advise it and assist it in carrying out its duty to promote travel, tourism, and conventions for the Town of Boone. The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.
- Reports. The Authority shall report quarterly and at the close of the fiscal year to the town council on its receipts and expenditures for the preceding quarter and for the year in such detail as the Council may require.
 - Sec. 3. This act is effective upon ratification."

SECTION 2. G.S. 160A-215(g) reads as rewritten:

This section applies only to Beech Mountain District W, to the Cities of Belmont, Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Blowing Rock, Boiling Springs, Boone, Burgaw, Carolina Beach, Carrboro, Dallas, Dobson, Elkin, Franklin, Jonesville, Kenly, Kure Beach, Leland, Mooresville, North Topsail Beach,

- 1 Pilot Mountain, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro,
- 2 Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and
- 3 Brunswick Counties."
- 4 SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 401 PROPOSED COMMITTEE SUBSTITUTE H401-CSRLx-4 [v.1]

D

3/17/2009 4:45:13 PM

Short Title:	Boone Occupancy Tax.		(Local)
Sponsors:			
Referred to:			
		· · · · · · · · · · · · · · · · · · ·	

March 5, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 170 of the 1987 Session Laws, as amended by S.L. 1998-35 and Section 21(o) of S.L. 2007-527, reads as rewritten:

"Section 1. Occupancy tax. (a) Authorization and seope.scope. — The Boone Town Council may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the corporate limits of the town that is subject to sales tax imposed by the State under G.S. 105-164.4(3).105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.organizations when furnished in furtherance of their nonprofit purpose.

- (a1) Additional Tax. In addition to the tax authorized by subsection (a) of this section, the Boone Town Council may levy a room occupancy and tourism development tax of up to three percent (3%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with this section. The Town of Boone may not levy a tax under this subsection unless it also levies a tax under subsection (a) of this section.
- (b) Administration. A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section. Collection. Every operator of a business subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the town. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The town shall design, print, and furnish to all appropriate businesses and persons in the town the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects the



1 2 occupancy tax levied under this section may deduct from the amount remitted to the town a discount of three percent (3%) of the amount collected.

3 4

Definitions. – The following definitions apply in this section:

5 6 7 Net proceeds. - Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the gross proceeds.

8 9 10

Promote travel and tourism. - To advertise or market an area or activity, <u>(2)</u> publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the town. The term includes administrative expenses incurred in engaging in the listed activities.

11 12 13

Tourism-related expenditures. - Expenditures that, in the judgment of the (3) Authority, are designed to increase the use of lodging facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

14 15 16

17

18

19

20

21

Administration. The town shall administer a tax levied under this section. A tax (c) levied under this section is due and payable to the town finance officer in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the town. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

22 23 24

A return filed with the town finance officer under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this section shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to any other penalty, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid.

30 31 32

33

34

35

36

Any person who willfully attempts in any manner to evade a tax imposed under this section or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The town council may, for good cause shown, compromise or forgive the penalties imposed by this subsection.

43

44

45

Distribution and use of tax revenue. Use of Tax Revenue. - The Town of Boone shall, on a quarterly basis, remit sixty percent (60%) of the net proceeds of the occupancy tax levied under this section to the Boone Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this section to promote travel and tourism. The Authority shall use the remainder for tourism-related expenditures that are recommended by the Boone Town Council and approved by the Authority. may spend funds remitted to it under this subsection only to further the development of travel, tourism, and conventions for the Town of Boone. The Town of Boone may deposit the remainder of the net proceeds in its general funds to be used for any lawful purpose. As used in this subsection, "net proceeds" means gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer.

50

(f) Effective date of levy. A tax levied under this section shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, 1 2 3

however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(g) Repeal. A tax levied under this section may be repealed by a resolution adopted by the Boone Town Council. Repeal of a tax levied under this section shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this section does not affect a liability for a tax that was attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

Sec. 2. Tourism Development Authority. (a) Appointment and membership. — When the town council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Boone Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The town council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall be composed of nine voting members appointed by the Boone Town Council as follows:

- (1) Three individuals who are owners or operators of taxable tourist accommodations in Boone, one of whom resides in Boone and two of whom reside in Watauga County.
- (2) One resident of Watauga County who owns or operates a restaurant in Boone.
- (3) Two residents of Boone who are members of the Boone Area Chamber of Commerce.
- (4) One member of the Boone Town Council.
- (5) Two residents of the Town of Boone.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Boone shall be the ex officio finance officer of the Authority but shall not be a member of the authority.

The members of the Authority shall serve without compensation and shall serve for a term of three years, except that the town council shall designate three of the initial appointees to serve two year terms. Vacancies shall be filled in the same manner as original appointments and members appointed to fill vacancies shall serve for the remainder of the unexpired term. The Authority shall elect from its membership a chair; the Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings.

- (b) Powers and duties. Duties. The Authority may contract with any person, legal entity, firm, or organization to advise it and assist it in carrying out its duty to promote travel, tourism, and conventions for the Town of Boone. The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.
- (c) Reports. The Authority shall report quarterly and at the close of the fiscal year to the town council on its receipts and expenditures for the preceding quarter and for the year in such detail as the Council may require.
 - Sec. 3. This act is effective upon ratification."

SECTION 2. G.S. 160A-215(g) reads as rewritten:

"(g) This section applies only to Beech Mountain District W, to the Cities of Belmont, Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain,

H401-CSRLx-4 [v.1]

House Bill 401

General Assembly of North Carolina

Session 2009

- 1 Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby,
- 2 Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson,
- 3 Blowing Rock, Boiling Springs, Boone, Burgaw, Carolina Beach, Carrboro, Dallas, Dobson,
- 4 Elkin, Franklin, Jonesville, Kenly, Kure Beach, Leland, Mooresville, North Topsail Beach,
- 5 Pilot Mountain, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro,
- 6 Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and
- 7 Brunswick Counties."
 - **SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 401 PROPOSED COMMITTEE SUBSTITUTE H401-PCS50266-RLx-4

D

Short Title:	Boone Occupancy Tax.	(Local)
Sponsors:		
Referred to:		

March 5, 2009

1 2

28 .

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 170 of the 1987 Session Laws, as amended by S.L. 1998-35 and Section 21(o) of S.L. 2007-527, reads as rewritten:

"Section 1. Occupancy tax. (a) Authorization and seope.scope. — The Boone Town Council may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the corporate limits of the town that is subject to sales tax imposed by the State under G.S. 105-164.4(3).105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations organizations when furnished in furtherance of their nonprofit purpose.

- (a1) Additional Tax. In addition to the tax authorized by subsection (a) of this section, the Boone Town Council may levy a room occupancy and tourism development tax of up to three percent (3%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with this section. The Town of Boone may not levy a tax under this subsection unless it also levies a tax under subsection (a) of this section.
- (b) Administration. A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section. Collection. Every operator of a business subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the town. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The town shall design, print, and furnish to all appropriate businesses and persons in the town the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects the



<u>•</u>

occupancy tax levied under this section may deduct from the amount remitted to the town a discount of three percent (3%) of the amount collected.

- (b1) Definitions. The following definitions apply in this section:
 - (1) Net proceeds. Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the gross proceeds.
 - (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the town. The term includes administrative expenses incurred in engaging in the listed activities.
 - (3) Tourism-related expenditures. Expenditures that, in the judgment of the Authority, are designed to increase the use of lodging facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.
- (c) Administration. The town shall administer a tax levied under this section. A tax levied under this section is due and payable to the town finance officer in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the town. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

A return filed with the town finance officer under this section is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this section shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due in addition to any other penalty, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid.

Any person who willfully attempts in any manner to evade a tax imposed under this section or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The town council may, for good cause shown, compromise or forgive the penalties imposed by this subsection.

- (e) Distribution and use of tax revenue. Use of Tax Revenue. The Town of Boone shall, on a quarterly basis, remit sixty percent (60%) of the net proceeds of the occupancy tax levied under this section to the Boone Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this section to promote travel and tourism. The Authority shall use the remainder for tourism-related expenditures that are recommended by the Boone Town Council and approved by the Authority, may spend funds remitted to it under this subsection only to further the development of travel, tourism, and conventions for the Town of Boone. The Town of Boone may deposit the remainder of the net proceeds in its general funds to be used for any lawful purpose. As used in this subsection, "net proceeds" means gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer.
- (f) Effective date of levy. A tax levied under this section shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month,

13

14 15

16

17

22

23

24 25 26

28 29 30

27

31

41

36

48

47 49

50 51

however, and may not be earlier than the first-day of the second month after the date the resolution is adopted.

- (g) Repeal. A tax levied under this section may be repealed by a resolution adopted by the Boone Town Council. Repeal of a tax levied under this section shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal-resolution-was adopted. Repeal of a tax-levied under this section does not affect a liability for a tax that was attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.
- Sec. 2. Tourism Development Authority. (a) Appointment and membership. When the town council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Boone Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members must be individuals who are currently active in the promotion of travel and tourism in the town. The town council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall be composed of nine voting members appointed by the Boone Town Council as follows:

- Three individuals who are owners or operators of taxable tourist (1)accommodations in Boone, one of whom resides in Boone and two of whom reside in Watauga County.
- One resident of Watauga County who owns or operates a restaurant in $\frac{(2)}{2}$
- Two residents of Boone who are members of the Boone Area Chamber of (3) Commerce.
- One member of the Boone Town Council. (4)
- Two residents of the Town of Boone. (5)

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Boone shall be the ex officio finance officer of the Authority but shall not be a member of the authority.

The members of the Authority shall serve without compensation and shall serve for a term of three years, except that the town council shall designate three of the initial appointees to serve two year terms. Vacancies shall be filled in the same manner as original appointments and members appointed to fill vacancies shall serve for the remainder of the unexpired term. The Authority shall elect from its membership a chair; the Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings.

- Powers and duties. Duties. The Authority may contract with any person, legal entity, firm, or organization to advise it and assist it in carrying out its duty to promote travel, tourism, and conventions for the Town of Boone. The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.
- Reports. The Authority shall report quarterly and at the close of the fiscal year to the town council on its receipts and expenditures for the preceding quarter and for the year in such detail as the Council may require.
 - Sec. 3. This act is effective upon ratification."
 - **SECTION 2.** G.S. 160A-215(g) reads as rewritten:
- This section applies only to Beech Mountain District W, to the Cities of Belmont, Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain,

- 1 Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby,
- 2 Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson,
- Blowing Rock, Boiling Springs, Boone, Burgaw, Carolina Beach, Carrboro, Dallas, Dobson,
- 4 Elkin, Franklin, Jonesville, Kenly, Kure Beach, Leland, Mooresville, North Topsail Beach,
- 5 Pilot Mountain, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro,
- 6 Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and
- 7 Brunswick Counties."

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 401 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF
BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND
TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.
☑ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No.) is placed on the Calendar of . (The original bill resolution No.)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.



HOUSE BILL 401: Boone Occupancy Tax

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

March 17, 2009

Finance

Introduced by: Rep. Tarleton

Prepared by: Steven Rose

Analysis of:

PCS to First Edition

Committee Counsel

H401-CSRLx-4

SUMMARY: The PCS for HB 401 authorizes the Town of Boone to levy an additional 3% room occupancy and tourism development tax. This is in addition to the authority it already has to levy a 3% room occupancy tax. At least two-thirds of the proceeds of both taxes would be used to promote travel and tourism and the remainder would be used for tourism-related expenditures. Other provisions of the bill make changes so that the bill conforms to contemporary acts of this type. The bill also eliminates a provision in the original taxing authority that permitted 40% of the revenue from the original 3% tax to go to the general fund of the town. The bill conforms to the uniform occupancy tax provisions followed by the House Finance Committee.

This bill is serially referred to House Finance.

The PCS corrects typographical errors only.

[As introduced, this bill was identical to S434, as introduced by Sen. Goss, which is currently in Senate Finance.]

CURRENT LAW: The Town of Boone currently has authority to levy a 3% room occupancy tax, with 60% of the tax going to promote travel, tourism and conventions and the remainder going to the town's general fund.

BILL ANALYSIS: House Bill 401 authorizes the Town of Boone to levy an additional room occupancy tax of up to 3%. The proceeds of this tax and the already authorized 3% tax must be remitted to a town Tourism Development Authority (TDA), which must use at least two-thirds of the proceeds to promote travel and tourism and the remainder for tourism-related expenditures. The tourism-related expenditures are recommended by the Boone Town Council and approved by the TDA. A provision in the previous taxing authority providing for a portion of the tax receipts to go to the town general fund is repealed. The administrative and use provisions are rewritten to contemporary standards and conform to the uniform guidelines followed by the House Finance Committee.

UNIFORM OCCUPANCY TAX PROVISIONS	HB 401
Rate – The county tax rate cannot exceed 6% and the city tax rate, when combined with the county rate, cannot exceed 6%.	Conforms
Use – Two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism related expenditures.	Conforms
Definitions The term "net proceeds", "promote travel and tourism", and "tourism related expenditures" are defined terms.	Conforms
Administration – The net revenues must be administered by a local tourism development authority that has the authority to determine how the tax proceeds will be used, is created by a local ordinance, and at least 1/2 of the members must be currently active in the promotion of travel and tourism in the county and 1/3 of the members must be affiliated with organizations that collect the tax.	Conforms
Costs of Collection – The taxing authority may retain from the revenues its actual costs of collection, not to exceed 3% of the first \$500,000 collected each year plus 1% of the remainder collected each year.	Conforms

House Bill 401

Page 2

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

BACKGROUND: Since 1983, the General Assembly has authorized many units of local government to levy a room occupancy tax. In several instances, the General Assembly has authorized both a county and a city within that county to impose an occupancy tax. The rate of tax, the use of the tax proceeds, the administration of the tax, and the body with the authority to determine how the tax proceeds will be spent vary considerably. Over the past several years, there has been a greater effort to make the occupancy taxes uniform. In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax legislation – G.S. 153A-155 and G.S. 160A-215. These provisions provide uniformity in the areas of levy, administration, collection, repeal, and penalties.

§ 160A-215. Uniform provisions for room occupancy taxes.

- (a) Scope. This section applies only to municipalities the General Assembly has authorized to levy room occupancy taxes. For the purpose of this section, the term "city" means a municipality.
- (b) Levy. A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.
- (c) Collection. Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. If a taxable accommodation is furnished as part of a package, the bundled transaction provisions in G.S. 105-164.4D apply in determining the sales price of the taxable accommodation. If those provisions do not address the type of package offered, the operator may determine an allocated price for each item in the package based on a reasonable allocation of revenue that is supported by the operator's business records kept in the ordinary course of business and collect tax on the allocated price of the taxable accommodation.

The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing city. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business.

The taxing city shall design, print, and furnish to all appropriate businesses and persons in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing city a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. – The taxing city shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the city finance officer in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the taxing city. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A

House Bill 401

Page 3

room occupancy tax return filed with the city finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

- (e) Penalties. A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing city has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.
- (f) Repeal or Reduction. A room occupancy tax levied by a city may be repealed or reduced by a resolution adopted by the governing body of the city. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.
- (f1) Use. The proceeds of a room occupancy tax shall not be used for development or construction of a hotel or another transient lodging facility.
- (g) This section applies only to Beech Mountain District W, to the Cities of Belmont, Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Blowing Rock, Boiling Springs, Burgaw, Carolina Beach, Carrboro, Dallas, Dobson, Elkin, Franklin, Jonesville, Kenly, Kure Beach, Leland, Mooresville, North Topsail Beach, Pilot Mountain, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and Brunswick Counties.

Trina Griffin, Counsel to the House Finance Committee, substantially contributed to this summary.

H401-SMRL-15(CSRLx-4) v1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

3

4 5

6 7

8

9

10

11

12

13

14

15

16 17

HOUSE BILL 464

Short Title:	Raleigh Energy Efficiency. (Local)	
Sponsors:	Representatives Martin, Harrell, Weiss, Ross (Primary Sponsors); Harrison and Jackson.	
Referred to:	Local Government II, if favorable, Energy and Energy Efficiency.	

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE PERMANENT AN ACT EXEMPT

AN ACT TO MAKE PERMANENT AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES, AND TO EXPAND THE ACT TO ALL RALEIGH PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2007-333 reads as rewritten:

"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 aimed at increasing energy conservation efficiency 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.



1



HOUSE BILL 464: Raleigh Energy Efficiency

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

March 17, 2009

Energy and Energy Efficiency

Introduced by: Reps. Martin, Harrell, Weiss, Ross

Analysis of: Firs

First Edition

Prepared by: Bill Patterson

Committee Counsel

SUMMARY: House Bill 464 would remove the sunset provision in the 2007 act exempting the City of Raleigh from competitive bidding requirements for contracts for apparatus, supplies, materials or equipment to be used in pilot programs testing the energy conservation of light emitting diodes (LEDs). This bill also would expand the exemption to cover specified contracts involving any Raleigh pilot programs aimed at increasing energy efficiency.

CURRENT LAW: S.L. 2007-333, s. 1, exempts the City of Raleigh from the competitive bidding requirements of G.S. 143-129, 143-131, and 143-132, on contracts for apparatus, supplies, materials or equipment to be used as part of any pilot program authorized by the City Council for testing the efficiency and effectiveness of LEDs. Under the sunset provision in the 2007 act, this exemption expires on July 1, 2009.

BILL ANALYSIS: The bill would expand the current law by exempting the City of Raleigh from competitive bidding requirements in contracting for apparatus; supplies, materials or equipment to be used in any City Council approved pilot program aimed at increasing energy efficiency. In addition, the bill would make this exemption permanent by removing the 2007 act's sunset provision.

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

H464-SMTG-4(e1) v4

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:		
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.		
Committee Substitute for		
HB 464 A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT AN ACT		
EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS		
WHEN LETTING CONTRACTS FOR USE AS PART OF ANY PILOT PROGRAM		
AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND		
EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES, AND TO EXPAND		
THE ACT TO ALL RALEIGH PILOT PROGRAMS AIMED AT INCREASING ENERGY		
EFFICIENCY.		
With a favorable report and recommendation that the bill be re-referred to the Committee on		
ENERGY AND ENERGY EFFICIENCY.		
(FOR JOURNAL USE ONLY)		
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on		
The bill/resolution is re-referred to the Committee on		

VISITOR REGISTRATION SHEET

House Local Government II Committee	March 18, 2009	
Name of Committee	Date	

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS
ChydRolegh.
TPG
NCAR
NCHBA
Hunten & Williams
NC 1200pre of Municipality

VISITOR REGISTRATION SHEET

House Local Government II Committee	March 18, 2009	
Name of Committee	Date	

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS
NCEM
NCFPC
Enith Anderson
•

House Pages .

Name Of Committee:	Date: 3/18/09
1. Name: Mary Webb	
County: McDowell	<u></u>
Sponsor: Cillespie	1/4 HEV SK
2. Name: Kayla McCargo	
County: Dake	
Sponsor: Spear	
3. Name: <u>\</u>	
County:	
Sponsor:	
4. Name:	· ·
County:	
Sponsor:	
5. Name:	·
County:	· · · · · · · · · · · · · · · · · · ·
Sponsor:	
· <u>S</u> g	n-At-Arms
1. Name: MARVIN LEE	·
2. Name: <u>Bob</u> ROSS1	
3. Name: Trey Raley	•
4. Name:	
	·

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE

AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, March 25, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 459	Rocky Mount/Fair Housing Ordinance.	Representative Bryant
	_	Representative Farmer-
		Butterfield
		Representative Stewart
HB 465	Use of Funds Received From Parking	Representative Martin
	Meters.	Representative Ross
		Representative Ty Harrell
		Representative Blue
HB 476	Faison/ETJ Powers.	Representative Bell
HB 483	School Calendar Flexibility/Some	Representative Haire
	LEAs.	
HB 488	First Craven Sanitary District	Representative Underhill
-	Validation.	Representative Wainwright
HB 499	School Calendar Flexibility/2 LEAs.	Representative Goforth
		Representative Fisher
		Representative Whilden
		Representative Rapp
HB 507	Increase Mecklenburg Force Account Limit.	Representative Samuelson

Respectfully, Representative Braxton, Chair

•	- ·
I hereby certify this notice was for 3 o'clock on March 19, 2009.	filed by the committee assistant at the following offices a
☐ Principal Clerk ☐ Reading Clerk – House Char	mber
Ada Finch (Committee Assista	ant)

COMMITTEE ON LOCAL GOVERNMENT II MARCH 25, 2009 AGENDA

I. CALL TO ORDER

II. INTRODUCTIONS

III. BILLS

HB 459	Rocky Mount/Fair Housing Ordinance.	Representative Bryant Representative Farmer- Butterfield
		Representative Stewart
HB 465	Use of Funds Received From Parking Meters.	Representative Martin Representative Ross Representative Ty Harrell Representative Blue
HB 476	Faison/ETJ Powers.	Representative Bell
HB 483	School Calendar Flexibility/Some LEAs.	Representative Haire
HB 488	First Craven Sanitary District Validation.	Representative Underhill Representative Wainwright
HB 499	School Calendar Flexibility/2 LEAs.	Representative Goforth Representative Fisher Representative Whilden Representative Rapp
HB 507	Increase Mecklenburg Force Account Limit.	Representative Samuelson

COMMITTEE ON LOCAL GOVERNMENT II March 25, 2009 Minutes

Representative R. Van Braxton, Chair of the Committee Local Government II, called the meeting to order at 11:03 a.m. on March 25, 2009. The following members were present: Representatives Floyd, Warren, Stewart, Tucker, Stam, Langdon, Guice, Blackwell, Spear, Lucas and Gibson. Representative Braxton recognized the Pages: Destiny Bullock of Pitt County sponsored by Representative Edith Warren, Christe Taylor of Robeson County sponsored by Representative Garland Pierce. Marvin Lee, Trey Raley and Bob Rossi were the Sergeants-at-Arms.

Representative Angela Bryant presented House Bill 359, AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW THE CITY TO ENACT A FAIR HOUSEING ORDINANCE. Representative Tucker moved to hear the Proposed Committee Substitute. Stam pointed out a matter of consistency in the Proposed Committee Substitute and moved to amend the PCS by adding the following to the end of the line on page 1, line 22 "and consistent with subsection (a)". Representative Tucker moved an unfavorable report as to the original bill and favorable as to the proposed committee substitute. The motion passed.

House Bill 465, AN ACT TO ALLOW THE CITY OF RALEIGH TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES, was presented by Primary Sponsor, Grier Martin. Representative Stewart at the request Representative Insko moved that the bill be amended to include Chapel Hill. Representative Stam moved an unfavorable report as to the original bill and favorable as to the proposed committee substitute which requires a title change and to be re-referred to the Committee on Finance. The motion passed.

House Bill 476, AN ACT REPEALING THE AUTHORITY OF THE TOWN OF FAISON TO EXERCISE THE POWER OF EXTRATERRITORIAL JURISDICTION BEYOND ONE MILE OF THE TOWN'S CORPORATE LIMITS, was presented by the primary sponsor, Representative Bell. After some discussion by the members, and by members of the audience including Rick Moorefield, Sampson County Manager and Attorney; Sheila Avery of Faison; Debra Kornegay of Calypso; Elmer Flake, Mayor of Faison; and Woody Brinson of Faison, Representative Braxton removed the bill from consideration at this time and appointed a subcommittee consisting of Representatives Lucas, Gibson, Blackwell, Langdon and Russell Tucker, Chair, to resolve its issues.

Representative Haire presented House Bill 483, AN ACT TO MODIFY THE REQUIRED SCHOOL OPENING AND CLOSING DATES IN CERTAIN LOCAL SCHOOL ADMINISTRATIVE UNITS. Due to the press of time, the bill was displaced on the agenda and will be held and scheduled for the next committee meeting.

Loc. Gov. II 3-25-09 Page 2

House Bill 488, AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTION OF THE FIRST CRAVEN SANITARY DISTRICT was presented by Representative Underhill, its sponsor. Representative Spear moved a favorable report. The motion passed.

Representative Goforth agreed to re-scheduling House Bill 499 for the next meeting. Representative Samuelson had previously requested holding her bill for another time. Representative Braxton announced that the bills Representatives Haire, Goforth, and Bell would be heard at the next committee meeting in that order. There being no further matters before the committee, the meeting was adjourned by the Chairman, Representative Braxton at 11:60 a.m.

Barbara Hocutt, Committee Assistant
Barbara Wocutt

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 459*

	•
Short Title:	Rocky Mount/Fair Housing Ordinance. (Local)
Sponsors:	Representatives Bryant, Farmer-Butterfield, Stewart (Primary Sponsors); and Hughes.
Referred to:	Local Government I, if favorable, Judiciary I.
	March 9, 2009
	A BILL TO BE ENTITLED
ANIACTAN	MENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW
•	TY TO ENACT A FAIR HOUSING ORDINANCE.
	Assembly of North Carolina enacts:
S	ECTION 1. The Charter of the City of Rocky Mount, being S.L. 2003-327, is
	adding a new Article to read as follows:
•	"Article IX. Fair Housing.
<u>(a)</u> <u>T</u>	he City shall have the power to adopt ordinances prohibiting discrimination on the
basis of race	, color, sex, religion, handicap, familial status, or national origin in the sale, rental,
or advertisir	ng of dwellings, in the provision of real estate brokerage services, or in the
availability	of residential real-estate related transactions. The ordinances may regulate or
prohibit any	act, practice, activity, or procedure related, directly or indirectly, to the sale or
rental of pu	blic or private housing, that affects or may tend to affect the availability or
desirability of	of housing on an equal basis to all persons; may provide that violations constitute a
criminal offe	ense; may subject the offender to civil penalties; and may provide that the City may ordinances by application to the Superior Court Division of the General Court of
Instina for	appropriate legal and equitable remedies, including mandatory and prohibitory
injunctions a	and orders of abatement, attorneys' fees, and punitive damages, and the court shall
	tion to grant the remedies.
	the City shall have the power to amend any ordinance adopted pursuant to the
provisions c	ontained in subsection (a) of this Article to ensure that the ordinance remains
substantially	equivalent to the federal Fair Housing Act (41 U.S.C. §§ 3601, et seq.). Any
ordinance er	nacted pursuant to this Article prohibiting discrimination on the basis of familial
status shall i	not apply to housing for older persons, as defined in the federal Fair Housing Act
(41 U.S.C. §	§ 3601, et seq.).
(c) A	any ordinance enacted pursuant to this Article may provide for exemption from its
coverage:	
(1) The rental of a housing accommodation in a building containing
	accommodations for not more than four families living independently of
	each other if the lessor or a member of his family resides in one of those
	accommodations. The rental of a room or rooms in a housing accommodation by an individual
· L	The rental of a room or rooms in a housing accommodation by an individual if he or a member of his family resides there.
ľ	With respect to discrimination based on sex, the rental or leasing of housing
7.	accommodations in single-sex dormitory property.



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

44



HOUSE BILL 459: Rocky Mount/Fair Housing Ordinance

2009-2010 General Assembly

Committee:

House Local Government II

Introduced by: Reps. Bryant, Farmer-Butterfield, Stewart

Analysis of:

PCS to First Edition

H459-CSRN-5

Date:

March 25, 2009

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 459 is a local act that would amend the Charter of the City of Rocky Mount to add a new Article on fair housing. The Proposed Committee Substitute corrects two citations.

[As introduced, this bill was identical to S459, as introduced by Sen. Swindell, which is currently in Senate State and Local Government.]

CURRENT LAW: Under the State Fair Housing Act (Chapter 41A of the General Statutes), it is unlawful for any person in a real estate transaction to discriminate against a person because of race, color, religion, sex, national origin, handicapping condition, or familial status. Fair housing complaints may be filed with the North Carolina Human Relations Commission for investigation. G.S. 41A-7(c) provides that whenever another unit of government with equal authority to investigate has jurisdiction over the subject matter of a complaint, the Commission shall be divested of jurisdiction over the complaint.

BILL ANALYSIS: House Bill 459 would allow the City of Rocky Mount to adopt ordinances prohibiting discrimination on the basis of race, color, sex, religion, handicap, familial status, or national origin in real estate transactions. The bill would also do all of the following:

- Permit civil and criminal penalties for violations of the ordinances.
- Allow the City to amend the ordinances to keep them substantially equivalent to the federal Fair Housing Act.
- Authorize exemptions for certain types of housing that are lessor-occupied, single sex dormitories, owned and operated for religious or non-profit institutions, or for remedying past discrimination.
- Allow the City to create a committee which would enforce the ordinances and would have other adjudicatory powers.
- Exempt some of the Committee's work from public records and open meetings requirements.

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

BACKGROUND: The North Carolina General Assembly has enacted similar legislation in the past. S.L. 2007-475 authorized the City of High Point to enact a fair housing ordinance, and S.L. 2000-26 made a similar change to the City of Charlotte's charter. House Bill 459 is modeled after and almost dentical to the legislation adopted for High Point and Charlotte.

H459-SMRN-14(CSRN-5) v1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1 2

D

HOUSE BILL 459* PROPOSED COMMITTEE SUBSTITUTE H459-CSRN-5 [v.1]

3/24/2009 10:37:21 AM

Short Title: Rock	xy Mount/Fair Housing Ordinance.	(Local)
Sponsors:		
Referred to:		
	March 9, 2009	
THE CITY TO The General Assem SECTIC amended by adding (a) The City basis of race, color, or advertising of availability of resi prohibit any act, prental of public or desirability of hous criminal offense; menforce the ordinar Justice for appropringunctions and ord have jurisdiction to (b) The City provisions containe substantially equive	A BILL TO BE ENTITLED ING THE CHARTER OF THE CITY OF ROCKY ENACT A FAIR HOUSING ORDINANCE. bly of North Carolina enacts: ON 1. The Charter of the City of Rocky Mount, be a new Article to read as follows: "Article IX. Fair Housing. "Shall have the power to adopt ordinances prohibiting sex, religion, handicap, familial status, or national ordinal real-estate related transactions. The ordinal reactice, activity, or procedure related, directly or interprivate housing, that affects or may tend to affing on an equal basis to all persons; may provide that any subject the offender to civil penalties; and may proceed by application to the Superior Court Division of the state legal and equitable remedies, including manners of abatement, attorneys' fees, and punitive dama grant the remedies. "Yes hall have the power to amend any ordinance and in subsection (a) of this Article to ensure that alent to the federal Fair Housing Act (42 U.S.C.) pursuant to this Article prohibiting discrimination of the state of the state of the federal fair Housing Act (42 U.S.C.)	peing S.L. 2003-327, is and discrimination on the prigin in the sale, rental, age services, or in the ances may regulate or adirectly, to the sale or fect the availability or at violations constitute a covide that the City may of the General Court of datory and prohibitory ages, and the court shall dopted pursuant to the the ordinance remains §§ 3601, et seq.). Any
status shall not app (42 U.S.C. §§ 3601	ly to housing for older persons, as defined in the fe	deral Fair Housing Act
	<u>net seq.).</u> inance enacted pursuant to this Article may provide	for exemption from its
coverage:		
	The rental of a housing accommodation in a accommodations for not more than four families leach other if the lessor or a member of his family accommodations.	iving independently of
<u>(2)</u>	The rental of a room or rooms in a housing accommon fine or a member of his family resides there.	odation by an individual



2

3

4

5

6

7

8

9

10

11

12

13 14

15

16

17

18 19

20

21

22

23

24

25 26

27

28

29

30 31

32

33

34 35

36

37

38

39 40

41 42

43

44 45

46

- (e) The City may provide that neither complaints filed with any committee pursuant to the ordinance nor the results of the committee's investigations, discovery, or attempts at conciliation, in whatever form prepared and preserved, shall be subject to inspection, examination, or copying under the provisions of what is now Chapter 132 of the General Statutes.
- (f) The City may provide that the statutory provisions relating to meetings of governmental bodies, presently embodied in Article 33C of Chapter 143 of the General Statutes, shall not apply to the activity of any committee authorized to enforce the ordinance to the extent that the committee is receiving a complaint or conducting an investigation, discovery, or conciliation pertaining to a complaint filed pursuant to the ordinance."

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

Page 2 House Bill 459* H459-CSRN-5 [v.1]

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

	EDITION No.
	H. B. No. 459-CSRN-5 DATE 3-25-09
	S. B. No Amendment No
	COMMITTEE SUBSTITUTE (to be filled in by Principal Clerk)
	Rep. Stam
	Sen.)
1	moves to amend the bill on page, line,
2	() WHICH CHANGES THE TITLE
3	the line "and consistent with subsection (a)"
4	the line and consistent with subsection (a)
5	
6	•
7	· · · · · · · · · · · · · · · · · · ·
3	
9	
10	
11	
13	
	·
19	SIGNED Stan
	ADOPTEDTABLEDTABLED

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 459* PROPOSED COMMITTEE SUBSTITUTE H459-PCS50307-RN-5

D

	Rocky Mount/Fair Housing Ordinance. (Local)
Sponsors:	· · · · · · · · · · · · · · · · · · ·
Referred to:	·
•	March 9, 2009
	A BILL TO BE ENTITLED
AN ACT AMI	ENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW
THE CITY	TO ENACT A FAIR HOUSING ORDINANCE.
The General A	ssembly of North Carolina enacts:
	CTION 1. The Charter of the City of Rocky Mount, being S.L. 2003-327, is
amended by ad	ding a new Article to read as follows:
UO4' 60	"ARTICLE IX. FAIR HOUSING.
	0. Provisions. City shall have the power to adopt ordinances prohibiting discrimination on the
	olor, sex, religion, handicap, familial status, or national origin in the sale, rental
	of dwellings, in the provision of real estate brokerage services, or in the
	residential real estate related transactions. The ordinances may regulate or
	et, practice, activity, or procedure related, directly or indirectly, to the sale or
	c or private housing, that affects or may tend to affect the availability or
	nousing on an equal basis to all persons; may provide that violations constitute a
	e; may subject the offender to civil penalties; and may provide that the City may
	linances by application to the Superior Court Division of the General Court of
	propriate legal and equitable remedies, including mandatory and prohibitory
	orders of abatement, attorneys' fees, and punitive damages, and the court shall
	n to grant the remedies.
	City shall have the power to amend any ordinance adopted pursuant to the tained in subsection (a) of this Article to ensure that the ordinance remains
-	quivalent to the federal Fair Housing Act (42 U.S.C. § 3601, et seq.) and
	subsection (a). Any ordinance enacted pursuant to this Article prohibiting
	on the basis of familial status shall not apply to housing for older persons, as
	ederal Fair Housing Act (42 U.S.C. § 3601, et seq.).
(c) Any	ordinance enacted pursuant to this Article may provide for exemption from its
coverage:	
<u>(1)</u>	The rental of a housing accommodation in a building containing
	accommodations for not more than four families living independently of
	each other if the lessor or a member of his family resides in one of those
. (0)	accommodations.
<u>(2)</u>	The rental of a room or rooms in a housing accommodation by an individual



if he or a member of his family resides there.

2

3

4

5

6

7

8 9

10

11

12

13

14 15

16

17

18 19

20

21

22

23

24

25 26

27

28

29

30

31 32

33

34 35

36

37

38

39 40

41

42

43

44

45

46

- persons.
- The City may provide that neither complaints filed with any committee pursuant to the ordinance nor the results of the committee's investigations, discovery, or attempts at conciliation, in whatever form prepared and preserved, shall be subject to inspection, examination, or copying under the provisions of what is now Chapter 132 of the General Statutes.
- The City may provide that the statutory provisions relating to meetings of (f) governmental bodies, presently embodied in Article 33C of Chapter 143 of the General Statutes, shall not apply to the activity of any committee authorized to enforce the ordinance to the extent that the committee is receiving a complaint or conducting an investigation, discovery, or conciliation pertaining to a complaint filed pursuant to the ordinance."

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 459 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE
CITY OF ROCKY MOUNT TO ALLOW THE CITY TO ENACT A FAIR HOUSING
ORDINANCE.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

Ada Finch (Rep. Braxton)

om:

Brad Krehely (Research)

_ant:

Wednesday, March 25, 2009 12:42 PM

To:

Rep. R. Van Braxton; Ada Finch (Rep. Braxton)

Cc:

Steve Rose (Research)

Subject:

House Bill 459-- No serial referral to another committee

Barbara.

I have sent the PCS down to bill typing. According to our bill status system, the bill does *not* have a serial referral to another committee.

The reason for the confusion is that this bill was originally sent to Local Government I and did have a serial referral to House Judiciary I. However, when the bill was moved to our committee, it was not sent with a serial referral.

So, the bottom line is that the bill does not need to go to another committee.

-Brad

Bradley K. Krehely
Staff Attorney
North Carolina General Assembly
Research Division
545 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603
(919) 733-2578 (phone)
(919) 715-5460 (fax)
bradk@ncleq.net

Ada Finch (Rep. Braxton)

om:

Brad Krehely (Research)

__nt:

Thursday, March 26, 2009 9:30 AM

To:

Ada Finch (Rep. Braxton)

Subject:

H459-- now rereferred to House J I

Barbara.

I noticed this morning that House Bill 459 was re-referred to House Judiciary I. This is a change from what was in the system yesterday. I apologize for any confusion this may have caused.

-Brad

From:

Ada Finch (Rep. Braxton)

Sent:

Wednesday, March 25, 2009 01:33 PM

To:

Brad Krehely (Research)

Subject:

RE: House Bill 459-- No serial referral to another committee

Thanks for the "bottom line". I appreciate your prompt response. I will watch for the bill to come from Bill Typing. Barbara Hocutt

From:

Brad Krehely (Research)

Sent:

Wednesday, March 25, 2009 12:42 PM

To:

Rep. R. Van Braxton; Ada Finch (Rep. Braxton)

Steve Rose (Research)

oject:

House Bill 459-- No serial referral to another committee

Barbara,

I have sent the PCS down to bill typing. According to our bill status system, the bill does *not* have a serial referral to another committee.

The reason for the confusion is that this bill was originally sent to Local Government I and did have a serial referral to House Judiciary I. However, when the bill was moved to our committee, it was not sent with a serial referral.

So, the bottom line is that the bill does not need to go to another committee.

-Brad

Bradley K. Krehely
Staff Attorney
North Carolina General Assembly
Research Division
545 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603
(919) 733-2578 (phone)
(919) 715-5460 (fax)
bradk@ncleg.net

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 465*

Short Title: Use of Funds Received From Parking Meters. (Local)

Sponsors: Representatives Martin, Ross, Harrell, Blue (Primary Sponsors); Hughes, Jackson, Stam, and Weiss.

Referred to: Local Government II, if favorable, Finance.

March 9, 2009

1 2

3

4

5

6

7

8

9

10

11

12 13

14 15

16

17

18

19 20

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF RALEIGH TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-301(a) reads as rewritten:

"(a) On-Street Parking. — A city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city. When parking is permitted for a specified period of time at a particular location, a city may install a parking meter at that location and require any person parking a vehicle therein to place the meter in operation for the entire time that the vehicle remains in that location, up to the maximum time allowed for parking there. Parking meters may be activated by eoins or tokens.coins, tokens, credit cards, or electronic means. A city may establish parking zones within the city and may require a different monetary amount to activate the meter for different time periods based upon the zone in which the meter is located. Proceeds from the use of parking meters on public streets must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations operating the parking program or providing parking facilities."

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

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



1



HOUSE BILL 465: Use of Funds Received From Parking Meters

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

March 23, 2009

Finance

Introduced by: Reps. Martin, Ross, Harrell, Blue

Prepared by: Bill Patterson

Analysis of:

First Edition

Committee Counsel .

SUMMARY: House Bill 465 is a local bill that would authorize the City of Raleigh to utilize parking meters capable of being activated by credit cards or electronic means, and to use meter proceeds to defray the cost of operating the parking program or providing parking facilities. The bill would also authorize the City of Raleigh to designate parking zones within the city and to require different monetary amounts for parking meter activation at different time periods based upon the zone in which the meter is located.

[As introduced, this bill was identical to S453, as introduced by Sen. Stein, which is currently in Senate Finance.]

CURRENT LAW: G.S. 160A-301(a) authorizes a city to regulate parking on public streets, alleys and bridges by the use of parking meters, permits activation of parking meters by coins or tokens only, and permits the use of parking meter proceeds to defray the cost of "enforcing and administering traffic and parking ordinances and regulations." There is no express authorization in the current statute for charging different monetary amounts at different times of day to activate a parking meter, based upon the location of the meter.

BILL ANALYSIS: House Bill 465 would authorize the City of Raleigh to operate parking meters that can be activated by credit cards and electronic means. The bill would also authorize Raleigh to establish parking zones in the city and to vary the payment required to activate a parking meter for different time periods based upon the zone in which the meter is located. The bill would eliminate the authority under current law to use parking meter proceeds to defray the cost of enforcing and administering traffic ordinances and regulations, and would limit the use of such funds to defraying the cost of operating the parking program or providing parking facilities.

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

H465-SMTG-6(e1) v2



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

House Bill 465*

		AMENDM	IENT NO
		(to be fille	ed in by
H465-ARN-1 [v.	.1]	Principal	Clerk)
			Page 1 of 1
Comm. Sub. [NO)]		
Amends Title [N	[O]	Date	,2009
First Edition			
Representative			
	the bill on page 1, line 2, by i "AND THE TOWN OF CHAPE	•	vords "RALEIGH" and
on page 1, line Town of Chapel	19, by inserting between the wo	ords "Raleigh" and "on	ly" the words "and the
SIGNED	Amendment Sponso	· · · · · · · · · · · · · · · · · · ·	
SIGNED	mmittee Chair if Senate Commit		
ADOPTED	EAH ED	ТАІ	SI ED



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1 2

only.

HOUSE BILL 465* PROPOSED COMMITTEE SUBSTITUTE H465-PCS80181-TG-3

Short Title: Use of Funds Received From Parking Meters. (Local	I)
Sponsors:	
Referred to:	
March 9, 2009	
A BILL TO BE ENTITLED	
AN ACT TO ALLOW THE CITY OF RALEIGH AND THE TOWN OF CHAPEL HILL TO	Э
ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER	
ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING	G.
METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.	
The General Assembly of North Carolina enacts:	
SECTION 1. G.S. 160A-301(a) reads as rewritten:	
"(a) On-Street Parking A city may by ordinance regulate, restrict, and prohibit th	ie
parking of vehicles on the public streets, alleys, and bridges within the city. When parking i	
permitted for a specified period of time at a particular location, a city may install a parkin	
meter at that location and require any person parking a vehicle therein to place the meter i	
operation for the entire time that the vehicle remains in that location, up to the maximum tim	
allowed for parking there. Parking meters may be activated by eoins or tokens coins, tokens	s,
credit cards, or electronic means. A city may establish parking zones within the city and ma	_ .y
require a different monetary amount to activate the meter for different time periods based upo	
the zone in which the meter is located. Proceeds from the use of parking meters on publi	
streets must be used to defray the cost of enforcing and administering traffic and parkin	
ordinances and regulations.operating the parking program or providing parking facilities."	ی
SECTION 2. This act applies to the City of Raleigh and the Town of Chapel Hi	11

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



D

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 465 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH
TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER
ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING
METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.
With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be rereferred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.

Ada Finch (Rep. Braxton)

om:

Rep. Russell Tucker

Junt:

Wednesday, March 25, 2009 2:02 PM

To:

Rep. Larry Bell; Rep. Marvin Lucas; Rep. Pryor Gibson; Rep. Hugh Blackwell; Rep. J.H.

Langdon; Elmer Flake (faisontownmayor@earthlink.net); R. Moorefield

(rmoorefield@sampsonnc.com); Woody Brinson (wbrinson47@embarqmail.com); Brad

Krehely (Research)

Cc:

Ada Finch (Rep. Braxton); Sally Gillis (Rep. Tucker)

Barbara Hocutt

I got word that the following Representatives are to serve on the subcommittee in HB 476-Faison/ETJ Powers"

Lucas Gibson Blackwell Langdon

Tucker

Because of their interest the following will be invited: Rep. Bell, Flake (Mayor of Faison), Moorefield (Sampson County Manager), and Brinson (consultant). & a staff person (Brad).

I have two suggested times to meet. One is Monday, March 30 from 3:00 to 5:00 PM, location to be determined. The second time is Tuesday, March 31 from 10:00 Pm to 12 Noon, location to be determined. PLEASE RESPOND IF YOU CAN OR CANNOT ATTEND. THIS WILL ALSO LET ME KNOW IF I HAVE YOUR EMAIL ADDRESS KEYED IN CORRECTLY.

Faison and Sampson County should feel free to bring engineers or others that can help solve the problems. But I would to know how many or who will be coming so the room can accommodate us.

Look forward to hearing from you all.

Rep. Russell Tucker 416-B Legislative Bldg. Raleigh, NC 27601-1096 919-715-3021 Office 919-838-1339 FAX 252-568-3295 Home

PS for Brad

If you cannot help with subcommittee, can you send someone to help.

Ada Finch (Rep. Braxton)

From: Ricky Moorefield [rmoorefield@sampsonnc.com]

Sent: Thursday, March 26, 2009 9:48 AM

Rep. Russell Tucker; Rep. Larry Bell; Rep. Marvin Lucas; Rep. Pryor Gibson; Rep. Hugh Blackwell;

Rep. J.H. Langdon; faisontownmayor@earthlink.net; wbrinson47@embarqmail.com; Brad Krehely

(Research)

To:

Cc: Ada Finch (Rep. Braxton); Sally Gillis (Rep. Tucker)

Subject: RE: Subcommittee Local Government - HB 476-Faison/ETJ

Sampson County will have three persons attending March 30. Those are county manager, engineer, and economic developer. I will email specific water and sewer requirements for county-owned property in advance.

Rick Moorefield Sampson County Manager 910-592-6308

From: Rep. Russell Tucker [mailto:Russell.Tucker@ncleg.net]

Sent: Wednesday, March 25, 2009 4:44 PM

To: Rep. Russell Tucker; Rep. Larry Bell; Rep. Marvin Lucas; Rep. Pryor Gibson; Rep. Hugh Blackwell; Rep. J.H. Langdon; faisontownmayor@earthlink.net; rmoorefield@sampsonnc.com; wbrinson47@embarqmail.com; Brad Krehely (Research)

Cc: Ada Finch (Rep. Braxton); Sally Gillis (Rep. Tucker)

Subject: Subcommittee Local Government - HB 476-Faison/ETJ

It appears that the majority can be available for Monday, March 30, 2009 from 3 to 5 PM in Legislative Office Building 425. Please come prepared to work out a solution.

Rep. Russell Tucker 416-B Legislative Bldg. Raleigh, NC 27601-1096 919-715-3021 Office 919-838-1339 FAX 252-568-3295 Home

From: Rep. Russell Tucker

Sent: Wednesday, March 25, 2009 02:02 PM

To: Rep. Larry Bell; Rep. Marvin Lucas; Rep. Pryor Gibson; Rep. Hugh Blackwell; Rep. J.H. Langdon; Elmer Flake (faisontownmayor@earthlink.net); R. Moorefield (rmoorefield@sampsonnc.com); Woody Brinson (wbrinson47@embarqmail.com); Brad Krehely (Research)

Cc: Ada Finch (Rep. Braxton); Sally Gillis (Rep. Tucker)

Subject:

Barbara Hocutt

I got word that the following Representatives are to serve on the subcommittee in HB 476-Faison/ETJ Powers" Lucas Gibson Blackwell Langdon Tucker

Because of their interest the following will be invited: Rep. Bell, Flake (Mayor of Faison), Moorefield (Sampson County Manager), and Brinson (consultant). & a staff person (Brad).

I have two suggested times to meet. One is Monday, March 30 from 3:00 to 5:00 PM, location to be determined. The second time is Tuesday, March 31 from 10:00 Pm to 12 Noon, location to be determined. PLEASE RESPOND IF YOU CAN OR CANNOT ATTEND. THIS WILL ALSO LET ME KNOW IF I HAVE YOUR EMAIL ADDRESS KEYED IN CORRECTLY.

Faison and Sampson County should feel free to bring engineers or others that can help solve the problems. But I would like to know how many or who will be coming so the room can accommodate us.

Look forward to hearing from you all.

Rep. Russell Tucker 416-B Legislative Bldg. Raleigh, NC 27601-1096 919-715-3021 Office 919-838-1339 FAX 252-568-3295 Home

PS for Brad

If you cannot help with subcommittee, can you send someone to help.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Η

HOUSE BILL 488*

1

Short Title:	First Craven Sanitary District Validation.	(Local)
Sponsors:	Representatives Underhill and Wainwright (Primary Sponsors).	
Referred to:	Local Government II.	
	· · · · · · · · · · · · · · · · · · ·	

March 9, 2009

2

3 4

5

6

7 8

9

10

11

12

13

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. In 2009, and quadrennially thereafter, members of the First Craven Sanitary District Board shall be elected for Seats 1 and 2 for four-year terms. In 2011 and quadrennially thereafter, members of the First Craven Sanitary District Board shall be elected for Seats 3, 4, and 5 for four-year terms.

SECTION 2. The previous elections of the Seat 2 member of the First Craven Sanitary District since January 1, 2003 are hereby validated, notwithstanding any irregularity in the elections for the member of Seat 2. Further, any and all actions of the Seat 2 member of the First Craven Sanitary District since January 1, 2003, are hereby ratified and confirmed, notwithstanding any irregularity in the manner of election.

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

14



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 488 A BILL TO BE ENTITLED AN ACT TO CHANGE THE YEARS OF
ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST
CRAVEN SANITARY DISTRICT.
With a favorable report.
,
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
<u> </u>
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of

Susan Burleson (Committee Assistant)

House Pages

Name Of Committee:	Date: 3-25-09
1. Name: Desting Bullock	
County: Pitt	
Sponsor: Narren E.	
2. Name: Charte Cylur	
County: <u>Rubeson</u>	
Sponsor: MR. Pierce	
3. Name: <u>· </u>	
County:	
Sponsor:	·
4. Name:	
County:	
Sponsor:	
5. Name:	
County:	1
Sponsor:	. '
Ss	<u>π-At-Aππs</u>
1. Name: MARVIN LEE 2. Name: IREY RALEY 3. Name: BOB Ross1	
1. Name: IREY ROLEY	· · · · · · · · · · · · · · · · · · ·
3. Name: Bob Ross/	
4. Name:	

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Katherme Joyce	NCASA
Sal Mungh	The Insider
trad	UNCTO
Patia Biffli	mors
Rick Zechini	NC Asson of Realtors
Sal Mayarl	6PM; Assor
Jama Copeland	Asheville Area Chamber.
	• • • • •

Local Moure 25 2009	Name of Committee		Date
	Local Government I	-	March 25-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Colleen Kochanele	* AANC
Donel Aubrin	ElebriCities
DAVIN MICHEY	BRESL
John Runkle	NC SAVES ENERGY
Conne Wlow_	Cwc
Lisa Moorefield	
Rick Moorefield	Sampson Co Managen / Attenucy
Pavid Mc Down	NC Restors
Cady Thomas	NO ASON of CEATTERS
Davie & Byen	K+L WTES
Markaner	WB
	• .

Local Government I	Parch 25, 2009
Name of Committee	Date .

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NA	ME
INA	IVIT

FIRM OR AGENCY AND ADDRESS

Elmon Flate	Mayor, TOWN OF Faison
BILL TGOE	COMM. TOWNOR FAISON
Woody BriNson	Town of Frison Rep.
Emily Doyle	NEPAPA
Parge Roberson	Rep. Phil Haire
annie Steven	Sampson Country
Thelma Feyar	Sampson Courty
Sheila Owery	Faison ETJ
anne S. Beglas)	Journ of Jaeson
Jane Hamt	Foren - Sampson Co.
Eldon Thornton	
- FOUR MARNIE	FAISON SAMPONE.

VISITOR REGISTRATION SHEET		
Local Governmen	VII March 25, 2009 Date	
Name of Committee	Date	
	The continue of EDY	
VISITORS: PLEASE SIGN	IN BELOW AND RETURN TO COMMITTEE CLERK	
NAME	FIRM OR AGENCY AND ADDRESS	
Delseat Lainegen	Ceterger, Calipso NC Duplin Co)	
Frances & Parks	Citizen Colypso, N.C Deplin Co.	
AmySchilder	MWC	
Drittary Farrell	NCFFC	
David Bour	MWC	
Jon con	Ne Rotoerrand + Codging AJOGZ	
Kellillenha	NCLM	
Jodan Schader	Asher, Mc C-	
Canar Bradett	NOSBA	

NCOBA

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	N BELOW AND RETURN TO COMMITTEE CLERK FIRM OR AGENCY AND ADDRESS
Misty Horris	AMONEPC Wadlestone
Com Ashler	Parker Poe
Wacy Kimbell	Parker Poe
Bill Mindel	NCASA
*:	

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION

2009-2010 SESSION

DAY & DATE: Wednesday, April 1, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 476	Faison/ETJ Powers.	Representative Bell
HB 483	School Calendar Flexibility/Some LEAs.	Representative Haire
HB 499	School Calendar Flexibility/2 LEAs.	Representative Goforth Representative Fisher Representative Whilden Representative Rapp
HB 533	Modify Hickory and Conover Occupancy Tax.	Representative Warren Representative Setzer

Respectfully, Representative Braxton, Chair

Representative Diaxto	ii, Ciluii
I hereby certify this notice was filed by the committee assistant at the 11 o'clock on March 26, 2009.	following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	·
Ada Finah (Committee Assistant)	

CORRECTION HOUSE BILL 476 REMOVED FROM AGENDA

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, April 1, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 483	School Calendar Flexibility/Some LEAs.	Representative Haire
HB 499	School Calendar Flexibility/2 LEAs.	Representative Goforth Representative Fisher Representative Whilden Representative Rapp
· HB 533	Modify Hickory and Conover Occupancy Tax.	Representative Warren Representative Setzer

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the 11 o'clock on March 26, 2009.	committee assistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	

Ada Finch (Committee Assistant)

COMMITTEE ON LOCAL GOVERNMENT II APRIL 1, 2009 AGENDA

I. CALL TO ORDER

II. INTRODUCTIONS

III. BILLS

Lemoned	HB-476-	Faiso n/ETJ Powers.	Representative Bell
	HB 483	School Calendar Flexibility/Some LEAs.	Representative Haire
	нв 499	School Calendar Flexibility/2 LEAs.	Representative Goforth Representative Fisher Representative Whilden Representative Rapp
	HB 533	Modify Hickory and Conover Occupancy Tax.	Representative Warren Representative Setzer

COMMITTEE ON LOCAL GOVERNMENT II APRIL 1, 2009 MINUTES

The meeting of the Committee on Local Government II was convened by the Chair, Representative R. Van Braxton on Wednesday, April 01, 2009, at 11:03 a.m. The following members were present: Representatives Tucker, Lucas, Stewart, Blackwell, McElraft, Langdon, Floyd, Guice, Stam, Wiley, Owen, Warren, Spear, Samuelson and Braxton. The Chairman introduced the Pages: Emmanuel Reid of Winston-Salem sponsored by Representative Larry Womble and Sally Lindel of Forsyth County sponsored by Representative Dale Folwell. The Sergeants-at-Arms were Marvin Lee, Bob Rossi and Trey Raley.

Representative Ray Warren introduced House Bill 533, AN ACT TO AUTHORIZE THE CITIES OF HICKORY AND CONOVER TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, which he sponsored. Representative Tucker move to hear the proposed committee substitute. Representative Spear moved an unfavorable report as to the original bill and a favorable report as to the proposed committee substitute with a re-referral to the Committee on Finance. The motion carried.

House Bill 483, AN ACT TO MODIFY THE REQUIRED SCHOOL OPENING AND CLOSING DATES IN CERTAIN LOCAL SCHOOL ADMINISTRATIVE UNITS, was presented to the committee by Representative Phillip Haire who sponsored the bill. After some discussion by the members and some in the audience, Representative Edith Warren moved a favorable report. The motion failed on show of hands, 8 to 5 against the motion.

House Bill 499, AN ACT TO MODIFY THE REQUIRED SCHOOL OPENING AND CLOSING DATES IN TWO LOCAL SCHOOL ADMINISTRATIVE UNITS, was presented by the sponsor, Representative Bruce Goforth. Representative Lucas moved a favorable report which failed by a show of hands, 8 to 5 against the motion.

Representative Braxton announced the possibility of 2 committee meetings next week to clear up the backlog of bills referred to the committee. The meeting was adjourned by Representative Braxton at 11:50 a.m.

Representative R. Van Braxton, Chairman

Barbara R. Hocutt, Committee Assistant

Barbera Hocult

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 533 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF
HICKORY AND CONOVER TO LEVY AN ADDITIONAL ONE PERCENT ROOM
OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER
ADMINISTRATIVE CHANGES.
☑ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
is placed on the Omavorable Calcidar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on . (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

HOUSE BILL 533

Short Title: Modify Hickory and Conover Occupancy Tax. (Local)

Sponsors: Representatives R. Warren, Setzer (Primary Sponsors); and E. Floyd.

Referred to: Local Government II, if favorable, Finance.

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITIES OF HICKORY AND CONOVER TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. The purpose of this act is to revise and consolidate certain acts that authorize the Cities of Hickory and Conover to levy a room occupancy and tourism development tax, to clarify the authority of Hickory and Conover to levy a room occupancy tax by establishing separate authorizing provisions for each city, and to authorize each city to levy an additional one percent (1%) room occupancy tax. No provision of this act is intended, nor shall be construed, to affect in any way the authority of any other municipality authorized under the acts listed in Section 3 of this act to levy a room occupancy and tourism development tax.

SECTION 2. Chapter 929 of the 1985 Session Laws, as amended by Chapter 319 of the 1987 Session Laws and Section 21(j) of S.L. 2007-527, is revised and consolidated to read as follows:

"HICKORY OCCUPANCY TAX

"Section 1. Occupancy tax. – (a) Authorization and Scope. – The City of Hickory may, by joint resolution with the City of Conover, levy a room occupancy and tourism development tax of not less than three percent (3%) nor more than five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

"Section 1.(b) Authorization for Additional Occupancy Tax. — In addition to the tax authorized by subsection (a) of this section, the City of Hickory may, by joint resolution with the City of Conover, levy an additional room occupancy tax of one percent (1%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this subsection must be in accordance with the provisions of this section. The City of Hickory may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

"Section 1.(c) Administration. – Except as otherwise provided in this subsection, a tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section. The City of Hickory may not repeal the levy of the room occupancy tax levied by it if, before the effective date of the repeal, either Hickory or Conover has outstanding indebtedness under Article 4, 5, 8, or 9 of Chapter 159 of the General Statutes for the provision of a



1 2 3

4

5

6

7

8

9

10

11

12

13 14

15

16

17

18

19

20

21

22

23 24

25

26

27

28 29

30 31

32

33

34

35

36 37

38

39

40 41

42

43

44

45

46 47

48

49

50

convention center facility. A repeal of a tax levied under this section must be made by joint resolution with the City of Conover.

"Section 1.(d) Distribution and Use of Tax Revenue. - The City of Hickory shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Hickory-Conover Tourism Development Authority.

- (1) Through December 31, 2019. - Prior to and through December 31, 2019, the Authority may use two-thirds of the funds remitted to it under this subsection for improving, leasing, constructing, financing, operating, or acquiring facilities and properties as needed to provide for a convention center facility, including parking facilities for the convention center. The remainder of the funds must be used to promote travel and tourism.
- After December 31, 2019. After December 31, 2019, the Authority may (2) use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the area and must use the remainder for tourism-related expenditures.

"Section 1.(e) The following definitions apply in this section:

- Net proceeds. Gross proceeds less the cost to the city of administering and (1) collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.
- Promote travel and tourism. To advertise or market an area or activity, **(2)** publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.
- Tourism-related expenditures. Expenditures that, in the judgment of the <u>(3)</u> Hickory-Conover Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

"Section 2.(a) Tourism Development Authority. – (a) Appointment and Membership. – If the City of Hickory levies a tax under Section 1 of this act, being the Hickory Occupancy Tax, and the City of Conover has created a Tourism Development Authority pursuant to Section 4 of this act, being the Conover Occupancy Tax, then the proceeds of any tax levied under Section 1 of this act shall be remitted to that Authority in accordance with Section 1(d) of this act.

If the City of Hickory levies a tax under Section 1 of this act, being the Hickory Occupancy Tax, and the City of Conover has not created a Tourism Development Authority pursuant to Section 4 of this act, being the Conover Occupancy Tax, then when the City Council of Hickory adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Hickory-Conover Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The membership of the Hickory-Conover Tourism Development Authority is as follows:

- Three owners or operators of hotels, motels, or other taxable (1) accommodations in the Cities of Hickory and Conover, two of whom shall be appointed by the Hickory City Council and one appointed by Conover City Council.
- Three individuals who have demonstrated an interest in convention and <u>(2)</u> tourism development and do not own or operate hotels, motels, or other taxable tourism accommodations, one of whom shall be appointed by the

House Bill 533-First Edition

Catawba County Chamber of Commerce, one appointed by the Hickory City Council, and one by the Conover City Council.

4 5

(3) Three ex officio members shall be the City Managers of Hickory and Conover and the Executive Vice President of the Catawba County Chamber of Commerce.

All members of the Council shall serve without compensation. Vacancies in the Authority shall be filled by the appointing authority of the member creating the vacancy. Members appointed to fill vacancies shall serve for the remainder of the unexpired term for which they are appointed to fill. Members shall serve three-year terms that will be staggered and may serve no more than two consecutive three-year terms. The members shall elect a chairperson and treasurer who shall serve for a term of two years.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the City of Hickory shall be the ex officio finance officer of the Authority.

"Section 2.(b) 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 city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

"Section 2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Hickory and Conover City Councils on its receipts and expenditures for the preceding quarter and for the year in such detail as the City Councils may require."

"CONOVER OCCUPANCY TAX

"Section 3. Occupancy tax. – (a) Authorization and Scope. – The City of Conover may, by joint resolution with the City of Hickory, levy a room occupancy and tourism development tax of not less than three percent (3%) nor more than five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

"Section 3.(b) Authorization for Additional Occupancy Tax. — In addition to the tax authorized by subsection (a) of this section, the City of Conover may, by joint resolution with the City of Hickory, levy an additional room occupancy tax of one percent (1%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this subsection must be in accordance with the provisions of this section. The City of Conover may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

"Section 3.(c) Administration. – Except as otherwise provided in this subsection, a tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section. The City of Conover may not repeal the levy of the room occupancy tax levied by it if, before the effective date of the repeal, either Hickory or Conover has outstanding indebtedness under Article 4, 5, 8, or 9 of Chapter 159 of the General Statutes for the provision of a convention center facility. A repeal of a tax levied under this section must be made by joint resolution with the City of Hickory.

"Section 3.(d) Distribution and Use of Tax Revenue. – The City of Conover shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Hickory-Conover Tourism Development Authority.

(1) Through December 31, 2019. — Prior to and through December 31, 2019, the Authority may use two-thirds of the funds remitted to it under this subsection for improving, leasing, constructing, financing, operating, or

1 2

- acquiring facilities and properties as needed to provide for a convention center facility, including parking facilities for the convention center. The remainder of the funds must be used to promote travel and tourism.
- (2) After December 31, 2019. After December 31, 2019, the Authority may use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the area and must use the remainder for tourism-related expenditures.
- "Section 3.(e) The following definitions apply in this section:
 - (1) Net proceeds. Gross proceeds less the cost to the city of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.
 - Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.
 - (3) Tourism-related expenditures. Expenditures that, in the judgment of the Hickory-Conover Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the city or to attract tourists or business travelers to the city. The term includes tourism-related capital expenditures.

"Section 4.(a) Tourism Development Authority. — (a) Appointment and Membership. — If the City of Conover levies a tax under Section 3 of this act, being the Conover Occupancy Tax, and the City of Hickory has created a Tourism Development Authority pursuant to Section 2 of this act, being the Hickory Occupancy Tax, then the proceeds of any tax levied under Section 3 of this act shall be remitted to that Authority in accordance with Section 3(d) of this act.

If the City of Conover levies a tax under Section 3 of this act, being the Conover Occupancy Tax, and the City of Hickory has not created a Tourism Development Authority pursuant to Section 2 of this act, being the Hickory Occupancy Tax, then when the City Council of Conover adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Hickory-Conover Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The membership of the Hickory-Conover Tourism Development Authority is as follows:

- (1) Three owners or operators of hotels, motels, or other taxable accommodations in the Cities of Hickory and Conover, two of whom shall be appointed by the Hickory City Council and one appointed by Conover City Council.
- Three individuals who have demonstrated an interest in convention and tourism development and do not own or operate hotels, motels, or other taxable tourism accommodations, one of whom shall be appointed by the Catawba County Chamber of Commerce, one appointed by the Hickory City Council, and one by the Conover City Council.
- (3) Three ex officio members shall be the City Managers of Hickory and Conover and the Executive Vice President of the Catawba County Chamber of Commerce.

All members of the Council shall serve without compensation. Vacancies in the Authority shall be filled by the appointing authority of the member creating the vacancy. Members appointed to fill vacancies shall serve for the remainder of the unexpired term for which they are appointed to fill. Members shall serve three-year terms that will be staggered and serve no

more than two consecutive three-year terms. The members shall elect a chairperson and treasurer, who shall serve for a term of two years.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the City of Hickory shall be the ex officio finance officer of the Authority.

"Section 4.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 3 of this act. The Authority shall promote travel, tourism, and conventions in the city, sponsor tourist-related events and activities in the city, and finance tourist-related capital projects in the city.

"Section 4.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Hickory and Conover City Councils on its receipts and expenditures for the preceding quarter and for the year in such detail as the City Councils may require."

SECTION 3. The following acts, or portions of acts, having been revised and consolidated into this act, are repealed:

- (1) Chapter 929 of the 1985 Session Laws, as it relates to the Cities of Hickory and Conover only.
- (2) Chapter 319 of the 1987 Session Laws.
- (3) Section 21(j) of S.L. 2007-527.

SECTION 4. All existing resolutions of the Cities of Hickory and Conover adopted pursuant to any of the acts, or portions of acts, listed in Section 3 of this act and that are not inconsistent with the provisions of this act continue in full force and effect until repealed, modified, or amended. This act does not affect the rights or liabilities of a levying unit, a taxpayer, or another person arising under the laws revised and consolidated by this act before the effective date of this act; nor does it affect the right to any refund or credit of a tax that accrued under the laws revised and consolidated by this act before the effective date of this act.

SECTION 5. Administrative provisions. – G.S. 160A-215(g) reads as rewritten:

- "(g) This section applies only to Beech Mountain District W, to the Cities of Belmont, Conover, Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, Hickory, High Point, Kings Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Blowing Rock, Boiling Springs, Burgaw, Carolina Beach, Carrboro, Dallas, Dobson, Elkin, Franklin, Jonesville, Kenly, Kure Beach, Leland, Mooresville, North Topsail Beach, Pilot Mountain, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and Brunswick Counties."
 - **SECTION 6.** This act is effective when it becomes law.



HOUSE BILL 533: Modify Hickory and Conover Occupancy Tax

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

March 30, 2009

Finance

Introduced by: Reps. R. Warren, Setzer

Prepared by: Bill Patterson

Analysis of:

PCS to First Edition

Committee Counsel

H533-CSSVx-4

SUMMARY: House Bill 533 would authorize the cities of Hickory and Conover to levy an additional 1% room occupancy tax, and would make administrative changes to the existing occupancy tax legislation to conform it to G.S. 160A-215 and to the occupancy tax guidelines approved by the North Carolina Travel and Tourism Coalition and the House Finance Committee. The Proposed Committee Substitute only corrects the alphabetization of the cities listed in Section 5.

CURRENT LAW: In 1986, the General Assembly authorized the Cities of Hickory and Conover to levy a 3% room occupancy tax, with 100% of the proceeds to be remitted to the Hickory-Conover Tourism Development Authority ("TDA"), for its use in funding tourism-related projects, events, and activities, with priority to be given to providing a civic center facility.

BILL ANALYSIS: House Bill 533 provides authorization for the cities of Hickory and Conover to levy an additional 1% room occupancy tax, for a total rate of up to 6%, with net proceeds remitted to the TDA. Through December 31, 2019, House Bill 533 would authorize the TDA to use up to two-thirds of the remitted funds for providing a convention center facility, with the remainder to be used to promote travel and tourism. After December 31, 2019, House Bill 533 would authorize the TDA to use at least two-thirds of the remitted funds to promote travel and tourism, with the remainder to be spent for tourism-related expenditures. These administrative and use provisions conform to the uniform guidelines referenced in the summary above and detailed in the chart below:

UNIFORM OCCUPANCY TAX PROVISIONS

Rate - The county tax rate cannot exceed 6% and the city tax rate, when combined with the county rate, cannot

Use - Two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism related expenditures.

Definitions The term "net proceeds", "promote travel and tourism", and "tourism related expenditures" are defined terms.

Administration - The net revenues must be administered by a local tourism development authority that has the authority to determine how the tax proceeds will be used, is created by a local ordinance, and at least 1/2 of the members must be currently active in the promotion of travel and tourism in the county and 1/3 of the members must be affiliated with organizations that collect the tax.

Costs of Collection - The taxing authority may retain from the revenues its actual costs of collection, not to exceed 3% of the first \$500,000 collected each year plus 1% of the remainder collected each year.

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

Since 1983, the General Assembly has authorized many local government units to **BACKGROUND:** evy a room occupancy tax, with wide variation in the rate of tax, administration of the tax, use of the ax proceeds, and the body responsible for deciding how the tax proceeds will be spent. The North Carolina Travel and Tourism Coalition has issued a policy statement for legislation authorizing local occupancy taxes, which contains many principles similar to those established by the House Finance

Page 2

Subcommittee on Occupancy Taxes in 1993. In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax legislation – G.S. 153A-155 (counties) and G.S. 160A-215 (municipalities) – to provide uniformity in the areas of levy, administration, collection, repeal, and penalties.

Trina Griffin, Counsel to the House Finance Committee, substantially contributed to this summary.

H533-SMTG-8(CSSVx-4) v2

Η

HOUSE BILL 483*

1

Short Title:	School Calendar Flexibility/Some LEAs.	(Local)
Sponsors:	Representatives Haire; England, Insko, and Lucas.	
Referred to:	Local Government II, if favorable, Education.	

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE REQUIRED SCHOOL OPENING AND CLOSING DATES IN CERTAIN LOCAL SCHOOL ADMINISTRATIVE UNITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(d) reads as rewritten:

Opening and Closing Dates. - Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10 August 11 unless August 11 is a Saturday or Sunday, in which case the opening date for students shall not be before the Monday following August 11. The closing date for students shall be no more than 291 calendar days after the opening date. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term "educational purpose" means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar."

SECTION 2. This act applies only to local school administrative units located in the counties of Cherokee, Clay, Graham, Jackson, Macon, and Swain.

SECTION 3. This act becomes effective July 1, 2009, and expires July 1, 2015.



10

11

1

2

3

4

5

22

31 32 33

29

30

34 35

36



HOUSE BILL 483: School Calendar Flexibility/Some LEAs

2009-2010 General Assembly

Analysis of:

Committee: House Local Government II, if favorable.

Date:

March 24, 2009

Education

Introduced by: Rep. Haire First Edition

Prepared by: Steven Rose

Committee Counsel

SUMMARY: HB 483 changes the start and end dates for students in non-year-round public schools in the local school administrative units in Cherokee, Clay, Graham, Jackson, Macon, and Swain counties. The start date changes from "not before August 25" to August 11. The closing date changes from June 10 or before, to no more than 291 calendar days after the starting date. The act would sunset July 1, 2015.

There is a serial referral to House Education.

[As introduced, this bill was identical to S455, as introduced by Sen. Snow, which is currently in Senate Education/Higher Education.

CURRENT LAW: G.S. 115C-84.2(d) establishes the opening and closing dates for public schools. Except for year-round schools, the opening date for students must not be before August 25 and the closing date for students must not be after June 10. The State Board of Education may grant waivers com the August 25 and June 10 opening and closing dates for the following reasons:

- A showing of good cause. "Good cause" means schools in the local school administrative unit have been closed 8 days per year during any 4 of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.
- An educational purpose. "Educational purpose" means that a local school administrative unit establishes a need to adopt a different calendar for:
 - o a specific school to accommodate a special program offered generally to students in that school:
 - o a school that primarily serves a special population of students; or
 - o a defined program within a school.

The State Board may grant the waiver for an educational purpose to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the August 25 and June 10 opening and closing dates. The law prohibits the use of a waiver request for an educational purpose to accommodate system-wide class scheduling preferences.

Local boards of education are required to consult with parents and the employed public school personnel when they develop the school calendar.

BILL ANALYSIS: HB 483 changes the start and end dates for students in non-year-round public --hools in the local school administrative units in Cherokee, Clay, Graham, Jackson, Macon, and Swain unties only. The start date changes from "not before August 25" to August 11. If August 11 is a weekend day, the opening date is not before the Monday following August 11. The closing date changes from June 10 or before, to no more than 291 calendar days after the starting date.

Page 2

EFFECTIVE DATE: Becomes effective July 1, 2009 and expires July 1, 2015.

§ 115C-84.2. School calendar.

- (a) School Calendar. Each local board of education shall adopt a school calendar consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:
 - (1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.
 - (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.
 - (2) A minimum of 10 annual vacation leave days.
 - (3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.
 - (4) Five days, as designated by the local board, for use as teacher workdays. These days shall be protected to allow teachers to complete instructional and classroom administrative duties. The local school administrative unit shall not impose any additional tasks on these days. The local board shall schedule one of these days at the beginning of the school year and one at the end of each academic quarter.
 - (5) The remaining days scheduled by the local board in consultation with each school's principal for use as teacher workdays, additional instructional days, or other lawful purposes. Before consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. In order to make up days for school closing because of inclement weather, the local board may designate any of the days in this subdivision as additional make-up days to be scheduled after the last day of student attendance.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards shall designate at least seven days scheduled under subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards

Page 3

nay designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.

- (b) Limitations. The following limitations apply when developing the school calendar:
 - (1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 195 days.
 - (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
 - (3) School shall not be held on Sundays.
 - (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools.
- (c) Emergency Conditions. During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.
- (d) Opening and Closing Dates. Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term "educational purpose" means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used accommodate system-wide class scheduling preferences.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to

Page 4

any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

(e) Nothing in this section prohibits a local board of education from offering supplemental or additional educational programs or activities outside the calendar adopted under this section.

Drupti Chauhan and Shirley Iorio, staff to the House Committee on Education, contributed to this summary.

H483-SMRL-22(e1) v2

H

1

2

3

4

5

6

7

8 9

10

11

12

13

14

15

16

17 18

19

20 21

22

23

24 25

26

27 28

29

30

HOUSE BILL 499*

Sponsors: Representatives Goforth, Fisher, Whilden, and Rapp (Primary Sponsors).	ocal)
Sponsors. Representatives Golorui, Fisher, winden, and Kapp (Finnary Sponsors).	
Referred to: Local Government II, if favorable, Education.	·

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE REQUIRED SCHOOL OPENING AND CLOSING DATES IN TWO LOCAL SCHOOL ADMINISTRATIVE UNITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(d) reads as rewritten:

Opening and Closing Dates. - Local boards of education shall determine the dates "(d) of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, the second Monday of August, and the closing date for students shall not be after June 10 more than 42 weeks later. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term "educational purpose" means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar."

SECTION 2. This act applies only to the Asheville City and Buncombe County School Administrative Units.

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



1

31 32

. 33 34



HOUSE BILL 499: School Calendar Flexibility/2 LEAs

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

March 24, 2009

Education

Introduced by: Reps. Goforth, Fisher, Whilden, Rapp

Prepared by: Steven Rose

Analysis of: First Edition

Committee Counsel

SUMMARY: HB 499 changes the start and end dates for students in non-year-round public schools in the Asheville City and Buncombe County School Administrative Units. The start date changes from "not before August 25" to "not before the second Monday of August." The closing date changes from June 10 or before, to no more than 42 weeks after the starting date.

There is a serial referral to House Education.

[As introduced, this bill was identical to S554, as introduced by Sen. Nesbitt, which is currently in Senate Education/Higher Education.]

CURRENT LAW: G.S. 115C-84.2(d) establishes the opening and closing dates for public schools. Except for year-round schools, the opening date for students must not be before August 25 and the closing date for students must not be after June 10. The State Board of Education may grant waivers from the August 25 and June 10 opening and closing dates for the following reasons:

- A showing of good cause. "Good cause" means schools in the local school administrative unit have been closed 8 days per year during any 4 of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.
- An educational purpose. "Educational purpose" means that a local school administrative unit establishes a need to adopt a different calendar for: .
 - o a specific school to accommodate a special program offered generally to students in that school:
 - o a school that primarily serves a special population of students; or
 - o a defined program within a school.

The State Board may grant the waiver for an educational purpose to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the August 25 and June 10 opening and closing dates. The law prohibits the use of a waiver request for an educational purpose to accommodate system-wide class scheduling preferences.

Local boards of education are required to consult with parents and the employed public school personnel when they develop the school calendar.

BILL ANALYSIS: HB 499 changes the start and end dates for students in non-year-round public schools in the Asheville City and Buncombe County School Administrative Units only. The start date changes from "not before August 25" to "not before the second Monday of August." The closing date

Page 2

changes from June 10 or before, to no more than 42 weeks after the starting date.

EFFECTIVE DATE: Effective when it becomes law.

§ 115C-84.2. School calendar.

- (a) School Calendar. Each local board of education shall adopt a school calendar consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:
 - (1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.
 - (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.
 - (2) A minimum of 10 annual vacation leave days.
 - (3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.
 - (4) Five days, as designated by the local board, for use as teacher workdays. These days shall be protected to allow teachers to complete instructional and classroom administrative duties. The local school administrative unit shall not impose any additional tasks on these days. The local board shall schedule one of these days at the beginning of the school year and one at the end of each academic quarter.
 - (5) The remaining days scheduled by the local board in consultation with each school's principal for use as teacher workdays, additional instructional days, or other lawful purposes. Before consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. In order to make up days for school closing because of inclement weather, the local board may designate any of the days in this subdivision as additional make-up days to be scheduled after the last day of student attendance.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Page 3

Local boards shall designate at least seven days scheduled under subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.

- (b) Limitations. The following limitations apply when developing the school calendar:
 - (1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 195 days.
 - (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
 - (3) School shall not be held on Sundays.
 - (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools.
- (c) Emergency Conditions. During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.
- (d) Opening and Closing Dates. Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term "educational purpose" means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

Page 4

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

(e) Nothing in this section prohibits a local board of education from offering supplemental or additional educational programs or activities outside the calendar adopted under this section.

Drupti Chauhan and Shirley Iorio, staff to the House Committee on Education, contributed to this summary. H499-SMRL-21(e1) v1

LOCAL GOUT I	4-1-09
Name of Committee	Date
VISITORS: PLEASE SIGN	IN BELOW AND RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
Jon Jhane	· Corstic
Commuls	Cwc
Amy Schilder	MWC
Meth Havrell	TPG
Vouise lee.	305-NC
Jim Stegall	UCPS.
Porin bushin	Laintle Fales Lodge
Leanne Winner	NISBA
Kathem Jane	NCASA
Susa Harris	WGP55

	Date .
VISITORS: PLEASE SIGN I	N BELOW AND RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
garcy shomper	weyerhaeuser
alin Jarlana	NE
Dan 5-18-	Snixh Adam
Rick Zechini	NC Assoc. of Reathers
PRETOS HOMAS	MUC :
Fault- Loglens	Infan '
My	nuc
Tracy kimbred	Pancer Poe
Jack Cyout	History.

House Pages

Name Of Committee: Date: 4-1-1
, value of committee.
e de Paid
1. Name: Enmanuel Reid
County: Winston - Salem / Forsyth
Sponsor: Larry Womble
2. Name: Sally Lindel
County: Forgyth
Sponsor: Rep. Folwell
i. Name:
County:
Sponsor:
1. Name:
County:
Sponsor:
i. Name:
County:
Sponsor:
· <u>Sgt-At-Arms</u>
Name: MARUIN LEE
Name: BOB ROSSI
3. Name: Trey RALEY
1. Name:

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, April 8, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

Ada Finch (Committee Assistant)

BILL NO.	SHORT TITLE	SPONSOR
HB 96	Local Government Surplus Property	Representative Faison
	Donations.	
HB 507	Increase Mecklenburg Force Account	Representative Samuelson
	Limit.	
HB 550	Denton Mayor's Term.	Representative Dockham
HB 560	Midland Retirement.	Representative Johnson
•		Representative Barnhart
HB 563	Edenton/Delinquent Tax - Deny	Representative Spear
•	Building Permit.	•
HB 699	Statewide Nuisance Notice Authority.	Representative McLawhorn
HB 888	Hyde County Bow Hunting.	Representative Spear

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the 16 o'clock on April 02, 2009.	ne committee assistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	

COMMITTEE ON LOCAL GOVERNMENT II

April 8, 2009

Agenda

I.	Call to (Order	,
II.	Introdu	ctions	
III.	Bills		
	HB 96	Local Government Surplus Property Donations	Rep. Faison
	HB 507	Increase Mecklenberg Force Account Limit	Rep. Samuelson
	HB 550	Denton Mayor's Term	Rep. Dockham
	HB 560	Midland Retirement	Rep. Johnson Rep. Barnhart
	HB 699	Statewide Nuisance Notice Authority	Rep. McLawhorn
	HB 563	Edenton/Delinquent Tax – Deny Building Permit	Rep. Spear
	HB 888	Hyde County Bow Hunting	Rep. Spear

COMMITTEE ON LOCAL GOVERNMENT II April 8, 2009 Minutes

The meeting of the Committee on Local Government II was called to order by the Chair, Representative R. Van Braxton, at 1105 a.m. The following members were present: Representatives Braxton, Samuelson, Warren, Spear, Tucker, Langdon, Stam, Stewart, Gibson, Floyd, Blackwell, Guice, Lucas and McEleraft. Representative Braxton introduced the pages, Carson Merenbloom of Wake County sponsored by Representative Martin and Aaron Hunt of Rutherford County sponsored by Representative England. The Sergeants at Arms are: Bob Rossi, Trey Raney, and Marvin Lee.

House Bill 96, 2nd Edition, AN ACT TO AUTHORIZE CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE A TECHNICAL CHANGE TO THE AUTHORITY OF CITIES AND COUNTIES TO DONATE SUPRPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OR TO NONPROFIT ORGANZATIONS, sponsored by Representative Faison was presented by him. Representative Tucker moved consideration of the Proposed Committee Substitute which was approved. Representative Spear offered an amendment that was approved by voice vote. Representative Tucker moved an unfavorable report on House Bill 96 2nd Ed. and favorable as to Proposed Committee Substitute as amended. The motion passed.

Representative Samuelson withdrew House Bill 507, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG COUNTY, from consideration. She will support the Senate version on the Floor.

Although the Primary Sponsor, Representative Dockham, was not present due to illness, Representative Johnson stepped forward to present House Bill 550, AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF DENTON FROM TW0 TO FOUR YEARS. Representative Tucker moved consideration of the Proposed Committee Substitute and it was approved. Representative moved an unfavorable report as to the original bill and favorable as to the Proposed Committee Substitute with a re-referral to the Committee on Election Law and Campaign Reform. The motion passed.

House Bill 560, AN ACT TO AUTORIZE THE TOWN OF MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPOYEES'RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, sponsored by Representative Johnson. Representative Tucker moved consideration of the Proposed Committee Substitute which was approved. Representative Gibson moved an unfavorable report as to the original bill and favorable as to the Proposed Committee Substitute with re-referral to the Committee on Pensions and Retirement.

Representative Spear presented House Bill 563, AN ACT PROVIDING THAT THE TOWN OF EDENTON MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER. Representative Samuelson moved consideration of the Proposed Committee Substitute which changed the title to AN ACT PROVIDING THAT THE TOWNS OF COLUMBIA AND EDENTON MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER which passed. Representative Lucas moved an unfavorable report as to the original bill and a favorable report as to the Proposed Committee Substitute with a re-referral to Finance. The motion passed.

House Bill 699, AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES, was presented by its primary sponsor, Representative McLawhorn. Representative Gibson moved consideration of the Proposed Committee Substitute which was accepted. Jack Thornton said that Cary approves the measure. Representative Stam moved to amend the Proposed Committee Substitute which was approved by voice vote. After some discussion by Representatives Blackwell, Stam and Spear, Representative Tucker moved an unfavorable report as to the original bill and favorable as to the Proposed Committee Substitute as amended with a re-referral to Judiciary III.

Representative Spear presented House Bill 888, AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY, as primary sponsor. Representative Gibson moved the consideration of the Proposed Committee Substitute which was approved. Representative Floyd moved an unfavorable report as to the original bill and favorable as to the Proposed Committee Substitute which changed the title to, AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY AND WAYNE COUNTY, to be re-referred to the Committee on Wildlife Resources. The motion was adopted.

The next meeting of the Committee will be held on April 15, 2009. The meeting was adjourned by the Chair, Representative Braxton 11:55 a.m.

Representative R. Wan Braxton, Chairme

Barbara Hocutt, Committee Assistant

Sarhara Nocutt

Loc.Gov. II 4-22-09 Page 2

being re-referred to the Committee on Alcohol Beverage Control. The motion was accepted.

Representative Owens' bill, House Bill 953, AN ACT INCREASING TO SEVEN THE NUMBER OF MEMBERS OF THE CURRITUCK COUNTY BOARD OF ADJUSTMENT, was removed at Representative Owens request from the agenda for consideration.

House Bill 955, AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY, was presented by Representative Owens. Representative Stam moved to hear the proposed committee substitute which passed. Representative Lucas moved a favorable report as to the committee substitute, an unfavorable report as to the original bill, and that it be referred to Finance. The motion carried.

Representative Owens presented House Bill 954, AN ACT AUTHORIZING THE TRANSFER OF DEVELOPMENT RIGHTS INTO THE DEVELOPED AREAS OF CURRITUCK COUNTY IN ASSOCIATION WITH CONSERVATION EASEMENTS IN RURAL AREAS OF THE COUNTY. Lisa Martin of NC Homebuilders spoke against the bill. Representative Lucas moved for a favorable report. On a show of hands, the vote against the motion was 6-7. The motion failed.

There being no more time, Representative Braxton announced that House Bill 966 would be heard at the next meeting of the Committee on April 29, 2009. The meeting was adjourned at 12:00 p.m.

Representative R. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

H

20.

HOUSE BILL 96 Committee Substitute Favorable 3/5/09

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Short Title:	Local Government Surplus Property Dor	nations.	(Public)
Sponsors:			
Referred to:			

February 10, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE A TECHNICAL CHANGE TO THE AUTHORITY OF CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OR TO NONPROFIT ORGANIZATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-280(a) reads as rewritten:

"(a) A city or local board of education may donate to a another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, 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. For purposes of this section a sister city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities."

SECTION 2. G.S. 160A-280(b) reads as rewritten:

"(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A 274(a). G.S. 160A-274(a) and shall include North Carolina charter schools."

SECTION 3. G.S. 160A-280(c) reads as rewritten:

"(c) The authority granted to a eity, county, or governmental unitcity under this section is in addition to any authority granted under any other provision of law."

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



H

HOUSE BILL 96 Committee Substitute Favorable 3/5/09

PROPOSED COMMITTEE SUBSTITUTE H96-CSTG-5 [v.1]

4/7/2009 6:14:11 PM

Short Title:	Local Government Surplus Property Donations.	(Public)
Sponsors:		
Referred to:		
-		

February 10, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE A TECHNICAL CHANGE TO THE AUTHORITY OF CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OR TO NONPROFIT ORGANIZATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-280(a) reads as rewritten:

"(a) A city or local board of education may donate to a another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, 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. For purposes of this section a sister city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities."

SECTION 2. G.S. 160A-280(b) reads as rewritten:

"(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A-274(a). G.S. 160A-274(a) and shall include North Carolina charter schools."

SECTION 3. G.S. 160A-280(c) reads as rewritten:

"(c) The authority granted to a eity, county, or governmental unitcity or local board of education under this section is in addition to any authority granted under any other provision of law."

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



D



HOUSE BILL 96: Local Government Surplus Property Donations

2009-2010 General Assembly

Committee: House Local Government II

Date: April 7, 2009

Introduced by: Rep. Faison

Prepared by: Bill Patterson

Analysis of: Second Edition

Committee Counsel

SUMMARY: House Bill 96 revises G.S. 160A-280 to authorize local boards of education to dispose of personal property by donating it to specified categories of recipients, and includes charter schools among the permitted recipients of donated personal property. The bill also clarifies that only cities and local boards of education receive this authority directly from this statute. The Proposed Committee Substitute makes a conforming change to Section 3 of the bill by adding a reference to "local board of education."

CURRENT LAW: G.S. 160A-280 authorizes cities to donate surplus, obsolete, or unused personal property, including supplies, materials, and equipment, to another governmental unit within the United States, to a sister city, or to a nonprofit organization. G.S. 153A-176 grants this same authority to counties by incorporating therein the procedures of Article 12 of Chapter 160A, which includes G.S. 160A-280.

BILL ANALYSIS:

Section 1 of the bill revises G.S. 160A-280(a) to authorize local boards of education to donate surplus, obsolete, or unused personal property to the classes of recipients set forth therein.

Section 2 of the bill permits charter schools to receive personal property donated under G.S. 160A-280(a).

Section 3 of the bill revises G.S. 160A-280(c) to clarify that the authority it grants to a city or a local board of education is in addition to the authority granted by any other provision of law. It also deletes language suggesting that a county's authority to dispose of personal property by donation is granted directly by G.S. 160A-280.

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

Heather Fennell, Counsel to the House Ways & Means/Broadband Connectivity Committee, substantially contributed to this summary.

H96-SMTG-13(e2) v2

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No	_	
H. B. No. <u>96</u>	_	DATE 4-8-09
S. B. No	_	Amendment No.
COMMITTEE SUBSTITUTE	_	(to be filled in by Principal Clerk)
Rep.) Speak		
1 moves to amend the bill on page		, line
	•	
3 by <u>deleting</u> bet	ween th	ne words "to" and
4 "another" the	word	ne words "to" and 'a".
6		
7		
3		
-		
10		
11		
12	•	
13		
14		
15		
16		
17		· · · · · · · · · · · · · · · · · · ·
18		
19		. •
		SIGNED ICM Mean
		-0
ADOPTED	FAILED	TABLED

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II. Committee Substitute for HB 96 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE A TECHNICAL CHANGE TO THE AUTHORITY OF CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OR TO NONPROFIT ORGANIZATIONS. With a favorable report as to Committee Substitute Bill 2, unfavorable as to Committee Substitute Bill -1. (FOR JOURNAL USE ONLY) Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution ___) is placed on the Calendar of ______. (The original bill resolution No.____) is placed on the Unfavorable Calendar. The (House) committee substitute bill/(joint) resolution (No.) is re-referred to the Committee on . (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1 2

3

4 5

6

7

8

9

10

11

12 13

14

15

16

17

18 19

20

21

22 23

24 25

26

27

28 29

30

31

HOUSE BILL 507*

Withdrawan

Short Title:	Increase Mecklenburg Force Account Limit.		(Local)			
Sponsors:	Representatives Samuelson; Killian, and Tillis.	M. Alexander,	Carney,	Cotham,	Earle,	Gulley,
Referred to:	Local Government II, if favorable, Judiciary II.					

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG 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); 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. This act applies only to Mecklenburg County.

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



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Н

HOUSE BILL 550

Short Title:	Denton Mayor's Term. (Local
Sponsors:	Representative Dockham.
Referred to:	Local Government II, if favorable, Election Law and Campaign Finance Reform
	March 12, 2009
	A BILL TO BE ENTITLED
	CHANGE THE TERM OF OFFICE OF THE MAYOR OF DENTON FROM FOUR YEARS.
The General	Assembly of North Carolina enacts:
S	ECTION 1. Section 3.2 of the Charter of the Town of Denton, being Chapter 49:
of the 1965 S	ession Laws, reads as rewritten:
the mayor sh the day and	ne members of the board of commissioners shall serve for terms of four years, and all serve for a term of two four years, except as provided in Article IV, beginning hour of the organizational meeting following their election, as established by
	accordance with this Charter. Provided, the mayor and members of the board or shall serve until their successors are elected and qualify."
	ECTION 2. The last sentence of Section 4.1(a) of the Charter of the Town of
Denton, bein	g Chapter 495 of the 1965 Session Laws, is repealed.
SI	ECTION 3. This act is effective beginning with the Mayor elected in 2009

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





HOUSE BILL 550: Denton Mayor's Term

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Election Law and Campaign Finance Reform Introduced by: Rep. Dockham

PCS to First Edition Analysis of:

H550-CSST-12

Date: April 7, 2009

Prepared by: R. Erika Churchill

Committee Counsel

SUMMARY: House Bill 550 would change the term of office for the Mayor of Denton from two years to four years.

BILL ANALYSIS: The bill would change the term of office for the Mayor of Denton from two years to four years. The change would not alter the term of the current mayor.

EFFECTIVE DATE: When it becomes law, and applies to the election of the Mayor in 2009.

"550-SMST-16(CSST-12) v1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

12 13 14

15

election of the Mayor in 2009.

HOUSE BILL 550 PROPOSED COMMITTEE SUBSTITUTE H550-PCS50511-ST-12

Short Title:	Denton Mayor's Term. (Local)
Sponsors:	,
Referred to:	
	March 12, 2009
-	A BILL TO BE ENTITLED
	CHANGE THE TERM OF OFFICE OF THE MAYOR OF DENTON FROM FOUR YEARS.
	Assembly of North Carolina enacts:
SI	ECTION 1. Section 3.2 of the Charter of the Town of Denton, being Chapter 497
of the 1965 S	ession Laws, reads as rewritten:
"(a) Th	ne members of the board of commissioners shall serve for terms of four years, and
the mayor sha	all serve for a term of two four years, except as provided in Article IV, beginning
the day and	hour of the organizational meeting following their election, as established by
ordinance in	accordance with this Charter. Provided, the mayor and members of the board of
commissione	rs shall serve until their successors are elected and qualify."
SI	ECTION 2. The last sentence of Section 4.1(a) of the Charter of the Town of
Denton, being	g Chapter 497 of the 1965 Session Laws, is repealed.
C)	FCTION 3. This act is effective when it becomes law and shall apply to the



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 550 A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE
OF THE MAYOR OF DENTON FROM TWO TO FOUR YEARS.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
Election Law
Liection Daw
(FOR JOURNAL USE ONLY)
(POR OUDERALE USE CALLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Fursuant to Rule 32(a), the only resolution is re-referred to the committee on
·
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
THE COURSE OF TH
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

2

3 4

5

6

7

8 9

10

11 12

.13 14

HOUSE BILL 560*

Short Title: Midland Retirement. (Local)

Sponsors: Representatives Johnson and Barnhart (Primary Sponsors).

Referred to: Local Government II, if favorable, Pensions and Retirement.

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, if the Town of Midland becomes a member of the Local Governmental Employees' Retirement System, the town council may elect to provide no prior service credit in the Retirement System for employees employed prior to the date that the town becomes a participating employer in the Retirement System, and no prior service credit will be given for employees of the town for service provided to the town prior to its participation in the Retirement System, nor shall the town be required to pay for any prior service credits for its employees.

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

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



1



HOUSE BILL 560: Midland Retirement

2009-2010 General Assembly

Committee:

House Local Government II, if favorable,

Date:

April 7, 2009

Introduced by:

Pensions and Retirement

Reps. Johnson, Barnhart

Prepared by: R. Erika Churchill

Analysis of:

PCS to First Edition

Committee Counsel

H560-CSST-11

SUMMARY: The Proposed Committee Substitute for House Bill 560 authorizes the Town of Midland to participate in the Local Governmental Employees' Retirement System and further provides that if the town council elects to become a member of the LGERS and to not provide prior service credit, then it shall not be required to pay for service credits. The PCS makes only clarifying amendments.

[As introduced, this bill was identical to S390, as introduced by Sen. Hartsell, which is currently in House Local Government II, if favorable, Pensions and Retirement.

BILL ANALYSIS:

The PCS for applies only to the Town of Midland and allows the Town to become a member of the Local Governmental Employees' Retirement System (LGERS). If the town elects to become a LGERS member and to provide no prior service credit in the Retirement System for employees employed prior the date the authority becomes a participating member, then the town is not required to pay for any rior service credits.

The PCS makes only clarifying changes to the bill.

EFFECTIVE DATE:

The bill becomes effective when it becomes law.

H560-SMST-15(CSST-11) v1

Theresa Matula substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

12 13

D

HOUSE BILL 560* PROPOSED COMMITTEE SUBSTITUTE H560-PCS80315-ST-11

Short Title:	Midland Retirement.	(Local)
Sponsors:		
Referred to:		
	March 12	, 2009
	A BILL TO BE	ENTITLED
LOCAL		MIDLAND TO PARTICIPATE IN THE S' RETIREMENT SYSTEM WITHOUT
The General	Assembly of North Carolina enacts:	
		ther provision of law, if the Town of Midland
council may employed pr System. If no town prior to	elect to provide no prior service crains to the date that the town becomes prior service credit is given for empty.	edit in the Retirement System, the town edit in the Retirement System for employees as a participating employer in the Retirement bloyees of the town for service provided to the System, then the town shall not be required to the service provided to the system.
	ECTION 2 This act applies only to	

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



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 560 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF
MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES'
RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS
EMPLOYEES.
·
With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
PENSIONS AND RETIREMENT.
•
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar. The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar. The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar. The (House) committee substitute bill/(joint) resolution (No) is re-referred to the

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 563

Short Title: Edenton/Delinquent Tax - Deny Building Permit. (Local) Representative Spear. Sponsors: Referred to: Local Government II, if favorable, Finance. March 12, 2009 A BILL TO BE ENTITLED 2 AN ACT PROVIDING THAT THE TOWN OF EDENTON MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER. 3 The General Assembly of North Carolina enacts: 4 5 **SECTION 1.** This act applies to the Town of Edenton only. **SECTION 2.** G.S. 160A-417 is amended by adding a new subsection to read: 6 7 "(<u>c)</u> A city may by ordinance provide that a permit may not be issued under subsection (a) of this section to a person who owes delinquent property taxes, determined under 8 G.S. 105-360, on property owned by the person. The ordinance may provide that a building 9 permit may be issued to a person protesting the assessment or collection of property taxes." 10 **SECTION 3.** This act is effective when it becomes law. 11



1



HOUSE BILL 563: Delinquent Tax - Deny Building Permit

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

April 8, 2009

Finance

Analysis of:

Introduced by: Rep. Spear

H563-CSME-1

Prepared by: Brad Krehely*

PCS to First Edition

Committee Co-Counsel

SUMMARY: House Bill 563 would authorize the Town of Edenton to prohibit the issuance of a building permit to a delinquent taxpayer. The Proposed Committee Substitute (PCS) adds the Town of Columbia to the bill and corrects a typographical error (deletes subsection"(c)" and substitutes "(d)").

CURRENT LAW: In 2005, local legislation was enacted authorizing certain counties to prohibit the issuance of a building permit to a person who owes delinquent property taxes on property owned by the person. The ordinance may provide that a building permit may be issued to a person protesting the assessment or collection of property taxes. In 2005, this authorization applied to the Greene, Lenoir, Iredell, Wayne, and Yadkin counties. Davie and Lincoln Counties were added in 2006, and Gates County was added in 2007. S.L. 2005-433, Sec. 3(a) (G.S. 153A-357(c)).

BILL ANALYSIS: The PCS for House Bill 563 is modeled after the legislation that applies to counties and would allow the towns of Edenton and Columbia to prohibit the issuance of a building permit to a rson who owes delinquent property taxes. The ordinance may provide that a building permit may be issued to a person protesting the assessment or collection of property taxes.

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

BACKGROUND: House Bill 563 was requested by the Town of Edenton.

H563-SMRN-17(CSME-1) v8

*George Givens contributed substantially to the drafting of this summary.

[.] louse Bill 246 would add Anson County to the list. On February 23, 2009, the bill received a favorable report in House Local Government II and currently is in the House Finance Committee. House Bill 103 adds Alexander, Anson, Catawba, Chowan, and Tyrell counties. It passed the House of Representatives and currently is in Senate Finance.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Н

HOUSE BILL 563 PROPOSED COMMITTEE SUBSTITUTE H563-CSME-1 [v.3]

4/6/2009 9:16:07 AM

	Short Title. Definiquent Tax - Deny Building Permit.	Local)
	Sponsors:	
	Referred to:	
	March 12, 2009	
1	A BILL TO BE ENTITLED	
2	AN ACT PROVIDING THAT THE TOWNS OF COLUMBIA AND EDENTON	
3	PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUE	MAY
4	TAXPAYER.	JENT
5	The General Assembly of North Carolina enacts:	
6	SECTION 1. This act applies only to the Towns of Columbia and Edenton.	
7	SECTION 2. G.S. 160A-417 is amended by adding a new subsection to read:	
8	"(d) A city may by ordinance provide that a permit may not be issued under subse	
9	(a) of this section to a person who owes delinquent property taxes, determined	ection
)	G.S. 105-360 on property owned by the name of The Control of the person with the name of The Control of the Con	<u>under</u>
1	G.S. 105-360, on property owned by the person. The ordinance may provide that a but	ilding
•	permit may be issued to a person protesting the assessment or collection of property taxes.	"
_	SECTION 3. This act is effective when it becomes law.	



D

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for HB 563 A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWN OF EDENTON MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.
With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be rereferred to the Committee on FINANCE. (FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 699*

Short Title:	Statewide Nuisance Notice Authority.	(Public)
Sponsors:	Representative McLawhorn.	
Referred to:	Local Government II, if favorable, Judiciary III.	

March 23, 2009

1 A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES. The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-200.1. Annual notice to chronic violators of public nuisance ordinance.

A city may notify a chronic violator of the city's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the city 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 city gave notice of violation at least three times under any provision of the public nuisance ordinance."

SECTION 2. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county 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 county gave notice of violation at least three times under any provision of the public nuisance ordinance."

SECTION 3. S.L. 2005-44, S.L. 2007-3, S.L. 2007-254, and S.L. 2008-23 are repealed.

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





HOUSE BILL 699: Statewide Nuisance Notice Authority

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

April 6, 2009

Judiciary III

Introduced by: Rep. McLawhorn

Analysis of:

PCS to First Edition

Prepared by: Steven Rose

Committee Counsel

H699-CSRL-14

SUMMARY: The PCS for HB 699 authorizes cities and counties to notify a chronic violator of their public nuisance ordinance that the municipality or county will, without further notice in the calendar year, take action to remedy the violation and the expense will become a lien against the property and will be collected as unpaid taxes. This is a statewide bill.

[As introduced, this bill was identical to S564, as introduced by Sen. Davis, which is currently in Senate State and Local Government.]

CURRENT LAW: G.S. 160A-193 grants 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. Similar authority for counties is found in G.S. 153A-140.

County and the municipalities of Cornelius, Davidson, Matthews, Morehead City, Wilmington and Wilson. There has been a question as to whether these local acts were subject to challenge under Article II, Section 24, (1)(a) of the North Carolina Constitution which provides that the General Assembly shall not enact local acts relating to the abatement of nuisances.

BILL ANALYSIS: All cities and counties will now have the authority to notify a *chronic violator* of the municipality's or county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality or county will, without further notice in the calendar year in which the notice is given, take action to remedy the violation. The expense of the action taken by the municipality or county becomes a lien upon the violator's property and will be collected as unpaid taxes.

HB 699 defines a chronic violator as a person who owns property whereupon, in the previous calendar year, the municipality or county gave notice of violation at least three times under any provision of the public nuisance ordinance.

The initial annual notice is served by registered or certified mail.

The PCS changes only the effective date.

EFFECTIVE DATE: Effective July 1, 2009 and applies to initial annual notices served on or after that date.

H699-SMRL-29(CSRL-14) v1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1

2

3

4

5

6

7

8 .9

)

.1

12

13

14 15

16

17

18

19

20

21

22 23

24

2526

27 28

29

30

HOUSE BILL 699* PROPOSED COMMITTEE SUBSTITUTE H699-PCS50513-RL-14

Short Title:	Statewide Nuisance Notice Authority.	(Public)
Sponsors:		
Referred to:	•	

March 23, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES. The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-200.1. Annual notice to chronic violators of public nuisance ordinance.

A city may notify a chronic violator of the city's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the city 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 annual notice shall be served by certified mail to the owner of the property as listed by the tax collector. A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance."

SECTION 2. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county 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 annual notice shall be served by certified mail to the owner of the property as listed by the tax collector. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance."

SECTION 3. S.L. 2005-44, S.L. 2007-3, S.L. 2007-254, and S.L. 2008-23 are repealed.

SECTION 4. This act becomes effective July 1, 2009, and effects initial annual notices served on or after that date.



D

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No.	
н. в. No. <u>69</u> 9	DATE
S. B. No	Amendment No.
COMMITTEE SUBSTITUTE	(to be filled in by Principal Clerk)
(Rep.)	
Sen.)	
Sen.)	
1 moves to amend the bill on page	, line 12
2 () WHICH CHANGES THE TITLE	line to soul a
3 by rewriting the	THE TO read .
4	
5 Taxes Inis	to the owner of the property
6 Certified May	to the owner of the property
7 05 listed by the	tax collector. A chronic."
}	•
9 and on page	I line 22, by rewriting the
10 line to rea	
11	
12 Taxes. This	annual notice shall be served
13 by certified n	rail to the owner of the
14 propertuoslisto	ed by the tax collector. A
15 Chronic"	
16	
17	
18	
19	
	SIGNED
·	
ADOPTED	TABLEDTABLED

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 699 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL
MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC
VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES.
☑ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary III
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 888

Short Title: Hyde County Bow Hunting. (Local)

Sponsors: Representative Spear.

Referred to: Local Government II, if favorable, Wildlife Resources.

March 31, 2009

	Referred to. Local Government II, II Tavorable, wildlife Resources.
	March 31, 2009
1	A BILL TO BE ENTITLED
2	AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE
3	COUNTY.
4	The General Assembly of North Carolina enacts:
5	SECTION 1. Section 1 of Chapter 420 of the 1985 Session Laws reads as
6	rewritten:
7	"Section 1. It is unlawful to hunt with guns or dogs or to hunt with bow and arrow or
8	<u>crossbow</u> upon the lands of another without permission from the owner or lessor of the land."
9	SECTION 2. This act applies only to Hyde County.
10	SECTION 3. This act becomes effective October 1, 2009.



1



HOUSE BILL 888: County Bow Hunting

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Wildlife Resources Introduced by: Rep. Spear

Analysis of: **PCS** to First Edition

H888-CSRN-8

April 8, 2009 Date:

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 888 is a local bill that would prohibit hunting with a bow and arrow or crossbow on another person's land in Hyde County without permission. The Proposed Committee Substitute (PCS) adds Wayne County to the bill and clarifies that the permission must come from owner or lessee of the land.

CURRENT LAW: In Hyde County, it is unlawful to hunt with guns or dogs upon another person's land without permission of the owner or lessor. A violation is a misdemeanor resulting in a fine of \$50.00 or imprisonment not to exceed 30 days.

BILL ANALYSIS: The PCS for House Bill 888 would prohibit hunting with a bow and arrow or crossbow on another person's land without permission of the owner or lessee of the land. The act applies only to Hyde County and Wayne County.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to acts committed on or after that date.

BACKGROUND: The General Assembly has passed a number of local acts addressing hunting on another person's land. A lessor is someone who rents property to another person. A lessee is one who rents property. The following local acts allow permission from either the owner of the land or the lessee:

- S.L. 2008-205- In Orange County, hunting and fishing on private property is prohibited without permission from the landowner or lessee.
- S.L. 2007-273- In Tyrrell County, it is unlawful for any person to hunt any wild animal or wild bird with a firearm, bow and arrow, crossbow, or dogs on the land of another, without the written permission of the landowner or lessee of the land.
- S.L. 2006-12- In Greene County, it is unlawful to hunt, take, or kill any wild animal or game bird on the posted lands of another in Greene County without having written permission of the owner or lessee dated within the current hunting season.

H888-SMRN-18(CSRN-8) v5

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H .

HOUSE BILL 888 PROPOSED COMMITTEE SUBSTITUTE H888-CSRN-8 [v.3]

D

4/7/2009 2:17:02 PM

	Short Title: County Bow Hunting. (Local)
	Sponsors:
	Referred to:
	March 31, 2009
	•
1	A BILL TO BE ENTITLED
2	AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE
3	COUNTY AND WAYNE COUNTY.
4	The General Assembly of North Carolina enacts:
5	SECTION 1. Section 1 of Chapter 420 of the 1985 Session Laws reads as
6	rewritten:
7	"Section 1. It is unlawful to hunt with guns or dogs or to hunt with a bow and arrow or
8	crossbow upon the lands of another without permission from the owner or lessorlessee of the
9	land."
10	SECTION 2. This act applies only to Hyde County and Wayne County.
11	SECTION 3. This act becomes effective October 1, 2009, and applies to acts
12	committed on or after that date.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 888 A BILL TO BE ENTITLED AN ACT TO REGULATE BOW HUNTING ON
THE LANDS OF ANOTHER IN HYDE COUNTY.
With a favorable report as to the committee substitute bill, which changes the title,
unfavorable as to the original bill, and recommendation that the committee substitute bill be re-
referred to the Committee on WILDLIFE RESOURCES.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
<u> </u>
The state of the s
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
THE CAN SEE THE SECOND
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

Name of Committee

APRIL 8, 2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS			
David Vanderwicke	Dept. of State Treasurer			
Cady Thomas	NCKERN & REALTHER			
JACK Cozrat	Womble			
Charles M. Johns	1.163 Rose of an But			
Kin tubband	New			
•				
· · · · · · · · · · · · · · · · · · ·	· ·			

VISITOR REGISTRATION SHEET

Name of Committee		Date	·	
\ LOCAL GOVERNMENT II		APRIL 8, 20	09	
、	•			

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENC! AND ADDRESS
Daviec Blum	K+L GATES
Dwight Shook	4/2 Brandi Dr. Taylorsville
Fred Baggets	- Smith Magne Lesthamood
Christin Danchi	Rep. Stam
	·

House Pages

Local Gov's I	Date: 4-8-09
	•
1. Name: Ca (Son Mere	
County: Vane	
Sponsor: Marin	
2. Name: Haron Hunt	·
County: <u>Rutherford</u> .	
Sponsor: Bob England	
3. Name:	
County:	
Sponsor:	·
4. Name:	
County:	
Sponsor:	
5. Name:	
County:	
Sponsor:	
	Sgt-At-Arms
1. Name: MARVIN LEE	
1. Name: MARVIN LEF Name: MARVIN LEF Name: BOR ROSSI	
3. Name: Bor Rossi	
4. Name:	

NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION**

2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, April 15, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 565	Union Fire Fees.	Representative Gibson, III
HB 566	Charlotte-Monroe Executive Airport Quicktake.	Representative Gibson, III
HB 567	Monroe Mayor's Term.	Representative Gibson, III
HB 660	Limit Late Fees by Sanitary District Boards.	Representative Dockham
HB 720	Amend Carrboro Charter/Conserve Energy/Water.	Representative Insko
HB 721	Carrboro/Housing Discrimination.	Representative Insko
HB 790	Durham Motor Vehicle Tax.	Representative Hall Representative Wilkins, Jr. Representative Michaux, Jr. Representative Luebke
HB 834	Chapel Hill Police Discipline Board.	Representative Insko
HB 850	Local Control of School Calendar/2 Counties.	Representative Faison Representative Insko

Respectfully, Representative Braxton, Chair

I hereby certify this notice was	filed by the committee	assistant at the following	ng offices at
15 o'clock on April 09, 2009			

ĺ	Principal Clerk
	Reading Clerk - House Chamber

Barbara Hocutt (Committee Assistant)

COMMITTEE ON LOCAL GOVERNMENT II

APRIL 15, 2009

AGENDA

_	~		
I.	Call	tΛ	Order
1.	Can	w	Oluci

- II. Introductions
- III. Bills

Bills	
House Bill 565	Gibson
House Bill 566	Gibson
House Bill 567	Gibson
House Bill 660	Dockham
House Bill 720	Insko
House Bill 721	Insko
House Bill 790	Hall, Wilkins, Michaux, Luebke
House Bill 834	Insko
House Bill 850	Faison, Insko

HOUSE COMMITTEE ON LOCAL GOVERNMENT II April 15, 2009 Minutes

The meeting of the Committee on Local Government II was called to order by the Chair, Representative R. Van Braxton, at 11:00 am. The following members were present: Representatives Braxton, Chair; Langdon, Stam and Tucker, Vice Chairs; Members: Blackwell, Floyd, Gibson, Guice, Lucas, McElraft, Owens, Samuelson, Spear, Stewart, Warren, and Wiley. Chairman Braxton introduced the Pages, Ashley Williams of Cumberland County, sponsored by Rep. Marvin Lucas; and Essence Sneed of Durham, sponsored by Representative Larry Hall. The Sergeants for the meeting were Marvin Lee, Bob Rossi and Judy Turner. Representative Braxton introduced Dot Barber as the substitute Committee Assistant.

Chairman Braxton recognized Rep. Gibson who explained H.B. 565 – UNION FIRE FEES, to the committee. Rep. Curtis Blackwood was also recognized by the Chair to discuss this legislation and state his opposition to this bill. After discussion, Rep. Gibson moved that this bill, H.B. 565, be reported out of Committee without prejudice and rereferred to the House Finance Committee. The motion carried.

Rep. Gibson was also recognized to explain H.B. 566 – CHARLOTE-MONROE EXECUTIVE AIRPORT QUICKTAKE. After discussion, Rep. Lucas moved that H.B. 566 be given a favorable report and re-referred to House Finance Committee. Motion carried.

Chairman Braxton stated that the introducers of the following bills have asked that these bills be held and carried over to another meeting: H.B. 567 – MONROE MAYOR'S TERM; H.B. 660 – LIMIT LATE FEES BY SANITARY DISTRICT BOARDS; H.B. 720 – AMEND CARRBORO CHARTER/CONSERVE ENERGY/WATER; H.B. 790 – DURHAM MOTOR VEHICLE TAX; and H.B. 834 - CHAPEL HILL POLICE DISCIPLINE BOARD.

The Chair recognized Rep. Faison to explain H.B. 850 – LOCAL CONTROL OF SCHOOL CALENDAR/2 COUNTIES, to the committee. Ten members of the committee spoke on this legislation. Chairman Braxton recognized Ms. Connie Wilson, Lobbyist for the NC Travel & Tourism Industry Association who spoke againt this bill. Also, Ms. Louise Lee of "Save our Summers NC" spoke in support of this bill. Mr. Bryan Lewis with the NCAE and Ms. LeAnn Winner also spoke in support of this bill. Discussion followed. A motion was made to give this bill a favorable report and rerefer it to Education Committee. This motion was defeated by a vote of 9 to 6. The introducer asked that the bill be held in committee. Request granted.

Chairman Braxton recognized Rep. Insko who explained H.B. 721 – CARRBORO/HOUSING DISCRIMINATION. Ms. Lydia Lavelle, member of the Carrboro Board of Alderman, spoke in favor of this legislation. Rep. Stam offered an amendment to this bill. Copies were passed out of the amendment.

Page 2 Minutes of Local Government II Meeting April 15, 2009

Because time had run out, the Chairman stated that H.B. 721 would be carried over and considered at the next meeting of the committee and for members to please leave the amendment in their folders for future consideration. No action was taken on the amendment.

There being no further business, the meeting was adjourned by the Chair, Rep. Van

Braxton, at 11:55 am.

Respectfully submitted,

Representative Van Braxton, Chair

Dot H. Barber, Committee Clerk

(Floater)

H

HOUSE BILL 565

1

Union Fire Fees. Short Title: (Local) Sponsors: Representative Gibson. Referred to: Local Government II, if favorable, Finance.

March 16, 2009

1 2

3

4

5

6 7

8 9

10

11

12 13

14

15 16

17.

18

19

20

21

22

23

24

25

26

A BILL TO BE ENTITLED

AN ACT TO ALLOW UNION COUNTY TO ADJUST ITS FIRE PROTECTION FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-236(c), as it applies to Union County pursuant to Chapter 883 of the 1991 Session Laws, as amended by Chapter 61 of the 1995 Session Laws and S.L. 1999-39, reads as rewritten: "(c) Fees. - The fees imposed by the county may not exceed the cost of providing fire protection services within the district and may be imposed on owners of all real property that benefits from the availability of fire protection and on owners of all manufactured or mobile homes that benefit from the availability of fire protection; provided. however, that the fees shall not be imposed on the North Carolina Department of Transportation for real property owned by the Department and used solely for highway purposes. For the purpose of this section, the term 'fire protection' includes furnishing emergency medical, rescue, and ambulance services to protect persons in the district from injury or death. The county shall establish a schedule of fees for different classes of property and the fee for each class of property shall be proportional to the estimated cost of providing fire protection services to that class of property. The schedule of fees shall include the following classes of property and the fee on each class of property shall not-not, without the approval by ordinance of the county board of commissioners after a public hearing as provided in this subsection, exceed the following maximums:

- A single-family dwelling or manufactured or mobile home, and appurtenant (1) structures, plus up to five acres of surrounding land. The fee on this class of property may not exceed fifty dollars (\$50.00) per site per year.
- Unimproved land other than the five acres of land classified as part of a (2) single-family dwelling or manufactured or mobile home. The fee on this class of property may not exceed two cents (2¢) per acre per year. The county may establish a minimum fee for unimproved land of not more than five dollars (\$5.00) per year.
- An animal production or horticultural operation. The fee on this class of (3) property may not exceed ten dollars (\$10.00) per site per year.
- A commercial facility other than an animal production or horticultural (4) operation. The fee on this class of property may not exceed fifty dollars (\$50.00) per site per year for commercial facilities with structures encompassing less than 5,000 square feet and one hundred dollars (\$100.00) per site per year for commercial facilities with structures encompassing 5,000 square feet or more.
- (5) A multiple-family dwelling. The fee on a duplex may not exceed fifty dollars (\$50.00) per building per year. The fee on a triplex may not exceed



27 28 31

29 30

> 32 33 34

35

36 37

	General Assembly of North Carolina Session 2009
1	seventy-five dollars (\$75.00) per building per year. The fee on any other
2 3	multiple-family dwelling may not exceed one hundred dollars (\$100.00) per building per year.
4	(6) Any other class of property selected by the county. The fee on these classes
5	of property may not exceed fifty dollars (\$50.00) per year.
6	As provided by this section, the board of commissioners may increase a fee beyond the
7	maximum provided above after a public hearing advertised as required by law at least 25 days
3	before the hearing. A fee increase above the maximum may only become effective on a July 1
)	that is at least 90 days after the adoption of an ordinance setting the fee."
)	SECTION 2. This act applies to Union County only.
l	SECTION 3. This act is effective when it becomes law.



HOUSE BILL 565: Union Fire Fees

2009-2010 General Assembly

Committee:

House Local Government II, if favorable,

Date:

April 13, 2009

Introduced by: Rep. Gibson

Finance

Prepared by: Bill Patterson

Analysis of:

First Edition

Committee Counsel

SUMMARY: House Bill 565 authorizes Union to impose fees exceeding current statutory limits for fire protection services provided in fee-based fire protection districts, after conducting a public hearing on the proposed increase.

CURRENT LAW: S.L. 1991-883 authorized Union County to create fire protection districts funded by fees rather than by taxes.* The fees may not exceed the cost of providing fire protection services within the district and may be imposed on owners of all real property benefiting from the availability of fire protection. Under current law, Union County fire protection fees cannot exceed the following limits originally established in 1991:

- \$50 per year for a single family dwelling, manufactured home, or duplex;
- \$75 per year for a triplex:
- \$100 per year for any other multiple-family dwelling:
- \$10 per year for animal or horticultural operations:
- \$50 per year for other commercial facilities with structures encompassing less than 5,000 square feet;
- \$100 per year for other commercial facilities with structures exceeding 5,000 square feet;
- \$50 per year on any other class of property.

BILL ANALYSIS: House Bill 565 would permit Union County to impose fire protection fees exceeding the limits permitted under current law, but only after a public hearing held at least 25 days after being advertised as required by law. The bill also provides that any increase above the statutory limits must take effect on a July 1, but not sooner than 90 days after adoption of the ordinance setting the fee.

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

* The act by which this authority was granted to Union County was enacted by S.L. 1991-883, which created a new section, G.S. 153A-236, applicable only to Union County. (This local act is unrelated to the statewide act enacted in 2003 as G.S. 153A-236, "Honoring deceased or retiring firefighters," by S.L. 2003-145, which authorizes fire departments to award a retiring firefighter or a relative of a deceased firefighter the firefighter's helmet at a price less than its fair market value.)

H565-SMTG-20(e1) v4

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 565 A BILL TO BE ENTITLED AN ACT TO ALLOW UNION COUNTY TO
ADJUST ITS FIRE PROTECTION FEES.
Without prejudice and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
The bill/resolution is re-referred to the Committee on .
The dimesolution is re-referred to the Committee on .

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

H

23

HOUSE BILL 566

Short Title: Charlotte-Monroe Executive Airport Quicktake. Representative Gibson. Sponsors: Local Government II, if favorable, Finance. Referred to: March 16, 2009 A BILL TO BE ENTITLED 1 2 AN ACT TO AUTHORIZE THE CITY OF MONROE TO TAKE IMMEDIATE 3 POSSESSION OF PROPERTY CONDEMNED FOR THE CHARLOTTE-MONROE 4 EXECUTIVE AIRPORT. The General Assembly of North Carolina enacts: 5 **SECTION 1.** G.S. 40A-42(a)(1) reads as rewritten: 6 Standard Provision. – When a local public condemnor is acquiring property 7 "(a) 8 by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), 9 10 (2), (3), (4), (6), or (7), (6), (7), or (9), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a 11 local board of education or any combination of local boards of education is 12 acquiring property for any purpose set forth in G.S. 115C-517, or when a 13 condemnor is acquiring property by condemnation as authorized by-14 15 G.S. 40A-3(c)(8), (9), (10), (12), or (13) title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action 16 for injunctive relief has been initiated, title to the property specified in the 17 18 complaint, together with the right to immediate possession thereof, shall vest 19 in the condemnor upon the filing of the complaint and the making of the 20 deposit in accordance with G.S. 40A-41." **SECTION 2.** This act applies only to the City of Monroe, for the taking of property 21 22 for the Charlotte-Monroe Executive Airport.

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



(Local)



HOUSE BILL 566: Charlotte-Monroe Executive Airport Quicktake

2009-2010 General Assembly

Committee: House Local Government II, if favorable. Date:

April 14, 2009

Finance

Introduced by: Rep. Gibson

Prepared by: Steven Rose

Analysis of:

First Edition

Committee Counsel

SUMMARY: HB 566 Authorizes the City of Monroe to use the "quicktake" procedure when using eminent domain powers to acquire property for the Charlotte-Monroe Executive Airport.

CURRENT LAW: Municipalities using eminent domain powers to acquire property for any purpose begin the action by filing a complaint together with a deposit estimated to be just compensation for the taking. If the condemnation is for airport purposes (and certain others), the municipality is required to use the procedures set out in G.S. 40A-42(b). Using those procedures, title vests in the municipality and it is entitled to possession, when one of three actions occurs:

- The owner files an answer requesting only a determination of just compensation.
- The owner fails to file an answer within 120 days of service.
- Upon disbursement of the deposit (which can be disbursed as a deposit toward further claimed compensation).

SILL ANALYSIS: The bill allows the City of Monroe to use an alternate procedure of condemnation in which, unless an action for injunctive relief has been filed by the property owner, title vests in the municipality and it is entitled to possession immediately upon filing the complaint and making the deposit estimated to be just compensation for the taking.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: Municipalities have authority to operate certain public enterprises pursuant to G.S. 160A-311 (set out below). "Quicktake" is permitted for the enterprises listed in subdivisions (1), (2), (3), (4), (6), and (7). The other enterprises use the longer procedure set out in G.S. 40A-42(b) (set out below).

§ 160A-311. Public enterprise defined.

As used in this Article, the term "public enterprise" includes:

- Electric power generation, transmission, and distribution systems. (1)
- **(2)** Water supply and distribution systems.
- Wastewater collection, treatment, and disposal systems of all types, including (3) septic tank systems or other on-site collection or disposal facilities or systems.
- Gas production, storage, transmission, and distribution systems, where systems (4) shall also include the purchase or lease of natural gas fields and natural gas reserves, the purchase of natural gas supplies, and the surveying, drilling and any other activities related to the exploration for natural gas, whether within the State or without.
- (5) Public transportation systems.
- Solid waste collection and disposal systems and facilities. (6)
- Cable television systems. **(7)**

House Bill 566

Page 2

- (8) Off-street parking facilities and systems.
- (9) Airports.
- (10) Stormwater management programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and structural and natural stormwater and drainage systems of all types.

§ 40A-42. Vesting of title and right of possession; injunction not precluded.

- (b) When a local public condemnor is acquiring property by condemnation for purposes other than for the purposes listed in subsection (a) above, title to the property taken and the right to possession shall vest in the condemnor pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor:
 - (1) Upon the filing of an answer by the owner who requests only that there be a determination of just compensation and who does not challenge the authority of the condemnor to condemn the property; or
 - (2) Upon the failure of the owner to file an answer within the 120-day time period established by G.S. 40A-46; or
 - (3) Upon the disbursement of the deposit in accordance with the provisions of G.S. 40A-44.

H566-SMRL-32(e1) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 566 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
MONROE TO TAKE IMMEDIATE POSSESSION OF PROPERTY CONDEMNED FOR THE
CHARLOTTE-MONROE EXECUTIVE AIRPORT.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

linguerable

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Н

HOUSE BILL 850

1

Short Title:	Local Control of School Calendar/2 Counties. (Local	al)
Sponsors:	Representatives Faison and Insko (Primary Sponsors).	
Referred to:	Local Government II, if favorable, Education.	
	March 30, 2009	
A BILL TO BE ENTITLED AN ACT TO EXEMPT THE CASWELL COUNTY SCHOOLS AND THE ORANGE COUNTY SCHOOLS FROM THE REQUIRED SCHOOL OPENING AND CLOSING DATES. The General Assembly of North Carolina enacts:		
SECTION 1. The required school opening and closing dates under G.S. 115C-84.2(d) do not apply to the Caswell County Schools and the Orange County Schools.		
SECTION 2. This act is effective when it becomes law.		





HOUSE BILL 850: Local Control of School Calendar/2 Counties

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

April 14, 2009

Education Introduced by:

Reps. Faison, Insko

Prepared by: Steven Rose

Analysis of:

First Edition

Committee Counsel

SUMMARY: HB 850 makes the statutorily required school opening and closing dates not applicable to the Caswell County Schools and the Orange County Schools.

CURRENT LAW: G.S. 115C-84.2(d) establishes the opening and closing dates for public schools. Except for year-round schools, the opening date for students must not be before August 25 and the closing date for students must not be after June 10. The State Board of Education may grant waivers from the August 25 and June 10 opening and closing dates for the following reasons:

- A showing of good cause. "Good cause" means schools in the local school administrative unit have been closed 8 days per year during any 4 of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.
- An educational purpose. "Educational purpose" means that a local school administrative unit establishes a need to adopt a different calendar for:
 - o a specific school to accommodate a special program offered generally to students in that school:
 - o a school that primarily serves a special population of students; or
 - o a defined program within a school.

The State Board may grant the waiver for an educational purpose to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the August 25 and June 10 opening and closing dates. The law prohibits the use of a waiver request for an educational purpose to accommodate system-wide class scheduling preferences.

Local boards of education are required to consult with parents and the employed public school personnel when they develop the school calendar.

BILL ANALYSIS: HB 850 would remove the statutory requirement that the Caswell County Schools and the Orange County Schools open no earlier than August 25 and close no later than June 10.

EFFECTIVE DATE: Effective when it becomes law.

§ 115C-84.2. School calendar.

- School Calendar. Each local board of education shall adopt a school calendar consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall clude the following:
 - (1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may

vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

- (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.
- (2) A minimum of 10 annual vacation leave days.
- (3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.
- (4) Five days, as designated by the local board, for use as teacher workdays. These days shall be protected to allow teachers to complete instructional and classroom administrative duties. The local school administrative unit shall not impose any additional tasks on these days. The local board shall schedule one of these days at the beginning of the school year and one at the end of each academic quarter.
- The remaining days scheduled by the local board in consultation with each school's principal for use as teacher workdays, additional instructional days, or other lawful purposes. Before consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. In order to make up days for school closing because of inclement weather, the local board may designate any of the days in this subdivision as additional make-up days to be scheduled after the last day of student attendance.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards shall designate at least seven days scheduled under subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.

- (b) Limitations. The following limitations apply when developing the school calendar:
 - (1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 195 days.

House Bill 850

Page 3

- (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
- (3) School shall not be held on Sundays.
- (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools.
- (c) Emergency Conditions. During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.
- (d) Opening and Closing Dates. Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the erm "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term "educational purpose" means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

(e) Nothing in this section prohibits a local board of education from offering supplemental or additional educational programs or activities outside the calendar adopted under this section.

rupti Chauhan and Shirley Iorio, staff to the House Committee on Education, contributed to this summary.

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

APRIL 15, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LYDIA LAVELLE	TOWN OF CARRBORO - BD OF ALDERMAN
BILL BROOKS	NCFPC
AmySchilder	MWC
Amy Meron key.	him Anderson
Conne'Wlai	NCTIA
Rep. PS: / FAisor	
	_

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II	APRIL 15, 2009
Name of Committee	Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Katherine Oprice Susan Harrison	NCASA
Susan Harrison	Wike Public Schools
entes Blackwood	M.C. Houde
Canar Brockett	NCSBA
Alex Miller	CPS
Rick Zechini	Ne Assoc. of Ralton
Dand	SH.
·	,

House Pages

Name Of Committee: Date: 4-15	-09
, value of commission.	
1. Name: Ashley Williams	
County: Cumberland	
Sponsor: Maryin W. LUCAS	
2. Name: Essence Snood	
County: Durham	
Sponsor: Larry Hat-1	
3. Name:	
County:	•
Sponsor:	
4. Name:	
County:	
Sponsor:	
5. Name:	
County:	
Sponsor:	·
Sgt-At-Arms	
1. Name: MARVIN LEE	
Name: Bob ROSS 1	
3. Name: Judy TURNER	
4. Name:	•

NORTH CAROLINA HOUSE OF REPRESENTATIVES **COMMITTEE MEETING NOTICE** AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, April 22, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 721	Carrboro/Housing Discrimination.	Representative Insko
HB 927	ABC Capital Project/County Funds.	Representative Owens, Jr.
HB 953	Expand Currituck Board of	Representative Owens, Jr.
•	Adjustment.	
HB 954	Currituck Development Rights.	Representative Owens, Jr.
HB 955	Expand Membership/Currituck Game	Representative Owens, Jr.
	Commission.	
HB 966	Wilmington/Acquire Substandard	Representative Hughes
	Dwellings.	
HB 970	Granville County Hunting.	Representative Crawford, Jr.

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the 15 o'clock on April 16, 2009.	e committee assistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	

Barbara Hocutt (Committee Assistant)

COMMITTEE ON LOCAL GOVERNMENT II AGENDA APRIL 22, 2009

₹	****	~~	#T-
I.	WEL	CUN	ИĽ

II. INTRODUCTIONS

III. BILLS

HB 721	Carrboro/Housing Discrimination. (If favorable, Re-ref JI)	Representative Insko
HB 927	ABC Capital Project/County Funds. (If favorable, Re-ref ABC)	Representative Owens, Jr.
HB 953	Expand Currituck Board of Adjustment.	Representative Owens, Jr.
HB 954	Currituck Development Rights. (If favorable, Re-ref Finance)	Representative Owens, Jr.
HB 955	Expand Membership/Currituck Game Commission.	Representative Owens, Jr.
HB 966	Wilmington/Acquire Substandard Dwellings. (If favorable, Re-ref Finance)	Representative Hughes
HB 970	Granville County Hunting.	Representative Crawford, Jr.

COMMMITTE ON LOCAL GOVERNMENT II April 22, 2009 Minutes

Vice Chair Russell Tucker called the meeting to order at 11:03 a.m. on April 22, 2009. The following members were present: Representatives Tucker, Samuelson, Owens, Gibson, Warren, Lucas, Stewart, Stam, Langdon, Guice, Floyd, Blackwell McElraft, and Wiley. The Pages introduced themselves. Michael Fann of Sampson County and Justin Hurst of Rowan County are members of the Tar Heel Challenge Academy. The Sergeants-At Arms are Young Bae, Trey Raley and Bob Rossi.

Representative Crawford presented his bill, House Bill 970, AN ACTO TO REGULATE HUNTING IN GRANVILLE COUNTY. Representatives Stam's amendment was passed, and he moved a favorable report as to the committee substitute bill, unfavorable as to the original bill with the recommendation that the committee substitute bill be refreferred to the Committee on Wildlife Resources. The motion was approved.

The committee took up House Bill 721 that was held over from the last meeting. Representative Insko continued with her presentation of House Bill 721, AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATIN ON THE BASIS OF FAMILIAL STATUS, HANDICAP, SEXUAL ORIENTATION, GENDER IDENTIFIATION, AND GENDER EXPRESSION. Representative Insko asked Carrboro Mayor Mark Chilton to explain why the town council requested the bill. The Chair allowed the following to speak about the bill: Lisa Martin of NC Homebuilder's Assoc., Bill Brooks of the NC Family Council, Reverend Martin Creech and Ian Plumquist of ENC. Representative Floyd offered an amendment which was accepted on a show of hands 11-1. The proposed Committee Substitute changes the title of the bill to read: AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS AND HANDICAP. On page 1 of House Bill 721, lines 12 were rewritten to read "familial status or handicap. Such"; and page 1 lines 16-17 were changed to read "or handicap", deleting the phrase "handicap, sexual orientation, gender identification, or gender expression." (See attached) Representative Owens moved a favorable report as to the proposed committee substitute and an unfavorable report as to the original bill and that it be re-referred to the Judiciary II Committee. The motion carried.

Representative Braxton assumed the Chair. Representative Owens explained House Bill 927, AN ACT TO ALLOW TYRELL COUNTY TO TRANSFER FUNDS BACK TO THE LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD THAT HAD BEEN HELD BY THE COUNTY IN TRUST TO BE USED TO BUILD A NEW ALCOHOLIC BEVERAGE CONTROL STORE. Representative Tucker moved to hear the Committee Substitute which passed. Representative Lucas moved a favorable report as to the committee substitute and an unfavorable report as to the original bill with it

Loc.Gov. II 4-22-09 Page 2

being re-referred to the Committee on Alcohol Beverage Control. The motion was accepted.

Representative Owens' bill, House Bill 953, AN ACT INCREASING TO SEVEN THE NUMBER OF MEMBERS OF THE CURRITUCK COUNTY BOARD OF ADJUSTMENT, was removed at Representative Owens request from the agenda for consideration.

House Bill 955, AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY, was presented by Representative Owens. Representative Stam moved to hear the proposed committee substitute which passed. Representative Lucas moved a favorable report as to the committee substitute, an unfavorable report as to the original bill, and that it be rereferred to Finance. The motion carried.

Representative Owens presented House Bill 954, AN ACT AUTHORIZING THE TRANSFER OF DEVELOPMENT RIGHTS INTO THE DEVELOPED AREAS OF CURRITUCK COUNTY IN ASSOCIATION WITH CONSERVATION EASEMENTS IN RURAL AREAS OF THE COUNTY. Lisa Martin of NC Homebuilders spoke against the bill. Representative Lucas moved for a favorable report. On a show of hands, the vote against the motion was 6-7. The motion failed.

There being no more time, Representative Braxton announced that House Bill 966 would be heard at the next meeting of the Committee on April 29, 2009. The meeting was adjourned at 12:00 p.m.

Representative R. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

Barbara Societt

1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

HOUSE BILL 721*

Short Title: Carrboro/Housing Discrimination. (Local)

Sponsors: Representatives Insko; Cotham, Fisher, and Harrison.

Referred to: Local Government II, if favorable, Judiciary I.

March 23, 2009

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS, HANDICAP, SEXUAL ORIENTATION, GENDER IDENTIFICATION, AND GENDER EXPRESSION.

The General Assembly of North Carolina enacts:

H

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

17

18

19

20

21

22

23

24

25

26

. 16

SECTION 1. Section 10-1 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, reads as rewritten:

"Section 10-1. Housing Discrimination. The board of aldermen may adopt ordinances designed to ensure that all housing opportunities in the Town of Carrboro shall be equally available to all persons without regard to race, color, religion, sex orsex, national origin. origin, familial status, handicap, sexual orientation, gender identification, or gender expression. Such ordinances may regulate or prohibit any act, practice, activity or procedure related directly or indirectly to the sale or rental of public or private housing that affects or may tend to affect the availability or desirability of housing on an equal basis to all persons, without regard to race, color, religion, sex orsex, national origin origin, familial status, handicap, sexual orientation, gender identification, or gender expression. However, ordinances adopted pursuant to the authority contained in this act shall not apply to the rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. Any ordinance passed pursuant to this authorization may be enforced by any method authorized for enforcement of ordinances generally in G.S. 160A-175. In addition, any ordinance adopted pursuant to this authorization may provide that any person aggrieved by any act, practice, activity or procedure prohibited by such ordinance may seek equitable relief in the appropriate division of the General Court of Justice."

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





Analysis of:

HOUSE BILL 721: Carrboro/Housing Discrimination

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

April 15, 2009

Judiciary I

First Edition

Introduced by: Rep. Insko

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 721 would allow the Town of Carrboro to adopt ordinances prohibiting housing discrimination on the basis of familial status, handicap, sexual orientation, gender identification, and gender expression.

[As introduced, this bill was identical to S395, as introduced by Sen. Kinnaird, which is currently in Senate State and Local Government.]

CURRENT LAW: Section 10-1 of the Charter of the Town of Carrboro addresses housing discrimination. Currently, the board of alderman may adopt ordinances to ensure that housing opportunities are available to all persons equally without regard to any of the following:

- Race
- Color
- Religion
- Sex
- National origin

These ordinances do not apply to the rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters. The ordinances may provide a person aggrieved by an act that is prohibited under the ordinance may seek relief in the courts.

BILL ANALYSIS: House Bill 721 would allow the Town of Carrboro to adopt ordinances to prohibit housing discrimination on the basis of any of the following:

- Familial status
- Handicap
- Sexual orientation
- Gender identification
- Gender expression

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

H721-SMRN-22(e1) v4



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

House Bill 721*

AMENDMENT NO.

	H721-ARN-5 [v.1]	•	o be filled in by Principal Clerk)
		•	Page 1 of 1
	Comm. Sub. [NO] Amends Title [YES] First Edition	Date	,2009
	Representative E. Floyd		•
1	moves to amend the bill on pa	age 1, lines 2-5, by rewriting those	lines to read:
2 3 4 5 6	THE TOWN TO	E CHARTER OF THE TOWN (ADOPT ORDINANCES THE BASIS OF FAMILIAL STA	PROHIBITING HOUSING
7	and on page 1, line 12, by rew	vriting the line to read:	
8 9	"familial status, or handic	ap. Such";	
10 11 12 13 14		, by deleting the phrase "handidession." and substituting the phrase	
15			
	SIGNED E WY	Amendment Sponsor	
	SIGNEDCommittee Cha	ir if Senate Committee Amendmer	
	ADOPTED	FAILED	TABLED



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 721* PROPOSED COMMITTEE SUBSTITUTE H721-PCS50583-RN-14

D

Short Title:	Carrboro/Housing Discrimination.	(Local)
Sponsors:		
Referred to:		

March 23, 2009

1 2

3

4

5

6 7

8

9

10 11

12

13 14

15

16

17

18 19

20

21

22 23

24

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS AND HANDICAP.

The General Assembly of North Carolina enacts:

SECTION 1. Section 10-1 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, reads as rewritten:

"Section 10-1. Housing Discrimination. The board of aldermen may adopt ordinances designed to ensure that all housing opportunities in the Town of Carrboro shall be equally available to all persons without regard to race, color, religion, sex orsex, national origin, origin, familial status, or handicap. Such ordinances may regulate or prohibit any act, practice, activity or procedure related directly or indirectly to the sale or rental of public or private housing that affects or may tend to affect the availability or desirability of housing on an equal basis to all persons, without regard to race, color, religion, sex orsex, national origin, familial status, or handicap. However, ordinances adopted pursuant to the authority contained in this act shall not apply to the rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. Any ordinance passed pursuant to this authorization may be enforced by any method authorized for enforcement of ordinances generally in G.S. 160A-175. In addition, any ordinance adopted pursuant to this authorization may provide that any person aggrieved by any act, practice, activity or procedure prohibited by such ordinance may seek equitable relief in the appropriate division of the General Court of Justice."

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



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 721 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE
TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES
PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS,
HANDICAP, SEXUAL ORIENTATION, GENDER IDENTIFICATION, AND GENDER
EXPRESSION.
With a favorable report as to the committee substitute bill, which changes the title,
unfavorable as to the original bill, and recommendation that the committee substitute bill be re-
referred to the Committee on JUDICIARY I.
·
COD TOTIONAL LISE ONLY
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
ruisualit to Rule 32(a), the only esolution is re-referred to the Committee on
-
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No.)
(No) is placed on the Calendar of (The original bill resolution No)
(No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
(No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
(No) is placed on the Calendar of (The original bill resolution No)

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1

2

3

4

5

6

7

8

9

10

HOUSE BILL 927

Short Title: ABC Capital Project/County Funds. (Local) Sponsors: Representative Owens. Referred to: Local Government II, if favorable, Alcoholic Beverage Control. April 1, 2009 A BILL TO BE ENTITLED AN ACT TO ALLOW TYRRELL COUNTY TO TRANSFER FUNDS BACK TO THE LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD THAT HAD BEEN HELD BY THE COUNTY IN TRUST TO BE USED TO BUILD A NEW ALCOHOLIC BEVERAGE CONTROL STORE. The General Assembly of North Carolina enacts: SECTION 1. Notwithstanding the provisions of G.S. 18B-805, or any other law to the contrary, Tyrrell County may make a onetime transfer of funds to the Tyrrell County Alcoholic Beverage Control Board to be used to fund a new ABC store within Tyrrell County.

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



1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 927 PROPOSED COMMITTEE SUBSTITUTE H927-CSTG-13 [v.1]

D

4/21/2009 5:55:48 PM

	Short Title: ABC Capital Project/County Funds. (Local
	Sponsors:
	Referred to:
	April 1, 2009
1	A BILL TO BE ENTITLED
2	AN ACT TO ALLOW TYRRELL COUNTY TO TRANSFER FUNDS BACK TO THE
3	LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD THAT HAD BEEN HELD BY
4	THE COUNTY IN TRUST TO BE USED TO BUILD A NEW ALCOHOLIC
5	BEVERAGE CONTROL STORE.
6	The General Assembly of North Carolina enacts:
7	SECTION 1. Notwithstanding the provisions of G.S. 18B-805, or any other law to
8	the contrary:
9	(a) Tyrrell County is authorized to make a onetime transfer to the Tyrrell County
10	Alcoholic Beverage Control Board of funds previously paid by the Tyrrell County Alcoholic
11	Beverage Control Board to Tyrrell County and held in trust by Tyrrell County for the
12	construction of a new ABC store within Tyrrell County; and
13	(b) The Tyrrell County Alcohol Beverage Control Board is authorized to use the
14	funds returned to it by Tyrrell County pursuant to subsection (a) for the construction of a new
15	ABC store within Tyrrell County.
16	SECTION 2. This act is effective when it becomes law.



HOUSE BILL 927: ABC Capital Project/County Funds

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

April 21, 2009

Alcoholic Beverage Control

Introduced by: Rep. Owens

Analysis of:

PCS to First Edition

Prepared by: Bill Patterson

Committee Counsel

H927-CSTG-13

SUMMARY: House Bill 927 would permit Tyrrell County to transfer back to the local Alcoholic Beverage Control Board funds previously paid to it by the ABC Board to be held in trust for the purpose of building a new ABC store. The Proposed Committee Substitute makes only clarifying changes to the original bill.

CURRENT LAW: Under G.S. 18B-805, local ABC boards are required to distribute their gross receipts in a certain order among various classes of expenses. Under subsections 18B-805(b) and (c), the local ABC Board is required to first pay operating expenses, taxes, and make various other quarterly distributions. Under G.S. 18B-805(d), any gross receipts remaining after these prior distributions have been made can be set aside, with approval of the County Board of Commissioners, for the purpose of funding capital projects.

BILL ANALYSIS: For a number of years, the Tyrrell County ABC Board has paid Tyrrell County surplus funds remaining after making other required distributions of its gross receipts, and the County has held these funds in trust for use in constructing a new ABC store. House Bill 927 would authorize Tyrrell County to return those funds to the local ABC Board and would authorize the local ABC Board to use those funds to build a new ABC store.

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

H927-SMTG-29(CSTG-13) v1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

14

HOUSE BILL 927 PROPOSED COMMITTEE SUBSTITUTE H927-PCS50593-RL-20

Short Title: ABC Capital Project/County Funds. (Local)
Sponsors:
Referred to:
April 1, 2009
·
A BILL TO BE ENTITLED
AN ACT TO ALLOW TYRRELL COUNTY TO TRANSFER FUNDS BACK TO THE
LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD THAT HAD BEEN HELD BY
THE COUNTY IN TRUST TO BE USED TO BUILD A NEW ALCOHOLIC
BEVERAGE CONTROL STORE.
The General Assembly of North Carolina enacts:
SECTION 1. Notwithstanding the provisions of G.S. 18B-805, or any other law to
the contrary, Tyrrell County is authorized to make a onetime transfer to the Tyrrell County
Alcoholic Beverage Control Board of funds previously paid by the Tyrrell County Alcoholic
Beverage Control Board to Tyrrell County and held in trust by Tyrrell County for the
construction of a new ABC store within Tyrrell County. The Tyrrell County Alcoholic
Beverage Control Board is authorized to use the funds returned to it by Tyrrell County pursuant
to this act for the construction of a new ABC store within Tyrrell County.

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



D

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 927 A BILL TO BE ENTITLED AN ACT TO ALLOW TYRRELL COUNTY TO
TRANSFER FUNDS BACK TO THE LOCAL ALCOHOLIC BEVERAGE CONTROL
BOARD THAT HAD BEEN HELD BY THE COUNTY IN TRUST TO BE USED TO BUILD
A NEW ALCOHOLIC BEVERAGE CONTROL STORE.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on ALCOHOLIC BEVERAGE CONTROL.
(FOR JOURNAL USE ONLY)
(1 OHO OHE WILL ONE OHE)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar. The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.

Rulled grander GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

Short Title:

HOUSE BILL 953

(Local)

Representative Owens. Sponsors:

Referred to: Local Government II.

April 1, 2009

A BILL TO BE ENTITLED

AN ACT INCREASING TO SEVEN THE NUMBER OF MEMBERS OF THE CURRITUCK COUNTY BOARD OF ADJUSTMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-345(a) reads as rewritten:

Expand Currituck Board of Adjustment.

The board of commissioners may provide for the appointment and compensation, if "(a) any, of a board of adjustment consisting of at least five seven regular members, each to be appointed for three years - years from each commissioner residency and at-large district. In appointing the original members of the board, or in filling vacancies caused by the expiration of the terms of existing members, the board of commissioners may appoint some members for less than three years to the end that thereafter the terms of all members do not expire at the same time. The board of commissioners may provide for the appointment and compensation, if any, of alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of a regular member, has and may exercise all the powers and duties of a regular member. If the board of commissioners does not zone the entire territorial jurisdiction of the county, each designated zoning area shall have at least one resident as a member of the board of adjustment."

SECTION 2. This act applies to Currituck County only.

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



1

2 3

4

5

6

7

8

9

10

11

12

13 14

15

16

17

18

19

20

21

22

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1 2

5 6 7

10 11

12

HOUSE BILL 954

Jalil

Short Title:	Currituck Development Rights. (Local)
Sponsors:	Representative Owens.
Referred to:	Local Government II, if favorable, Finance.
	April 1, 2009
	A BILL TO BE ENTITLED
AN ACT A	UTHORIZING THE TRANSFER OF DEVELOPMENT RIGHTS INTO THE
DEVELO	PED AREAS OF CURRITUCK COUNTY IN ASSOCIATION WITH
CONSER	VATION EASEMENTS IN RURAL AREAS OF THE COUNTY.
	Assembly of North Carolina enacts:
	ECTION 1. G.S. 153A-340, as it applies to Currituck County, is amended by
	subsection to read:
	otwithstanding the provisions of subsection (a) of this section, a county may grant
	development rights to be used within the county's jurisdiction in exchange for the
	of undeveloped land in rural areas of the county."
S	ECTION 2. This act applies to Currituck County only.

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





HOUSE BILL 954: Currituck Development Rights

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

April 21, 2009

Finance

Introduced by: Rep. Owens

Prepared by: Bill Patterson

First Edition Analysis of:

Committee Counsel

SUMMARY: House Bill 954 would authorize Currituck County to grant transferable development rights in exchange for preservation of undeveloped land in the county's rural areas, in addition to the existing statewide authority to grant such rights in exchange for dedication of street and highway rights-of-way.

CURRENT LAW: G.S. 153A-340 permits counties to adopt zoning and development regulation ordinances applicable to subdivisions. Under current law, a county can adopt an ordinance granting severable development rights to the owner applying for the approval of the subdivision plat, when a street or highway right-of-way is dedicated upon the subdivided land. The severable development rights can be transferred if the local government has created "development rights receiving districts" pursuant to G.S. 136-66.10 and 136-66.11.

BILL ANALYSIS: House Bill 954 would add new subsection (a1) to G.S. 153A-340, applicable only to Currituck County, authorizing Currituck County to grant transferable development rights in exchange for the preservation of undeveloped land in rural areas of the county, in addition to the existing statewide authority related to the dedication of street and highway rights-of-way.

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

H954-SMTG-30(e1) v3

H

HOUSE BILL 955

1

Short Title:	Expand Membership/Currituck Game Commission.	(Local)
Sponsors:	Representative Owens.	
Referred to:	Local Government II, if favorable, Finance.	

April 1, 2009

1 2

3

4

5

6

7

8

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of Chapter 1436 of the 1957 Session Laws, as amended by Chapter 622 of the 1981 Session Laws and by Section 1 of S.L. 2003-16, reads as rewritten:

"Sec. 5. A Game Commission of Currituck County is hereby created which Commission shall consist of five seven members, each of whom shall be thoroughly acquainted with migratory water fowl shooting both ashore and afloat. The Game Commission shall be selected and appointed by the Board of County Commissioners of Currituck County, but no member shall be removed except upon the unanimous vote of all the members of the board of commissioners. One member shall be chosen from each of the four townships of Currituck County and one member One member shall be chosen from each of the five county commissioner residency districts, and two members shall be appointed to serve at large. In the event of a vacancy, successors to the members of the Commission shall be similarly appointed.

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

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

SECTION 2. Section 18 of Chapter 1436 of the 1957 Session Laws, as rewritten by Section 9 of Chapter 622 of the 1981 Session Laws and by Section 3 of S.L. 1997-163, reads as rewritten:



32

9 10 11

12

13

14

19

26 27 28

25

30 31

29

33 34

35 36

18 ·

· 28

"Sec. 18. The Game Commission of Currituck County is empowered to pay the necessary fees of attorneys, surveyors, and accountants; the costs of printing license forms for hunting blind licenses to be furnished to the clerk to the Game Commission; and other necessary expenses of carrying out the duties imposed by this act. Each member shall be paid a per diem of ten dollars (\$10.00) and travel expenses of fifteen cents (15¢) per milethe allowable rate as set by the Internal Revenue Service business standard while engaged in official business of the Game Commission. the The Chairman of the Game Commission shall be paid one thousand dollars (\$1,000)one thousand five hundred dollars (\$1,500) per year in addition to per diem and travel for the fulfillment of his duties as chairman, in such installments as the Commission may direct. Each Game Commission member shall be paid five hundred dollars (\$500.00)receive an annual salary of one thousand dollars (\$1,000) per year in addition to per diem and travel in such installments as the Game Commission may direct. The clerk to the Game Commission shall receive an annual salary of five hundred dollars (\$500.00)one thousand dollars (\$1,000) for the performance of his duties for the Game Commission in addition to his fees for issuing licenses.

In addition, the Game Commission may disburse excess funds generated from fees to an organization established as a nonprofit corporation under North Carolina law for the purpose of conservation, habitat enhancement, and waterfowl protection in Currituck County. The board of directors of this corporation shall be appointed by the Currituck County Board of Commissioners and shall include a representative designated by the Wildlife Resources Commission as a nonvoting member.

Prior to the beginning of the Game Commission's fiscal year it shall file a copy of its budget for that year with the North Carolina Wildlife Resources Commission. Within 30 days following receipt of the audit report made after the close of a fiscal year, the Game Commission shall file a copy of the audit report with the Wildlife Commission."

SECTION 3. Section 20 of Chapter 1436 of the 1957 Session Laws, as amended by Section 10 of Chapter 622 of the 1981 Session Laws, reads as rewritten:

"Sec. 20. Every blind of any kind shall be located not less than five hundred (500) feet from any blind of any kind. No float blinds shall be tied within 300 yards of any residence.

This section shall not apply to blinds closer together than five hundred (500) yards on the effective date of this Act, but shall be applicable to any such blinds as, and when, one of said blinds becomes vacant."

SECTION 4. This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

H

HOUSE BILL 955 PROPOSED COMMITTEE SUBSTITUTE H955-CSRL-19 [v.1]

4/21/2009 6:52:39 PM

Short Title:	Expand Membership/Currituck Game Commission.	(Local)	
Sponsors:	•		
Referred to:			

April 1, 2009

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of Chapter 1436 of the 1957 Session Laws, as amended by Chapter 622 of the 1981 Session Laws and by Section 1 of S.L. 2003-16, reads as rewritten:

"Sec. 5. A Game Commission of Currituck County is hereby created which Commission shall consist of five seven members, each of whom shall be thoroughly acquainted with migratory water fowl shooting both ashore and afloat. The Game Commission shall be selected and appointed by the Board of County Commissioners of Currituck County, but no member shall be removed except upon the unanimous vote of all the members of the board of commissioners. One member shall be chosen from each of the four townships of Currituck County and one member One member shall be chosen from each of the five county commissioner residency districts, and two members shall be appointed to serve at large. In the event of a vacancy, successors to the members of the Commission shall be similarly appointed.

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

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



1

2

3

4

5

6 7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

2

3

D

.28

SECTION 2. Section 18 of Chapter 1436 of the 1957 Session Laws, as rewritten by Section 9 of Chapter 622 of the 1981 Session Laws and by Section 3 of S.L. 1997-163, reads as rewritten:

"Sec. 18. The Game Commission of Currituck County is empowered to pay the necessary fees of attorneys, surveyors, and accountants; the costs of printing license forms for hunting blind licenses to be furnished to the clerk to the Game Commission; and other necessary expenses of carrying out the duties imposed by this act. Each member shall be paid a per diem of ten dollars (\$10.00) and travel expenses of fifteen cents (15¢) per milethe allowable business standard mileage rate as set by the Internal Revenue Service while engaged in official business of the Game Commission. the The Chairman of the Game Commission shall be paid one thousand dollars (\$1,000) one thousand five hundred dollars (\$1,500) per year in addition to per diem and travel for the fulfillment of his duties as chairman, in such installments as the Commission may direct. Each Game Commission member shall be paid five hundred dollars (\$500.00) per year in addition to per diem and travel in such installments as the Game Commission may direct. The clerk to the Game Commission shall receive an annual salary of five hundred dollars (\$500.00) one thousand dollars (\$1,000) for the performance of his duties for the Game Commission in addition to his fees for issuing licenses.

In addition, the Game Commission may disburse excess funds generated from fees to an organization established as a nonprofit corporation under North Carolina law for the purpose of conservation, habitat enhancement, and waterfowl protection in Currituck County. The board of directors of this corporation shall be appointed by the Currituck County Board of Commissioners and shall include a representative designated by the Wildlife Resources Commission as a nonvoting member.

Prior to the beginning of the Game Commission's fiscal year it shall file a copy of its budget for that year with the North Carolina Wildlife Resources Commission. Within 30 days following receipt of the audit report made after the close of a fiscal year, the Game Commission shall file a copy of the audit report with the Wildlife Commission."

SECTION 3. Section 20 of Chapter 1436 of the 1957 Session Laws, as amended by Section 10 of Chapter 622 of the 1981 Session Laws, reads as rewritten:

"Sec. 20. Every blind of any kind shall be located not less than five hundred (500) feet from any blind of any kind. No float blinds shall be tied within 300 yards of any residence.

This section shall not apply to blinds closer together than five hundred (500) yards on the effective date of this Act, but shall be applicable to any such blinds as, and when, one of said blinds becomes vacant."

SECTION 4. This act becomes effective July 1, 2009.

Page 2



HOUSE BILL 955: Expand Membership/Currituck Game Commission

Committee:

House Local Government II, if favorable,

Date:

April 21, 2009

Introduced by: Rep. Owens

Finance

Prepared by: Steven Rose

Committee Counsel

Analysis of: **PCS** to First Edition

H955-CSRL-19

SUMMARY: HB 955 makes changes to the authorizing legislation for the Currituck County Game Commission. The bill increases the membership to seven members, changes the reimbursement rate for travel, increases the remuneration of the board members and the clerk, and adds a provision prohibiting tying float blinds within 300 yards of a residence.

CURRENT LAW: The Currituck County Game Commission was created in 1957 and operates in concert with the North Carolina Wildlife Resources Commission. It focuses on regulations related to migratory water fowl hunting and protection. Current membership is five members, one from each township and one at large. There are also provisions for travel expenses and salary payments to members and the clerk. Current law provides that no blind shall be less than 500 yards from another blind.

BILL ANALYSIS: The membership of the Game Commission is increased from five to seven, with one member chosen from each of the five county commissioner residency districts and two members at .arge.

The 15 cent per mile travel expense rate is changes to the IRS business standard mileage rate, currently 55 cents per mile. The chairman's annual salary is increased from \$1,000 to \$1,500; the other commission members' salaries increase from \$500 per year to \$1,000 per year; the commission clerk's salary increases from \$500 to \$1,000 per year.

A provision is added that no float blinds shall be tied within 300 yards of any residence.

The PCS makes a technical change in the reference to the IRS business standard mileage rate.

EFFECTIVE DATE: Effective July 1, 2009.

H955-SMRL-40(CSRL-19) v1

H

HOUSE BILL 955 PROPOSED COMMITTEE SUBSTITUTE H955-PCS80357-RL-19

D

Short Title:	Expand Membership/Currituck Game Commission.	(Local)
Sponsors:		
Referred to:		•

April 1, 2009

2 AN

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of Chapter 1436 of the 1957 Session Laws, as amended by Chapter 622 of the 1981 Session Laws and by Section 1 of S.L. 2003-16, reads as rewritten:

"Sec. 5. A Game Commission of Currituck County is hereby created which Commission shall consist of five seven members, each of whom shall be thoroughly acquainted with migratory water fowl shooting both ashore and afloat. The Game Commission shall be selected and appointed by the Board of County Commissioners of Currituck County, but no member shall be removed except upon the unanimous vote of all the members of the board of commissioners. One member shall be chosen from each of the four townships of Currituck County and one member one member shall be chosen from each of the five county commissioner residency districts, and two members shall be appointed to serve at large. In the event of a vacancy, successors to the members of the Commission shall be similarly appointed.

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

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



 SECTION 2. Section 18 of Chapter 1436 of the 1957 Session Laws, as rewritten by Section 9 of Chapter 622 of the 1981 Session Laws and by Section 3 of S.L. 1997-163, reads as rewritten:

"Sec. 18. The Game Commission of Currituck County is empowered to pay the necessary fees of attorneys, surveyors, and accountants; the costs of printing license forms for hunting blind licenses to be furnished to the clerk to the Game Commission; and other necessary expenses of carrying out the duties imposed by this act. Each member shall be paid a per diem of ten dollars (\$10.00) and travel expenses of fifteen cents (15¢) per milethe allowable business standard mileage rate as set by the Internal Revenue Service while engaged in official business of the Game Commission. the The Chairman of the Game Commission shall be paid one thousand dollars (\$1,000) one thousand five hundred dollars (\$1,500) per year in addition to per diem and travel for the fulfillment of his duties as chairman, in such installments as the Commission may direct. Each Game Commission member shall be paid five hundred dollars (\$500.00) receive an annual salary of one thousand dollars (\$1,000) per year in addition to per diem and travel in such installments as the Game Commission may direct. The clerk to the Game Commission shall receive an annual salary of five hundred dollars (\$500.00) one thousand dollars (\$1,000) for the performance of his duties for the Game Commission in addition to his fees for issuing licenses.

In addition, the Game Commission may disburse excess funds generated from fees to an organization established as a nonprofit corporation under North Carolina law for the purpose of conservation, habitat enhancement, and waterfowl protection in Currituck County. The board of directors of this corporation shall be appointed by the Currituck County Board of Commissioners and shall include a representative designated by the Wildlife Resources Commission as a nonvoting member.

Prior to the beginning of the Game Commission's fiscal year it shall file a copy of its budget for that year with the North Carolina Wildlife Resources Commission. Within 30 days following receipt of the audit report made after the close of a fiscal year, the Game Commission shall file a copy of the audit report with the Wildlife Commission."

SECTION 3. Section 20 of Chapter 1436 of the 1957 Session Laws, as amended by Section 10 of Chapter 622 of the 1981 Session Laws, reads as rewritten:

"Sec. 20. Every blind of any kind shall be located not less than five hundred (500) feet from any blind of any kind. No float blinds shall be tied within 300 yards of any residence.

This section shall not apply to blinds closer together than five hundred (500) yards on the effective date of this Act, but shall be applicable to any such blinds as, and when, one of said blinds becomes vacant."

SECTION 4. This act becomes effective July 1, 2009.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
by respectively to the committee on Books 60 v Bid within in:
☑Committee Substitute for
HB 955 A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP AND
CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK
COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION
PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE
COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN
THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY.
☑ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1 -

2

3

5

6 7

9

10

11

12

13

14

15 16

17

18 19

committed on or after that date.

HOUSE BILL 970

Short Title: Granville County Hunting. (Local) Sponsors: Representative Crawford. Referred to: Local Government II, if favorable, Wildlife Resources. April 2, 2009 A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN GRANVILLE COUNTY. The General Assembly of North Carolina enacts: SECTION 1. It is unlawful for a person to release a dog or dogs onto the property of another for the purpose of hunting deer or to release a dog or dogs with knowledge, actual or constructive, that the dog or dogs will likely go on the land of another in pursuit of deer, without the written consent of the landowner if the property: Is posted as provided in Article 22A of Chapter 14 of the General Statutes: (2) Has been registered and posted as provided in Article 21A of Chapter 113 of the General Statutes: or Has been registered and posted as provided in Chapter 159 of the 1991 (3) Session Laws, as amended by Chapter 152 of the 1995 Session Laws. **SECTION 2.** Violation of this act is a Class 2 misdemeanor. SECTION 3. 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 4. This act applies only to Granville County. SECTION 5. This act becomes effective October 1, 2009, and applies to acts



1



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

House Bill 970

AMENDMENT NO.

	H970-ARN	-6 [v.1]		-	led in by al Clerk) Page 1 of 1
	Comm. Sub Amends Tit First Edition	tle [NO]		Date	,2009
	Representat	tive			
1 2 3 4 5	moves to ar the phrase		on page 1, line 7, by inse	erting between the wo	rds "landowner" and "if"
	SIGNED _		Staw Amendment Sponsor	r	
	SIGNED _	Committee	e Chair if Senate Commit	tee Amendment	
	ADOPTED	•	FAILED	ТА	RIFD





HOUSE BILL 970: Granville County Hunting

2009-2010 General Assembly

Committee:

House Local Government II, if favorable,

Date:

April 22, 2009

Introduced by: Rep. Crawford

Wildlife Resources

Prepared by: Brad Krehely

Analysis of:

First Edition

Committee Co-Counsel

SUMMARY: House Bill 970 is a local act that would regulate hunting in Granville County.

BILL ANALYSIS: House Bill 970 would make it unlawful to do either of the following without the written consent of the landowner:

- To release a dog or dogs onto the property of another for the purpose of hunting deer.
- To release a dog or dogs with actual or constructive knowledge that the dog or dogs will likely go on the land of another in pursuit of deer.

These restrictions apply as long as the property complies with any of the following

- Meets the posting requirements of Article 22A of Chapter 14.
- Has been registered with the Wildlife Resources Commission and meets posting requirements.
- Has been registered with the sheriff of Granville County and meets posting requirements.

A violation of the act is a Class 2 misdemeanor. The act is enforceable by the law enforcement officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and other peace officers with subject matter jurisdiction.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to acts committed on or after that date.

H970-SMRN-29(e1) v4

^{&#}x27;he posting requirements govern how large the signs must be (i.e. not less than 120 square inches) and where the signs must be placed on the property (i.e. not more than 200 yards apart close to and along the boundaries).

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

11

13

committed on or after that date.

HOUSE BILL 970 .PROPOSED COMMITTEE SUBSTITUTE H970-PCS50582-RN-13

D

Short Title: C	Franville County Hunting.		(Local)
Sponsors:			
Referred to:			
^	April 2	, 2009	
	A BILL TO B	E ENTITLED	
AN ACT TO RI	EGULATE HUNTING IN GRA	NVILLE COUNTY.	
The General As	sembly of North Carolina enacts	•	
		rson to release a dog or dogs on	
		release a dog or dogs with know	
		go on the land of another in p	oursuit of deer,
without the writ	ten consent of the landowner or	·	
(1)	• •	le 22A of Chapter 14 of the Gene	
(2)	Has been registered and poste the General Statutes; or	ed as provided in Article 21A of	Chapter 113 of
(3)	· · · · · · · · · · · · · · · · · · ·	sted as provided in Chapter 15	9 of the 1991
()		Chapter 152 of the 1995 Session	
SEC	TION 2. Violation of this act is	=	
SEC	TION 3. This act is enforceab	le by law enforcement officers	of the Wildlife
		ty sheriffs, and by other peace	
	matter jurisdiction.	· · · · · · · · · · · · · · · · · · ·	
	TION 4. This act applies only t	o Granville County.	
OTO	TION & This art becomes a	ffeetier October 1 2000 and	amplias to sata

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
☐ Committee Substitute for
HB 970 A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN
GRANVILLE COUNTY.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
WILDLIFE RESOURCES.
(FOR JOURNAL USE ONLY)
Discount to Pula 22(a) the hill/secolution is no referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No.) is placed on the Calendar of . (The original bill resolution No.)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

VISITOR REGISTRATION SHEET

4/22/09

Date

VISITORS: PLEASE SIGN	IN BELOW AND RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
Iem Palmy us;	1º ENC
Christayes	NC HBA
Lisa Martin	NC HBA
In miker	Corridack Country Attorney
Ben Woody	Currituck County Planning Dir
Mark Chilton	Carrboro NC (Mayor)
MILESS BEAN	City OF WICHINGTON
LEP. SANDLAS PAUDING H	
Sarah Clapp	NCWRO
Joseph Brookes	her. Black Well

VISITOR REGISTRATION SHEET

Name of Committee	•	Date	
Local Gov II			4/22/09.
	•		

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R. Paul Wilms	WGR
Brittany Farrell	NEFPC
REU MARA CREEK	CAC
Bu Brooks	NCFPC
Christine Wursese	506-Daily Bulletin
Christine Wursese Cady Thomas	NC ASEN & REALTHES
Tom VITAGLI ONE	ACTION FOR CHILDREN
•	
-	- Lander
•	

House Pages

Name of Committee Local Gov. I Date: 4/22/09	_
1. Name: Fann, Michael	
County: Sampson	
Sponsor: Tarheel Challenge Acadamy:	
2. Name: Justin, Hentst	
County: Roman	
Sponsor: Tastleel challenge Academy	_
Name:	
County:	
Sponsor:	
1. Name:	
County:	
Sponsor:	
Name:	
County:	
Sponsor:Sgt-At-Arms	
Name: Johny Bre	
Name: Trey Ratey	
3. Name: Bob Rossi	
1 Mamai	

Corrected Notice

House Bill 343 removed from Calendar

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, April 29, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO. HB 59	SHORT TITLE Franklin County/911 Fund Uses.	SPONSOR Representative Allen
HB 865	Warrenton Overgrown Vegetation Ordinance.	Representative Wray
HB 866	Warrenton/Community Development Target Areas.	Representative Wray
HB 867	Warrenton/ Junked & Abandoned Vehicles.	Representative Wray
'HB 966	Wilmington/Acquire Substandard Dwellings.	Representative Hughes
HB 973	Regulation of Golf Carts in Deep Run.	Representative Braxton
HB 981	Union County Commissioners.	Representative Gibson, III
HB 1530	Rescind Advanced Property Tax	Representative Cole
	Appraisal.	Representative Holloway
		Representative Burr
		Representative Starnes

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by th 9 o'clock on April 24, 2009.	e committee assistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	
Barbara Hocutt (Committee Assistant)	

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE

AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, April 29, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 59	Franklin County/911 Fund Uses.	Representative Allen
HB 543	No Penalty for Comm., Coll. Audit	Representative Tarleton
	Exception.	Representative Tolson
		Representative Warren
		Representative Wiley
HB 865	Warrenton Overgrown Vegetation Ordinance.	Representative Wray
HB 866	Warrenton/Community Development Target Areas.	Representative Wray
HB 867	Warrenton/ Junked & Abandoned Vehicles.	Representative Wray
HB 966	Wilmington/Acquire Substandard Dwellings.	Representative Hughes
HB 973	Regulation of Golf Carts in Deep Run.	Representative Braxton
HB 981	Union County Commissioners.	Representative Gibson, III
HB 1530	Rescind Advanced Property Tax	Representative Cole
•	Appraisal.	Representative Holloway
	**	Representative Burr
		Representative Starnes
	•	r

Respectfully, Representative Braxton, Chair

I hereby certify this notice was	filed by the committee assistant at the follow	ing offices at
9 o'clock on April 24, 2009.		_
Principal Clerk		

Barbara Hocutt (Committee Assistant)

Reading Clerk – House Chamber

COMMITTEE ON LOCAL GOVERNMENT II AGENDA APRIL 29, 2009

		•	
I.	Welcome		•
II.	Introductions		
m.	Bills		
House	Bill 966	Wilmington/Acquire Substandard Dwellings (If favorable, Judiciary II)	Hughes
House	Bill 59	Franklin County/ 911 Funding (If favorable, Ways & Means)	Allen
House	Bill 1530	Rescind Advanced Property Tax Appraisal Holloway, Burr, Starnes (If favorable, Finance)	Cole,
House	e Bill 865	Warrenton Overgrown Vegetation Ordinance (If Favorable, Finance)	Wray
House	e Bill 866	Warrenton/community Development Target Area (If favorable, Finance)	as Wray
House	e Bill 867	Warrenton/Junked & Abandoned Vehicles (If favorable, Finance)	Wray
House	e Bill 973	Regulation of Golf Carts in Deep Run (If favorable, Finance)	Braxton
House	e Bill 981	Union County Commissioners (If favorable, Election Law & Campaign Finance	Gibson Reform)

COMMITTEE ON LOCAL GOVERNMENT II April 29, 2009 Minutes

The meeting of the Committee on Local Government II was convened by Representative Van Braxton at 11:02 a.m. on Wednesday, April 29, 2009. The following members were present: Representatives Braxton, McElraft, Langdon, Lucas, Warren, Stewart, Wiley, Guice, Samuelson, Tucker and Blackwell. Staci Driver was introduced as the committee page. She is from Jones County and was sponsored by Representative McElraft. Marvin Lee, Trey Raley and Martha Parrish served as Sergeants at Arms.

House Bill 966 was removed from consideration at the request of the sponsor, Representative Sandra Spaulding Hughes.

Representative Cole presented House Bill 1530, AN ACT TO AUTHORIZE COUNTIES TO RESCIND AN ADVANCED GENERAL REAPPRAISAL OF PROPERTY. Representative Tucker moved to hear the Proposed Committee Substitute and the motion passed. Staff member Martha Walton was available to answer questions about the bill. Mike Taylor, Stanly County Attorney, spoke in favor of the bill. David Baker of the NC Department of Revenue was available to explain to the members what the effects of the bill would be. Representative Tucker moved a favorable report of the Proposed Committee Substitute and an unfavorable report of the original bill with a re-referral to the Committee on Finance. The motion passed.

House Bill 865 was removed from consideration in favor of the companion Senate Bill that had been ratified.

Representative Wray presented House Bill 866, AN ACT TO ALLOW THE TOWN OF WARRENTON TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION OF REMOVING OR DEMOLISHING THOSE BUILDINGS. Representative Tucker moved the adoption of the bill without prejudice and re-referral to the Finance Committee. The motion passed.

Representative Wray presented House Bill 867, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF WARRENTON. Representative Tucker moved the adoption of the bill without prejudice and re-referral to the Finance Committee. The motion passed.

Representative Langdon assumed the Chair, and Representative Braxton presented House Bill 973, AN ACT TO ALLOW THE USE OF GOLF CARTS IN THE COMMUNITY OF DEEP RUN. Representative Tucker moved the consideration of the Proposed Committee Substitute which passed. Representative Floyd moved a favorable report of the Proposed Committee Substitute and an unfavorable report of the original bill with a re-referral to the Finance Committee. The motion passed.

Representative Braxton assumed the chair and called on Representative Gibson to present House Bill 981, AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE UNION COUNTY BOARD OF COMMISSIONERS. Representative Stam moved to hear the Proposed Committee Substitute which passed. Several Union County members were in attendance and offered information in opposition to the bill (See attached). Representative Blackwood from Union County spoke in opposition. The bill was displaced at the request of the sponsor, Representative Gibson.

The meeting was adjourned at 11:02 a.m. by Representative Braxton, Chair.

Representative

1717-100

Barbara Hocult, Committee Assistant

Barbara Hocult

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 966

Pulled

Short Title:	Title: Wilmington/Acquire Substandard Dwellings.	
Sponsors:	Representatives Hughes; and E. Floyd.	
Referred to:	Local Government II, if favorable, Judiciary II.	

April 2, 2009

1 A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILMINGTON TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING FOR LOW- AND MODERATE-INCOME PERSONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 19 of Chapter 160A of the General Statutes is amended by adding the following new section to read:

"§ 160A-450.1. Acquisition of property by eminent domain.

For the purpose of providing housing for low- and moderate-income persons, a municipality shall have the power of eminent domain to acquire vacant dwellings that have been closed for human habitation as a result of housing code violations for a minimum period of three years and to acquire the lot or tract upon which the vacant dwellings are situated. For purposes of this section, the phrase "low and moderate income" means annual gross income equal to or less than eighty percent (80%) of the median household income for the Metropolitan Statistical Area of which the municipality is a part, adjusted for household size, and as that phrase may be revised periodically by the United States Department of Housing and Urban Development. In the exercise of its authority of eminent domain for the acquisition of property to provide housing for low- and moderate-income persons, the municipality shall follow the procedures prescribed in Chapter 40A of the General Statutes. The governing body of the municipality shall adopt a plan to use condemned property for low- or moderate-income housing prior to exercising the powers authorized under this section. The power of eminent domain under this section may be used only when the vacant dwelling would otherwise be demolished under the municipality's housing code."

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

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



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

Н



HOUSE BILL 59

Short Title:	Franklin County/911 Fund Uses.	(Local)
Sponsors:	Representative Allen.	
Referred to:	Rules, Calendar, and Operations of the House.	
	February 5, 2009	
The General A	A BILL TO BE ENTITLED PANDING PERMITTED USES OF 911 FUNDS IN FRANKLIN COU Assembly of North Carolina enacts: ECTION 1. G.S. 62A-46 reads as rewritten: Fund distribution to PSAPs.	UNTY.
the amount r emergency d mobile comr Distributions (1	se of Funds. — A PSAP that receives a distribution from the 911 Fundate received to pay for the lease or purchase of real estate, cosmetic realispatch centers, hiring or compensating telecommunicators, or the munications vehicles, ambulances, fire engines, or other emergence received by a PSAP may be used only to pay for the following: 1) The lease, purchase, or maintenance of emergency telephone including necessary computer hardware, software, and provisioning, addressing, and nonrecurring costs of establish system-system, and the lease or purchase of an additional competitive, a multisite simulcast system, microwave connectivity is sites, site monitoring and alarm system, and grounding and protection. ECTION 2. This act applies to Franklin County only. ECTION 3. This act is effective when it becomes law.	modeling of purchase of cy vehicles. equipment, dependent database hing a 911 munications between the



HOUSE BILL 1530



for any county is advanced as provided herein, real property in that county shall thereafter be reappraised every eighth year following the advanced date unless, in accordance with the provisions of this subdivision (a)(2), an earlier date shall be adopted by resolution of the board of county commissioners, in which event a new schedule of octennial reappraisals shall thereby be established for that county.

- (b) Fourth-Year Horizontal Adjustments. As of January 1 of the fourth year following a reappraisal of real property conducted under the provisions of subsection (a), above, each county shall review the appraised values of all real property and determine whether changes should be made to bring those values into line with then current true value. If it is determined that the appraised value of all real property or of defined types or categories of real property require such adjustment, the assessor shall revise the values accordingly by horizontal adjustments rather than by actual appraisal of individual properties: That is, by uniform application of percentages of increase or reduction to the appraised values of properties within defined types or categories or within defined geographic areas of the county.
- (c) Value to Be Assigned Real Property When Not Subject to Appraisal. In years in which real property within a county is not subject to appraisal or reappraisal under subsections (a) or (b), above, or under G.S. 105-287, it shall be listed at the value assigned when last appraised under this section or under G.S. 105-287.
- (d) Rescinding Advanced Scheduled Octennial Reappraisal. A county may rescind a resolution to advance a general reappraisal adopted pursuant to subdivision (2) of subsection (a) of this section and reinstate the appraised values and schedules for the general reappraisal immediately preceding the advanced reappraisal if all of the following conditions are satisfied:
 - (1) The board of county commissioners adopts a resolution rescinding advancement of the general reappraisal and promptly forwards a copy of the resolution to the Department of Revenue.
 - (2) The resolution rescinding advancement of the general reappraisal states that the county must conduct its next general reappraisal no later than the eighth year following the year of the general reappraisal immediately preceding the advanced reappraisal.
- (3) A budget has not been submitted to the governing board under G.S. 159-11. A taxpayer may appeal the listing or appraisal of the taxpayer's property if the taxpayer files a notice of appeal within 15 days after the resolution rescinding the advanced general reappraisal is adopted or the Board of Equalization and Review adjourns, whichever is later."

SECTION 2. G.S. 105-286, as rewritten by Section 1.1 of S.L. 2008-146, reads as rewritten:

"§ 105-286. (Effective July 1, 2009; for applicability, see note) Time for general reappraisal of real property.

- (a) Octennial Cycle. Each county must reappraise all real property in accordance with the provisions of G.S. 105-283 and G.S. 105-317 as of January 1 of the year set out in the following schedule and every eighth year thereafter, unless the county is required to advance the date under subdivision (2) of this section or chooses to advance the date under subdivision (3) of this section.
 - (1) Schedule of Initial Reappraisals.

Division One – 1972: Avery, Camden, Cherokee, Cleveland, Cumberland, Guilford, Harnett, Haywood, Lee, Montgomery, Northampton, and Robeson.

Division Two – 1973: Caldwell, Carteret, Columbus, Currituck, Davidson, Gaston, Greene, Hyde, Lenoir, Madison, Orange, Pamlico, Pitt, Richmond, Swain, Transylvania, and Washington.

Division Three – 1974: Ashe, Buncombe, Chowan, Franklin, Henderson, Hoke, Jones, Pasquotank, Rowan, and Stokes.

Division Four – 1975: Alleghany, Bladen, Brunswick, Cabarrus, Catawba, Dare, Halifax, Macon, New Hanover, Surry, Tyrrell, and Yadkin.

Division Five – 1976: Bertie, Caswell, Forsyth, Iredell, Jackson, Lincoln, Onslow, Person, Perquimans, Rutherford, Union, Vance, Wake, Wilson, and Yancey.

Division Six – 1977: Alamance, Durham, Edgecombe, Gates, Martin, Mitchell, Nash, Polk, Randolph, Stanly, Warren, and Wilkes.

Division Seven – 1978: Alexander, Anson, Beaufort, Clay, Craven, Davie, Duplin, and Granville.

Division Eight – 1979: Burke, Chatham, Graham, Hertford, Johnston, McDowell, Mecklenburg, Moore, Pender, Rockingham, Sampson, Scotland, Watauga, and Wayne.

- (2) Mandatory Advancement. A county whose population is 75,000 or greater according to the most recent annual population estimates certified to the Secretary by the State Budget Officer must conduct a reappraisal of real property when the county's sales assessment ratio determined under G.S. 105-289(h) is less than .85 or greater than 1.15, as indicated on the notice the county receives under G.S. 105-284. A reappraisal required under this subdivision must become effective no later than January 1 of the earlier of the following years:
 - a. The third year following the year the county received the notice.
 - b. The eighth year following the year of the county's last reappraisal.
- Optional Advancement. A county may conduct a reappraisal of real property earlier than required by subdivision (1) or (2) of this subsection if the board of county commissioners adopts a resolution providing for advancement of the reappraisal. The resolution must designate the effective date of the advanced reappraisal and may designate a new reappraisal cycle that is more frequent than the octennial cycle set in subdivision (1) of this subsection. The board of county commissioners must promptly forward a copy of the resolution adopted under this subdivision to the Department of Revenue. A more frequent reappraisal cycle designated in a resolution adopted under this subdivision continues in effect after a mandatory reappraisal required under subdivision (2) of this subsection unless the board of county commissioners adopts another resolution that designates a different date for the county's next reappraisal.
- (b), (c) Repealed by Session Laws 2008-146, s. 1.1, effective July 1, 2009.
- (d) Rescinding Advanced Scheduled Octennial Reappraisal. A county may rescind a resolution adopting an optional advancement of a general reappraisal pursuant to subdivision (3) of subsection (a) of this section and reinstate the appraised values and schedules for the general reappraisal immediately preceding the advanced reappraisal if all of the following conditions are satisfied:
 - (1) The board of county commissioners adopts a resolution rescinding advancement of the general reappraisal and promptly forwards a copy of that resolution to the Department of Revenue.
 - (2) The resolution rescinding advancement of the general reappraisal states that the county must conduct its next general reappraisal at the earlier of (i) the eighth year following the year of the general reappraisal immediately preceding the advanced reappraisal or (ii) the date required by any

9

10

mandatory advancement pursuant to subdivision (2) of subsection (a) of this section.

(3) A budget has not been submitted to the governing board under G.S. 159-11. A taxpayer may appeal the listing or appraisal of the taxpayer's property if the taxpayer files a notice of appeal within 15 days after the resolution rescinding the advanced general reappraisal is adopted or the Board of Equalization and Review adjourns, whichever is later."

SECTION 3. Section 1 of this act is effective when it becomes law, applies to all general reappraisals reinstated prior to July 1, 2009, and expires July 1, 2009. Section 2 of this act becomes effective July 1, 2009, and applies to general reappraisals reinstated on or after that date. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

Short Title:

HOUSE BILL 1530 PROPOSED COMMITTEE SUBSTITUTE H1530-CSLAx-13 [v.4]

4/28/2009 4:00:15 PM

Rescind Advanced Property Tax Appraisal.

•		
	Referred to:	
	April 22, 2009	
	A BILL TO BE ENTITLED	
	AN ACT TO AUTHORIZE COUNTIES TO RESCIND AN ADVANCED GENERAL REAPPRAISAL OF PROPERTY.	
	The General Assembly of North Carolina enacts:	
	SECTION 1. G.S. 105-286 reads as rewritten:	
	"§ 105-286. (Effective until July 1, 2009) Time for general reappraisal of real property. (a) Octennial Plan. – Unless the date shall be advanced as provided in subdivision	
	(a)(2), below, each county of the State, as of January 1 of the year prescribed in the schedule	
	set out in subdivision (a)(1), below, and every eighth year thereafter, shall reappraise all real	
	property in accordance with the provisions of G.S. 105-283 and 105-317.	
	(1) Schedule of Initial Reappraisals. –	
	Division One – 1972: Avery, Camden, Cherokee, Cleveland,	
	Cumberland, Guilford, Harnett, Haywood, Lee, Montgomery, Northampton,	
	and Robeson.	
	Division Two – 1973: Caldwell, Carteret, Columbus, Currituck,	
	Davidson, Gaston, Greene, Hyde, Lenoir, Madison, Orange, Pamlico, Pitt,	
	Richmond, Swain, Transylvania, and Washington.	
	Division Three – 1974: Ashe, Buncombe, Chowan, Franklin, Henderson,	
	Hoke, Jones, Pasquotank, Rowan, and Stokes.	
	Division Four – 1975: Alleghany, Bladen, Brunswick, Cabarrus, Catawba, Dare, Halifax, Macon, New Hanover, Surry, Tyrrell, and Yadkin.	
	Division Five – 1976: Bertie, Caswell, Forsyth, Iredell, Jackson, Lincoln,	
	Onslow, Person, Perquimans, Rutherford, Union, Vance, Wake, Wilson, and	
	Yancey.	
	Division Six – 1977: Alamance, Durham, Edgecombe, Gates, Martin,	
	Mitchell, Nash, Polk, Randolph, Stanly, Warren, and Wilkes.	
	Division Seven – 1978: Alexander, Anson, Beaufort, Clay, Craven,	
	Davie, Duplin, and Granville.	
	Division Eight – 1979: Burke, Chatham, Graham, Hertford, Johnston,	
	McDowell, Mecklenburg, Moore, Pender, Rockingham, Sampson, Scotland,	
	Watauga, and Wayne.	
	(2) Advancing Scheduled Octennial Reappraisal. — Any county desiring to	
	conduct a reappraisal of real property earlier than required by this subsection	
	(a) may do so upon adoption by the board of county commissioners of a	



D

(Public)

2

3

4 5

6

7

8

9

10

11 12

13 14

15

16

17

18

19

20

21 22

23

24 25

26

27

28

29

30

31 32

33

34 35

36

37

38

39

40

41 42

43

44

45 46

47

48

49

50

51

- Following adjournment upon completion of its duties under subdivisions (g)(1) and (g)(2) of this subsection, the board may continue to meet to carry out the following duties:
- To hear and decide all appeals relating to discovered property under a. G.S. 105-312(d) and (k).
- b. To hear and decide all appeals relating to the appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b).
- To hear and decide all appeals relating to audits conducted under c. G.S. 105-296(j) and relating to audits conducted under G.S.

reappraisal."

28

29

30



HOUSE BILL 1530: Rescind Advanced Property Tax Appraisal

2009-2010 General Assembly

Committee:

House Local Government II, if favorable.

Date:

April 29, 2009

Finance

Reps. Cole, Holloway, Burr, Starnes

Prepared by: Martha Walston

Analysis of:

Introduced by:

First Edition

Committee Counsel

H1530-CSLAx-13

SUMMARY: House Bill 1530 would authorize counties to rescind a resolution to advance a general property tax reappraisal and reinstate the schedules of values, standards, and rules for the general property tax reappraisal immediately preceding the rescinded reappraisal.

The proposed committee substitute does the following:

- Requires the county to send notice to the taxpayer of the assessed value of the property under the reinstated schedules of values, standards, and rules and of the taxpayer's right to appeal the listing and appraisal of their real property.
- Requires the resolution rescinding the advanced reappraisal to state the year that the county must conduct its next general reappraisal.
- Delays the effective date of the requirement that no budget has been submitted by the governing board.
- Adds statutory language establishing the right to appeal when an advanced general reappraisal is rescinded.
- Makes stylistic changes.

CURRENT LAW: Counties are required to reappraise real property at least once every eight years. Counties are allowed to advance the octennial schedule by adopting a shorter cycle, such as every four or six years. Each year, the Department of Revenue studies property values in every county and compares the value of the parcels as a function of their sales price with the value of the parcels as indicated by their assessed tax value. The Department notifies each county of the resulting sales assessment ratio on April 15 of the year following the study.

In 2008, the General Assembly enacted legislation, effective July 1, 2009, requiring a county with a population of 75,000 or greater to advance its octennial reappraisal schedule if its sales assessment ratio drops below .85 or becomes greater than 1.15 in the previous year. This change would occur when the assessed value differs from the sales price of the property by more than 15%. A county required to conduct a new reappraisal under this recent legislation must implement the new values by January 1 of the third year following the year the notification of the triggering sales assessment ratio was made. The legislation retains the octennial reappraisal schedule for all other counties.

BILL ANALYSIS: House Bill 1530 would give counties the authority to rescind a resolution to advance a general reappraisal and reinstate the schedules of values, standards, and rules for the general

G.S. 105-287 allows reappraisals of real property in a year other than a general reappraisal year if the value of the property has changed for some reason other than economic conditions. Examples are: a clerical or mathematical error in the general reappraisal of the property, rezoning of the property, an addition has been made to the property, or the property has been damaged by fire.

House Bill 1530

Page 2

reappraisal immediately preceding the advanced reappraisal adopted by the county if the following conditions are met:

- 1. The board of county commissioners adopts a resolution rescinding the advancement of the general reappraisal and promptly forwards a copy of the resolution to the Department of Revenue.
- 2. The resolution rescinding advancement of the general reappraisal states the year that the county shall conduct its next general reappraisal which must be no later than the year required by current law had the county not advanced the general reappraisal.

The county must also send a notice to the taxpayer of the assessed value of his or her property under the reinstated schedules of values, standards, and rules and of the right to appeal the listing and appraisal within 15 days after the date of the notice or the date the Board of Equalization and Review adjourns, whichever is later. There are instances where a taxpayer's appraised value could be different from the reinstated value if, for example, the property has been improved or the legally permitted use of the property has changed since the last general reappraisal.

Beginning July 1, 2009, a county seeking to rescind an advanced general reappraisal must, in addition to meeting the above two conditions, satisfy the following condition:

• It is the first year in which the values determined in the advance reappraisal are in effect and no budget has been submitted to the governing board or any local government or public authority that levies taxes on property subject to the rescinded advancement of the general reappraisal.

EFFECTIVE DATE: Section 3 of the act becomes effective July 1, 2009. The remainder of this act is effective when it becomes law.

BACKGROUND: Recently three counties, Stanly, Rockingham, and Caldwell, rescinded their advanced reappraisals. The advanced reappraisals had been adopted pursuant to resolutions adopted prior to January 1, 2009. The North Carolina Department of Revenue questioned the legality of this action and requested an opinion from the Attorney General's Office as to whether a county which has advanced its general reappraisal and has adopted a new schedule of values, standards, and rules may rescind the general reappraisal after the effective date of the reappraisal and new schedule. On April 8, the Attorney General issued an advisory opinion stating that the current property tax statutes do not authorize a board of county commissioners to rescind its advancement of a general reappraisal or its approval of a schedule of values once that schedule becomes effective on 1 January.

In order for the rescissions of their advanced general reappraisals to be in effect, Stanly, Rockingham, and Caldwell Counties will need to again pass a resolution to rescind the advanced reappraisal pursuant to the requirements of House Bill 1530.

H1530-SMLA-18(e1) v6

House Bill 1530

Page 2

reappraisal immediately preceding the advanced reappraisal adopted by the county if the following conditions are met:

- 1. The board of county commissioners adopts a resolution rescinding the advancement of the general reappraisal and promptly forwards a copy of the resolution to the Department of Revenue.
- 2. The resolution rescinding advancement of the general reappraisal states the year that the county shall conduct its next general reappraisal which must be no later than the year required by current law had the county not advanced the general reappraisal.

The county must also send a notice to the taxpayer of the assessed value of his or her property under the reinstated schedules of values, standards, and rules and of the right to appeal the listing and appraisal within 15 days after the date of the notice or the date the Board of Equalization and Review adjourns, whichever is later. There are instances where a taxpayer's appraised value could be different from the reinstated value if, for example, the property has been improved or the legally permitted use of the property has changed since the last general reappraisal.

Beginning July 1, 2009, a county seeking to rescind an advanced general reappraisal must, in addition to meeting the above two conditions, satisfy the following condition:

• It is the first year in which the values determined in the advance reappraisal are in effect and no budget has been submitted to the governing board or any local government or public authority that levies taxes on property subject to the rescinded advancement of the general reappraisal.

EFFECTIVE DATE: Section 3 of the act becomes effective July 1, 2009. The remainder of this act is effective when it becomes law.

BACKGROUND: Recently three counties, Stanly, Rockingham, and Caldwell, rescinded their advanced reappraisals. The advanced reappraisals had been adopted pursuant to resolutions adopted prior to January 1, 2009. The North Carolina Department of Revenue questioned the legality of this action and requested an opinion from the Attorney General's Office as to whether a county which has advanced its general reappraisal and has adopted a new schedule of values, standards, and rules may rescind the general reappraisal after the effective date of the reappraisal and new schedule. On April 8, the Attorney General issued an advisory opinion stating that the current property tax statutes do not authorize a board of county commissioners to rescind its advancement of a general reappraisal or its approval of a schedule of values once that schedule becomes effective on 1 January.

In order for the rescissions of their advanced general reappraisals to be in effect, Stanly, Rockingham, and Caldwell Counties will need to again pass a resolution to rescind the advanced reappraisal pursuant to the requirements of House Bill 1530.

H1530-SMLA-18(e1) v6

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1530 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES
TO RESCIND AN ADVANCED GENERAL REAPPRAISAL OF PROPERTY.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No.) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.
Distribution resolution from a placed on the Chiavolagic Calculat.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

Н

1

5

6

12

HOUSE BILL 865

Statewide Statewide Statewide Statewide Statewide Short Title: Warrenton Overgrown Vegetation Ordinance. (Local) Representative Wray. Sponsors: Local Government II, if favorable, Finance. Referred to:

March 30, 2009 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WARRENTON TO GIVE ANNUAL NOTICE 2 TO CHRONIC VIOLATORS OF THE TOWN'S OVERGROWN VEGETATION 3 4 ORDINANCE. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 160A-200(b) reads as rewritten: This section applies to the Towns of Ahoskie, Ayden, Franklinton, Leland, 7 Marshville, Pinetops, Pineville, Smithfield, Spring Lake, Wingate, and Yadkinville, and to the 8 Cities of Durham, Eden, Gastonia, Greensboro, High Point, Lexington, Louisburg, Monroe, 9 Mount Airy, Reidsville, Roanoke Rapids, Rockingham, Rocky Mount, Wadesboro, Warrenton, 10 and Winston-Salem only." 11

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



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

н .

HOUSE BILL 866

Short Title: Warrenton/Community Development Target Areas. (Local)

Sponsors: Representative Wray.

Referred to: Local Government II, if favorable, Finance.

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWN OF WARRENTON TO DECLARE RESIDENTIAL AND NONRESIDENTIAL 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, Rocky Mount, Whiteville, and Wilson, and the Towns of Garner, Franklin, Hope Mills, Louisburg, and Spring Lake only. Spring Lake, and Warrenton 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, Lumberton, Rocky Mount, and Wilson, and the Towns of Garner, Franklin, Hope Mills, Louisburg, and Spring Lake. Spring Lake, and Warrenton only."

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





HOUSE BILL 866:

Warrenton/Community Development Target Areas

2009-2010 General Assembly

House Local Government II, if favorable,

Date:

April 29, 2009

Finance

Introduced by: Rep. Wray

Prepared by: Brad Krehely

Analysis of:

Committee:

First Edition

Committee Co-Counsel

SUMMARY: House Bill 866 adds Warrenton to the list of municipalities granted the authority to declare a building in a community development target area to be unsafe and affix a notice to the building. These municipalities may also remove or demolish a residential or nonresidential building that has been declared unsafe and place a lien on the property to recover the cost of removal or demolition.

Under current law, certain municipalities may declare a residential or CURRENT LAW: nonresidential building or structure in a community development target area to be unsafe and affix a notice to the exterior of the building.

For purposes of this law, a building in a community development target area is unsafe if it meets both of the following conditions:

- 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 a residential or nonresidential building is declared unsafe, then the municipality 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.

BACKGROUND: The North Carolina General Assembly has enacted a number of these types of laws. Article II, Section 24 of the North Carolina Constitution prohibits the General Assembly from enacting local acts relating to health, sanitation, and the abatement of nuisances. A court could potentially determine that House Bill 866 is a local act dealing with the abatement of nuisances and therefore This bill is identical to S.L. 2009-9 (House Bill 112)- Wallace/Community unconstitutional. Development Target Areas- which was ratified by the General Assembly on March 24, 2009.

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

H866-SMRN-32(e1) v4

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 866 A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF
WARRENTON TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN
COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION
OF REMOVING OR DEMOLISHING THOSE BUILDINGS.
Without prejudice and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

H

HOUSE BILL 867

Short Title:	Warrenton/Junked & Abandoned Vehicles. (Local)
Sponsors:	Representative Wray.
Referred to:	Local Government II, if favorable, Finance.
	March 30, 2009
VEHICLI The General A	A BILL TO BE ENTITLED FFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR ES IN THE TOWN OF WARRENTON. Assembly of North Carolina enacts: ECTION 1. G.S. 160A-303(b2) reads as rewritten: junked motor vehicle is an abandoned motor vehicle that also: Is partially dismantled or wrecked; or
(3)	intended to move; or
(3	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, High Point, Mount Holly, and Reidsville and the Towns of Ahoskie, Ayden, Cornelius, Cramerton, Dallas, Davidson, Farmville, Huntersville, LaGrange, Matthews, Mint Hill, Louisburg, Spring Lake, and Stanley; or Stanley, and Warrenton;
"(a) A junked motor ordinance-man necessary and and may enformed by municipalities the removal or and man and	Does not display a current license plate." ECTION 2. G.S. 160A-303.2(a) reads as rewritten: municipality may by ordinance regulate, restrain or prohibit the abandonment of vehicles on public grounds and on private property within the municipality's king jurisdiction upon a finding that such regulation, restraint or prohibition is desirable to promote or enhance community, neighborhood or area appearance, force any such ordinance by removing or disposing of junked motor vehicles to ordinance according to the procedures prescribed in this section. The authority this section shall be supplemental to any other authority conferred upon so Nothing in this section shall be construed to authorize a municipality to require or disposal of a motor vehicle kept or stored at a bona fide "automobile graveyard" as defined in G.S. 136-143.
For purpo	ses of this section, the term "junked motor vehicle" means a vehicle that does not ent license plate and that:
(1) (2)) Is partially dismantled or wrecked; 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]



G	eneral Asser	nbly of North Carolina	Session 2009
1 —	(4)	Is more than five years old and appears to be wo	rth less than five hundred
2		dollars (\$500.00). This subdivision applies only	to the Cities of Belmont
3		Bessemer City, Cherryville, Eden, Gastonia,	Greensboro, High Point
4		Monroe, Mount Holly, and Reidsville and the To	
5		Cornelius, Cramerton, Dallas, Davidson, Farmville	
6.		Mint Hill, Louisburg, Spring Lake, and Stanley.Sta	
7	· SEC	CTION 3. This act is effective when it becomes law.	•



HOUSE BILL 867: Warrenton/Junked & Abandoned Vehicles

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

April 29, 2009

Finance

Introduced by: Rep. Wray

Prepared by: Brad Krehely

Analysis of:

First Edition

Committee Co-Counsel

SUMMARY: House Bill 867 adds the Town of Warrenton 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.

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.

LS. 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: This act is effective when it becomes law.

BACKGROUND: Article II, Section 24 of the North Carolina Constitution prohibits the General Assembly from enacting local acts relating to health, sanitation, and the abatement of nuisances. A court could potentially determine that House Bill 867 is a local act dealing with the abatement of nuisances and therefore unconstitutional.

H867-SMRN-33(e1) v3

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.			
Committee Substitute for			
HB 867 A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF			
ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF WARRENTON.			
☑ Without prejudice and recommendation that the bill be re-referred to the Committee on FINANCE.			
(FOR JOURNAL USE ONLY)			
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on			
The bill/resolution is re-referred to the Committee on			

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H .

committed on or after that date.

HOUSE BILL 973

Short Title:	Regulation of Golf Carts in Deep Run.	(Local)
Sponsors:	Representatives Braxton; and Wainwright.	
Referred to:	Local Government II, if favorable, Finance.	-
•	April 2, 2009	
	A BILL TO BE ENTITLED	
AN ACT TO	ALLOW THE USE OF GOLF CARTS IN THE COMMUNITY OF	DEEP RUN.
	Assembly of North Carolina enacts:	
S	ECTION 1. Notwithstanding the provisions of G.S. 20-50 and	G.S. 20-54, a
	operate a golf cart on any public street or highway within the area	
Highway 11	to the west, Southwest Creek to the north, the intersection of John	Green Smith
Road to the	east, and the intersection of Old N.C. Highway 11 and the N.C.	Highway 11
Bypass to the		g ,
S	ECTION 2. No person shall operate a golf cart within the area defin	ned in Section
1 of this act	while being less than 16 years of age or at night.	
	ECTION 3. This act applies to the community of Deep Run in L	Lenoir County
only.		
S	ECTION 4. This act becomes effective October 1, 2009, and appli-	es to offenses



1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

 \mathbf{D}

HOUSE BILL 973 PROPOSED COMMITTEE SUBSTITUTE H973-CSTG-15 [v.5]

4/28/2009 5:05:14 PM

Short Title: Regulation of Golf Carts in Deep Run.		(Local)
Sponsors:		
Referred to:		
	Annil 2, 2000	

April 2, 2009

1 2

3

4

5

6

7 8

9

10 11

12

13

14

15 16

17 18

19 20

21 22

23

24

25

26

27

28

29

30

31

32

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE USE OF GOLF CARTS IN THE COMMUNITY OF DEEP RUN. The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.5 reads as rewritten:

"§ 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 city 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 County of New Hanover, to the County of Lenoir for the community of Deep Run only, to the Cities of Locust, Saluda, and Wilmington, to the Towns of Badin, Beulaville, Butner, Carolina Beach, Emerald Isle, Erwin, Faison, Fremont, Hobgood, Indian Beach, Kings Mountain, Kure Beach, Mayodan, Morrisville, Mount Olive, Oakboro, Oriental, Pineville, Shelby, and Wrightsville Beach, and to the Village of Pinehurst only.
- (d) For purposes of this section, the term "city" shall include a city, a town, a village, or a county. For purposes of this section, the term "county" shall mean any unincorporated areas within that county boundary."

SECTION 2. For purposes of this Act, "the community of Deep Run" shall refer to the following area in the County of Lenoir: that triangular area of land beginning at the intersection of Liddell Road and Old Highway 11, thence north along Old Highway 11 to its intersection with John Green Smith Road, thence east along John Green Smith Road to its intersection with Liddell Road, thence southwest along Liddell Road to its intersection with old Highway 11, together with that portion of Old Highway 11 beginning at its intersection with John Green Smith Road, thence north along Old Highway 11 to South Lenoir High School.

SECTION 3. No person shall operate a golf cart within the community of Deep Run while being less than 16 years of age or at night.

SECTION 4. This Act applies to the community of Deep Run in Lenoir County only.

SECTION 5. This Act becomes effective October 1, 2009, and applies to offenses committed on or after that date.





HOUSE BILL 973: Regulation of Golf Carts in Deep Run

2009-2010 General Assembly

Analysis of:

Committee: House Local Government II, if favorable,

Date:

April 28, 2009

Finance

Introduced by: Rep. Braxton

PCS to First Edition

PCS to First Edition H973-CSTG-15

Prepared by: Bill Patterson

Committee Counsel

SUMMARY: House Bill 973 (PCS) authorizes Lenoir County to regulate the operation of golf carts on public streets and highways in the community of Deep Run, and prohibits operation of golf carts at night or by persons younger than 16 years of age.

CURRENT LAW: Under current general 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.

G.S.160A-300.5 authorizes several municipalities and one county to regulate by ordinance the operation of golf carts on any public street or highway within the respective municipality or county, or on any property owned or leased by the municipality or county. This statute authorizes the listed jurisdictions to 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.

BILL ANALYSIS: House Bill 973 (PCS) authorizes Lenoir County to regulate the operation of golf carts on any public street or highway in the community of Deep Run (with contours as defined in the bill), and prohibits such operation at night or by persons younger than 16 years of age.

BACKGROUND: In addition to the municipalities and the county listed in G.S. 160A-300.5, the following municipalities have authority granted by local act to regulate golf carts:

- Bald Head Island S.L. 2002-129
- Beech Mountain S.L. 2003-124
- Benson S.L. 2006-149
- Bladenboro S.L. 2005-11
- Cary S.L. 2005-117
- Caswell Beach S.L. 2006-149
- Chadbourn S.L. 2006-149, S.L. 2007-18
- Clarkton S.L. 2006-152, S.L. 2007-18
- Conover S.L. 2007-259
- Elizabethtown S.L. 2005-11, S.L. 2007-18
- Faison S.L. S.L. 2006-27
- Four Oaks S.L. 2007-18
- Lake Waccamaw S.L. 2001-356
- Lake Royale community in Franklin and Nash Counties S.L. 1999-11
- North Topsail Beach S.L. 2007-204
- Rose Hill S.L. 2005-11, S.L. 2007-18
- Seven Devils S.L. 2004-58
- Seven Lakes community in Moore County S.L. 2002-82
- Tabor City S.L. 2006-149, S.L. 2007-18
- Whispering Pines S.L. 2002-82

H973-SMTG-32(CSTG-15) v4

Giles Perry, Committee Counsel to House Local Government I Committee, substantially contributed to this summary.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 973 A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF GOLF
CARTS IN THE COMMUNITY OF DEEP RUN.
☑ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1 2

3

5 6

7

8

9 10

11

12

13

HOUSE BILL 981

continued

1

Short Title: Union County Commissioners. Sponsors: Representative Gibson.	
•	April 2, 2009
	A BILL TO BE ENTITLED

AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE UNION COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 4 of Article 4 of Chapter 153A of the General Statutes is suspended until January 1, 2013.

SECTION 2. The 2010 election for the Union County Board of Commissioners shall be conducted using three at-large seats in the western half of Union County and two atlarge seats in the eastern half of Union County. The Union County Commissioners shall submit the changes required by this act to the U.S. Department of Justice pursuant to section 5 of the Voting Rights Act of 1965.

SECTION 3. This act applies to Union County only.

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



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 981 PROPOSED COMMITTEE SUBSTITUTE H981-CSST-16 [v.1]

D

4/28/2009 6:25:28 PM

Short Title: Union County Commissioners.	(Local)
Sponsors:	
Referred to:	
April 2, 2009	
A BILL TO BE ENTITLED	·
AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATI	
COUNTY BOARD OF COMMISSIONERS PENDING THE RET	TURN OF THE 2010
FEDERAL DECENNIAL CENSUS.	
The General Assembly of North Carolina enacts:	
SECTION 1. Part 4 of Article 4 of Chapter 153A of th	e General Statutes is
suspended until January 1, 2012.	
SECTION 2. The 2010 election for the Union County Box	
shall be conducted using three at-large seats in the western half of Unio	n County and two at-
large seats in the eastern half of Union County.	
SECTION 3. Following the release of the federal decenn	
numbers in 2011, the Union County Board of Commissioners shall s	ubmit to the General
Assembly a proposed plan to district Union County.	
SECTION 4. The Union County Commissioners shall submi	t the changes required
by this act to the U.S. Department of Justice pursuant to section 5 of the	Voting Rights Act of
1965.	
SECTION 5 This act applies to Union County only.	•
SECTION 6. This act is effective when it becomes law.	



Rep. Pryor Gibson

rom: Rep. Pryor Gibson

ent: Tuesday, April 28, 2009 4:57 PM

To: Rep. R. Van Braxton; Rep. Edith Warren; Rep. Russell Tucker; Rep. Randy Stewart; Linda A.

Johnson (Rep. Owens); Rep. Pryor Gibson; Rep. Marvin Lucas; Rep. Elmer Floyd; Rep. Tim.

Spear; Lona Hallissy (Rep. Spear)

Cc: Susanna Davis (Rep. Gibson); Jackson Stancil (Rep. Langdon); Rep. Laura Wiley; Joan

Adams (Rep. Blackwell); Kerry Guice (Rep. Guice); Rep. Paul Stam; Rep. Ruth Samuelson;

Rep. Justin P. Burr; Rep. Curtis Blackwood, Jr.; Sen. Eddie Goodall

Subject: high pryority

Dear Members of LG II;

I would appreciate your attendance, consideration, and vote in our LGII committee tomorrow. I apologize for our local governance dilemma... I look forward to any comments and your guidance. I have asked the Chair to allow equal time to both sides and for our debate to be as brief as possible.

you have been receiving calls/emails on a bill to be heard in LGII tomorrow, H981 "Union County Regional Commissioners"...Please know that I have asked the proponents of this bill <u>not</u> to clog our emails or phone lines...I assure you that they want to...

ne issue is very simple. Union County Commissioners are currently elected at large. Union County has been the fastest growing county in NC for a decade and almost all of it is in the west, next to Charlotte with a heavily suburban population (Blackwood district). We have a huge agricultural region with traditional small towns in the east (Gibson district). In my district, there continues to be strong sentiment to have eastern Union County elect County Commissioners that live in their community. Those in Blackwood's district like it as is..."at large". They currently have the majority and all statistics show that will not change. Please review the approximate timeline and notes below...there are many comments that could be made but let it suffice to say that there have been many local legislative fights involving Union County and most of our local woes generate from a (real or perceived) inequity in our commissioner election.

7 yrs ago we had a long expensive legal battle over commissioner's districts in Montgomery Co (i represented them then) that the courts ruled on, costing > \$200k and a lot of community damage

5 yrs ago the same issue appeared in Union County. I was representing Union then and joined the minority groups affected to ask for a change, there was no action or lawsuit (Union is Sec 5 VRA)

jrs ago we passed a bill to allow Union County to vote on district elections. It failed (western Union voted down, eastern Union passed). Commissioners did not

support

1 yr ago the commissioners voted to support board expansion and other changes. Our House rules did not allow the local bill to be heard.

last year the new board states that they will appoint a committee to study what should be done and asked to not make the changes requested by the previous board

this year the new board states that the committee will be comprised of members of each township and others. There are 10 townships in western Union and 3 in eastern Union.

Any changes would come after next election. The 2 current western commissioners have stated opposition. 2 current commissioners have expressed support.

Notes:

- 1. The majority of folks in my district have stated they prefer single districts. Specifically, in a 5 member scenario... a rural agricultural district and one for the 3 traditional towns; Monroe, Marshville and Wingate. This would also satisfy the communities of interest provisions and Sec. 5 requirements. My people have no desire to control the other 3...i think the bill in committee is "middle ground" or a "status quo" version.
- 2. All commissioners in Union are Republican. This is <u>not</u> partisan and is rooted in a demographic rift. I have had far many more republicans ask me to do this than democrats. It polls 3-1 in the whole county when the question is asked without partisan influence Voting performance data indicates that a new, eastern 2 member district will lean Republican
- 3. The minority groups in Union are not opposing this bill version
- 4. I have expanded the proposed region to avoid any conflicts among current incumbents up for re-election. This also addresses claims of population inequity.
- 5. I have communicated completely with the opposition to this bill and have invited the chair of the Commissioners to speak in committee.
- 6. There are resolutions from towns in west opposing this. There are resolutions from towns in the east/central supporting it
- 7. I remain open to any compromise that will insure my side of Union County has representation in local government including a required change to composition after next census.
- 8. If passed, i will continue seeking compromise while the bill is in Election laws and every other step

thanks pryor



OFFICE OF THE COMMISSIONERS AND MANAGER

500 N. Main St., Room 921 • Monroe, NC 28112 • Phone (704) 283-3810 • Fax (704) 282-0121

April 21, 2009

The Honorable Curtis Blackwood NC House of Representatives 16 W. Jones Street, Room 1317 Raleigh, NC 27601-1096

Dear Representative Blackwood,

Please find attached a Resolution passed by the Union County Board of Commissioners against any changes to the governing structure of Union County.

If you or any member of your staff needs further information, please contact me at 704-283-3656.

Sincerely,

Matthew L. Delk

Assistant County Manager



OFFICE OF THE COMMISSIONERS AND MANAGER

500 N. Main St., Room 921 • Monroe, NC 28112 • Phone (704) 283-3810 • Fax (704) 282-0121

Union County Board of County Commissioners

Resolution Against Any Changes to Local Government - SECOND RESOLUTION

4/20/09

Whereas, in 2007, Representative Pryor Gibson put a referendum on the ballot for Union County voters to approve, or disapprove districts for Union County. Wherein the districts before the voters were wildly disparate in population, ranging from two under 13,500 to those of almost 25,000 to over 27,500. And, wherein, said referendum was defeated with a vote of almost 60% opposed.

Whereas, in 2008, in response to a new proposal, 10 municipalities in Union County passed resolutions in opposition to having the State of North Carolina dictate our form of government to us.

Whereas, on December 15, 2008, The Union County Board of Commissioners passed a Resolution "requesting that the North Carolina General Assembly make no changes to the composition of the Union County Board of Commissioners".

Whereas, in 2009, a committee has been established, by the Union County Board of Commissioners, to address the issue of composition of the board. This committee has a seat at the table for all 14 municipalities and each Commissioner has the opportunity to appoint two people from the unincorporated area of Union County.

Whereas, on April 1, 2009 Representative Prior Gibson filed HB 981 in another attempt to force legislation to alter our local body of government.

Whereas, HB981, contrary to G.S.153A-58(3)a. and G.S.153A-60, would eliminate a referendum of the people, thereby silencing the collective voice of the voters of Union County, North Carolina, for two election cycles.

Now, therefore, be it resolved that the Union County Board of Commissioners requests that the North Carolina General Assembly resist any attempt to alter the Board of Union County Commissioners. Furthermore, we unequivocally believe in the North Carolina Constitution, the Constitution of the United States of America, and the freedom within our democracy and therefore believe that any changes to the composition, terms and governance style of the Board of County Commissioners be decided by the voters of Union County.

Be it further resolved that the people of the County of Union have the opportunity to vote for the composition of their government, as is their privilege, if so called for by the people and that this referendum be held in the general election of 2010, to avoid undue expense during this trying time.

Be it further resolved that, if the referendum is approved by the voters of Union County, the Census of 2010 be used in the drawing of equitable districts, according to law, in 2012, and presented during the Presidential election, virtually assuring the largest voice of the people.

Be it further resolved that a copy of this resolution be forwarded to the members of the Union County legislative delegation and the members of the North Carolina General Assembly.

Adopted this 20th day of April, 2009.

Attest:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

Mizie Finke (Rep. Blackwood)

From: Peggy S. Piontek [townclerk@indiantrail.org]

Sent: Wednesday, April 29, 2009 12:26 AM

To: Sen. Eddie Goodall; Rep. Curtis Blackwood, Jr.; Rep. Pryor Gibson; Rep. Justin P. Burr; Rep.

R. Van Braxton; Rep. J.H. Langdon; Rep. Paul Stam; Rep. Russell Tucker; Rep. Hugh Blackwell; Rep. Elmer Floyd; Rep. W. David Guice; Rep. Marvin Lucas; Rep. Pat McElraft; Rep. Bill Owens; Rep. Ruth Samuelson; Rep. Tim Spear; Rep. Randy Stewart; Rep. Edith

Warren; Rep. Laura Wiley; Kendall.Spence@lakeparknc.gov

Cc: 'Dan Schallenkamp'; 'Edward D. Humphries'; 'Gary D'Onofrio'; 'Jeff Goodall'; 'John A.

Hullinger'; 'John Quinn'; 'Peggy S. Piontek'; 'Shirley Howe'

Subject: Resolution protesting 2 NC House Bill 981

Attachments: Resoltuion on 981.tif

Attached please find the aforementioned Resolution that was unanimously passed by the Indian Trail Town Council last night, April 28, 2009. Please feel free to contact me with any questions.

Sincerely,
Peggy Piontek
Town Clerk
Town of Indian Trail
704-821-8114

PRIVACY WARNING: For auditing purposes, a copy of this message has been saved in a permanent database.

Town of Indian Trail

RESOLUTION PROTESTING 2009 N.C. HOUSE BILL 981

WHEREAS, on April 1, 2009 Representative Pryor Gibson filed HB 981 in his latest attempt to force legislation to alter Union County's Board of Commissioners and as proposed, there would be no referendum of the people; and

WHEREAS, the voters of Union County soundly defeated a similar measure on the November 2007 ballot; and

WHEREAS, in 2009, a committee has been established, by the Union County Board of Commissioners, to address the issue of composition of the County Board; and Indian Trail has already appointed a representative to this committee; a committee which consists of representatives from all fourteen (14) municipalities and each County Commissioner has the opportunity to appoint two people from the unincorporated area of Union County; and

WHEREAS, Representative Pryor Gibson (District 69) who is spearheading this measure does not represent a large geographical portion of Union County, that portion of the County represented by N.C. House Districts 67 and 68 which includes a majority of the population of the County and includes the municipalities of: Hemby Bridge, Indian Trail, Lake Park, Marvin, Mineral Springs, Waxhaw, Weddington, Wesley Chapel, Stallings, Unionville, as well as large portions of both the City of Monroe and un-incorporated Union County; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Indian Trail does not support HB 981 and requests that the North Carolina General Assembly resist any attempt to alter the Union County Board of Commissioners; and

BE IT FURTHER RESOLVED that the Town of Indian Trail supports the current effort by the County through the aforementioned committee to address the issue of composition of the County Board and the right of all Union County citizens to be given the opportunity to vote for any and all changes in the composition of their County Board; and

BE IT FURTHER RESOLVED that the Town of Indian Trail calls upon all local elected officials to join us in support of this resolution on behalf of their respective citizens; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the members of the Union County legislative delegation and the members of the North Carolina General Assembly.

This resolution is adopted this the 28th day of April, 2009.

John J. Quinn, Mayor

hteld Town Cle

Seal

OFFICIAL SEAL **

House Pages

Name of Committee :	Date:
1. Name: Staci Driver	•
County: Jones County	
Sponsor: Pat McEllast	
2. Name:	
County:	
Sponsor:	
Name:	
County:	•
Sponsor:	•
4. Name:	
County:	
Sponsor:	
County:	
Sponsor:	
•	-At-Arms
. Name: Marvin	Loe
2. Name:	2
3. Name: ////////////////////////////////////	ary,
4. Name: // antha	Fanks X

VISITOR REGISTRATION SHEET

	LOCAL	GOVERNMENT II	
--	-------	----------------------	--

APRIL 29, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME .	FIRM OR AGENCY AND ADDRESS
Thomas Moore	todute: Wells
Jan Counter	Stanly Co Commissioner
Andy (vcas	Starly Co. Manager
Lee Worshy	Catarba County
David Baker	NUDOR
Bill Wilkes	NCDOR
Bul h	aut
Steve Brewer	EMBARO
Marty Bocock	EMBARD
<i>1</i>	

Corrected Notice HOUSE BILL 561 REMOVED

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, May 6, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 59	Franklin County/911 Fund Uses:	Representative Allen
HB 352	Lottery School Capital Fund Formula.	Representative Allred
		Representative Randleman
HB 1001	Modify School Calendar Law/3 County	Representative Burr
	LEAs.	
HB 1008	Rutherford County to Regulate Golf	Representative England, M.D.
	Carts.	
HB 1018	Delay Alamance County Revaluation.	Representative Allred
HB 1157	Allow Municipalities to Regulate Golf	Representative Martin
	Carts.	
HB 1263	Keep Recordings of Closed Sessions.	Representative Mackey
		Representative Kelly M.
		Alexander, Jr.

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assist 14 o'clock on May 05, 2009.	ant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	
Barbara Hocutt (Committee Assistant)	,

Correction to the Corrected Notice

HOUSE BILL 561 and 1008 REMOVED HOUSE BILL 981 ADDED

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

. You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, May 6, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 59	Franklin County/911 Fund Uses.	Representative Allen
HB 352	Lottery School Capital Fund Formula.	Representative Allred
		Representative Randleman
HB 1001	Modify School Calendar Law/3 County	Representative Burr
	LEAs.	·
HB 981	Union County Commissioners	Representative Gibson
HB 1018	Delay Alamance County Revaluation.	Representative Allred
HB 1157	Allow Municipalities to Regulate Golf	Representative Martin
	Carts.	•
HB 1263	Keep Recordings of Closed Sessions.	Representative Mackey
		Representative Kelly M.
		Alexander, Jr.

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices a 14 o'clock on May 05, 2009.
☐ Principal Clerk ☐ Reading Clerk – House Chamber
Barbara Hocutt (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, May 6, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 59	Franklin County/911 Fund Uses.	Representative Allen
HB 352	Lottery School Capital Fund Formula.	Representative Allred Representative Randleman
HB 561	Cabarrus County Local Option Sales Tax.	Representative Johnson Representative Barnhart
HB 1001	Modify School Calendar Law/3 County LEAs.	Representative Burr
HB 1008	Rutherford County to Regulate Golf Carts.	Representative England, M.D.
HB 1018	Delay Alamance County Revaluation.	Representative Allred
HB 1157	Allow Municipalities to Regulate Golf Carts.	Representative Martin
HB 1263	Keep Recordings of Closed Sessions.	Representative Mackey Representative Kelly M. Alexander, Jr.

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the follo 13 o'clock on May 04, 2009.	wing offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	•

Ada Finch (Committee Assistant)

COMMITTEE ON LOCAL GOVERNMENT II AGENDA MAY 6, 2009

House Bill 59	Franklin County/911 Fund Uses (If favorable, Ways & Means)	Allen
House Bill 352	Lottery School Capital Fund Formula (If Favorable, Finance, If Favorable, Appropriat	Allred
House Bill 981	Union County Commissioners (If favorable, Election Law & Campaign Finance	Gibson e)
House Bill 1001	Modify School Calendar Law/3 Counties LEAS (If favorable, Education)	Burr
House Bill 1018	Delay Alamance County Revaluation (If favorable, Finance)	Allred
House Bill 1263	Keep Recordings of Closed Sessions (If favorable, Judiciary I)	Mackey

COMMITTEE ON LOCAL GOVERNMENT II AGENDA MAY 6, 2009

House Bill 59	Franklin County/911 Fund Uses (If favorable, Ways & Means)	Allen
House Bill 352	Lottery School Capital Fund Formula (If Favorable, Finance, If Favorable, Appropria	Allred tions)
House Bill 561	Cabarrus County Local Option Sales Tax (If Favorable, Finance)	Johnson
House Bill 1001	Modify School Calendar Law/3 Counties LEAS (If favorable, Education)	Burr
House Bill 1008	Rutherford County to Reg. Golf Carts (If favorable, Finance)	England
House Bill 1018	Delay Alamance County Revaluation (If favorable, Finance)	Allred
House Bill 1157	Allow Municipalities to Regulate Golf Carts (If favorable, Finance)	Martin
House Bill 1263	Keep Recordings of Closed Sessions (If favorable, Judiciary I)	Mackey

COMMITTEE ON LOCAL GOVERNMENT II May 6, 2009 Minutes

The Committee on Local Government II was called to order by Representative Van Braxton, Chair, at 11:04 a.m. The following Representatives were present: Braxton, Wiley, Langdon, Guice, Tucker, Lucas, Gibson, Stewart, Stam, Spear, Blackwell, McElrath, Floyd, Warren and Samuelson. The Chair welcomed Hannah Reynolds as the Page. She is from Person County is sponsored by Speaker Joe Hackney. Frank Provo, Trey Raley and Bob Rossi served as the Sergeants-at-Arms.

Chair Braxton announced that House Bill 561 was pulled from consideration because it is not subject to crossover deadline. House Bill 1008 and House Bill 1157 were withdrawn from consideration by their respective sponsors.

Representative Pryor Gibson presented House Bill 981, AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE UNION COUNTY BOARD OF COMMISSIONERS. Representative Blackwood spoke in opposition. Lanny Openshaw, Chairman of the Union County Board of County Commissioners, spoke in opposition to the Bill. Jeff Gerber of Union County also spoke in opposition to the bill. Representative Gibson withdrew the bill-from consideration.

Representative Justin Burr spoke in favor of House Bill 1001, AN ACT TO MODIFY THE REQUIRED SCHOOL OPENING AND CLOSING DATES IN THREE LOCAL SCHOOL AMINISTRATIVE UNITS. After brief comments by Jim Segall, a member of the Union County Board of Education; Leanne Winner, representative of the NC School Boards Association; and Connie Wilson, representative of the NC Travel Association, Representative Tucker moved a favorable report. In a show of hands, the motion failed by a vote of 6 to 7 against the motion.

Representative Lucy Allen presented A Proposed Committee Substitute to House Bill 59, AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN FRANKLIN COUNTY, which is entitled AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN BURKE, CATAWBA, FRANKLIN, HALIFAX, and NASH AND PITT COUNTIES. The Proposed Committee Substitute represents a title change. Representative Paul Stam moved to hear the PCS, and the motion carried. Rep. Allen submitted an amendment to the PCS. Richard Taylor, Chair of the committee studying a statewide measure to upgrade the 911 system asked to hold this while they complete their work. Dwight Allen, spoke against the measure. Representative Blackwell moved a report of Proposed Committee Substitute as amended without prejudice and re-referral to the Committee on Public Utilities. The motion was adopted.

House Bill 352, AN ACT TO CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP, was presented by

Loc Gov II 5-6-09 Page 2

the sponsor, Representative Carey Allred. Representative Tucker moved an unfavorable report and the motion carried by a vote of a show of hands of 8 to 5.

Representative Braxton announced a meeting of the committee on Monday, May 11, 2009. The committee meeting was adjourned by the Chair.

Representative R / Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

Barbara Hocutt

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1

2

3

4

5

6 7

8 9

10

11

12

13

14 15

16

17 18

19 20

21

Short Title:

HOUSE BILL 59

Franklin County/911 Fund Uses.

Sponsors: Representative Allen. Referred to: Rules, Calendar, and Operations of the House. February 5, 2009 A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN FRANKLIN COUNTY. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 62A-46 reads as rewritten: "§ 62A-46. Fund distribution to PSAPs. Use of Funds. - A PSAP that receives a distribution from the 911 Fund may not use the amount received to pay for the lease or purchase of real estate, cosmetic remodeling of emergency dispatch centers, hiring or compensating telecommunicators, or the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles. Distributions received by a PSAP may be used only to pay for the following: The lease, purchase, or maintenance of emergency telephone equipment, (1) including necessary computer hardware, software, provisioning, addressing, and nonrecurring costs of establishing a 911 system.system, and the lease or purchase of an additional communications tower, a multisite simulcast system, microwave connectivity between the sites, site monitoring and alarm system, and grounding and lightning protection. **SECTION 2.** This act applies to Franklin County only. **SECTION 3.** This act is effective when it becomes law.



1

(Local)

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

H

HOUSE BILL 59 PROPOSED COMMITTEE SUBSTITUTE H59-PCS10940-RL-32

	Short Title: Various Counties/911 Fund Uses. (Local)
•	Sponsors:
	Referred to:
•	February 5, 2009
1	A BILL TO BE ENTITLED
2	AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN BURKE, CATAWBA,
3	FRANKLIN, HALIFAX, NASH, AND PITT COUNTIES.
4	The General Assembly of North Carolina enacts:
5	SECTION 1. G.S. 62A-46(c) reads as rewritten:
6	"§ 62A-46. Fund distribution to PSAPs.
7	· · · · · · · · · · · · · · · · · · ·
8	(c) Use of Funds. – A PSAP that receives a distribution from the 911 Fund may not use
9	the amount received to pay for the lease or purchase of real estate, cosmetic remodeling of
10.	emergency dispatch centers, hiring or compensating telecommunicators, or the purchase of
11 .	mobile communications vehicles, ambulances, fire engines, or other emergency vehicles.
12	Distributions received by a PSAP may be used only to pay for the following:
13	(1) The lease, purchase, or maintenance of emergency telephone equipment,
14	including necessary computer hardware, software, and database
15	provisioning, addressing, and nonrecurring costs of establishing a 911
16	system, system, and the purchase, lease, and maintenance of consoles, and
17 ·	telephone and communications equipment owned or operated and physically
18	located within and for the use of the 911 public safety communications
19	center.
20	
21	SECTION 2. This act applies to Burke, Catawba, Franklin, Halifax, Nash, and Pitt
22	Counties only.
23	SECTION 3. This act is effective when it becomes law.



 \mathbf{D}

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
X Committee Substitute for
HB 59 A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN FRANKLIN COUNTY.
Without prejudice as to the committee substitute bill which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Public Utilities
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the

1 2

HOUSE BILL 352

Short Title:	Lottery School Capital Fund Formula.	(Public)
Sponsors:	Representatives Allred, Randleman (Primary Sponsors); and Starnes.	
Referred to:	Local Government II, if favorable, Finance, if favorable, Appropriations	•
	March 2, 2009	
STATE I	A BILL TO BE ENTITLED CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA LOTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE ON AVERAGE DAILY MEMBERSHIP.	
	Assembly of North Carolina enacts:	
SI	ECTION 1. G.S. 115C-546.2(d) reads as rewritten:	
	onies transferred into the Fund in accordance with Chapter 18C of the be allocated for capital projects for school construction projects as follow	
(1)		ferred in ige daily
(2)	·	d school chich the crage tax collowing
	multiplied by a three-year weighted average of the mo-	s t recent
	b. "State average effective tax rate" means the average effective tax rates for all counties.	'e county
	e. "Sales assessment ratio studies" means sales assessment ration performed by the Department of Revenue under G.S. 105-28	-
· (3)	 No county shall have to provide matching funds required under su (c) of this section. 	ibsection
. (4)	A county may use monies in this Fund to pay for school con projects in local school administrative units and to retire indefineurred for school construction projects incurred on or after Ja 2003.2000.	btedness
(5)	A county may not use monies in this Fund to pay for school technology."	chnology



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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 352 (First Edition)

SHORT TITLE: Lottery School Capital Fund Formula.

SPONSOR(S): Representatives Allred and Randleman

FISCAL IMPACT

Yes () No (x) No Estimate Available ()

FY 2009-10 FY 2010-11 FY 2011-12 FY 2012-13 FY 2013-14

REVENUES

Local School Administrative Units

See Assumptions and Methodology

EXPENDITURES

POSITIONS (cumulative):

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Local School Administrative Units, Department of Public

Instruction

EFFECTIVE DATE: Bill becomes effective when it becomes law

BILL SUMMARY: Amends GS 115C-546.2(d) to change the school capital construction distribution formula in the State Lottery Act. Current law allocates 65% of the lottery proceeds deposited in the Public School Building Capital Fund (PSBCF) among all 115 local education agencies (LEAs) based on average daily membership (ADM) as certified annually by the State Board of Education and allocates the remaining 35% to LEAs located in counties with an effective tax rate that is greater than 100% of the state average effective tax rate. This bill allocates 100% of lottery proceeds deposited in the PSBCF among all LEAs based on ADM.

ASSUMPTIONS AND METHODOLOGY: Under GS 18C-164, 40% of the net revenues from the State Education Lottery Fund are allocated to the Public School Building Capital Fund (PSBCF) for school construction. In FY 2009-10, this amount is estimated at \$147,228,083. H352 does not change the amount of lottery revenue earmarked for school construction; this bill changes how those funds are distributed among LEAs.

Current Law

Under current law, 65% of the \$147,228,083, or \$95,698,254 million, of estimated lottery proceeds for school construction would be distributed among all 115 LEAs based on ADM. Allotted ADM for LEAs in FY 2009-10 is currently estimated at 1,426,792; therefore, all LEAs would receive \$67.07 per ADM from this block of funds. The remaining 35%, or \$51,529.829, would be distributed among LEAs located in specified counties with an effective tax rate that is greater than 100% of the state average effective tax rate. In FY 2008-09, the most recent year for which we have this data, 62 LEAs meet this criterion. ADM in eligible LEAs totals 1,025,211; therefore, each eligible LEA would receive an additional \$50.26 per ADM.

Proposed Law

Under this bill, all of the \$147,228,083 of estimated lottery proceeds for school construction would be distributed among all 115 LEAs based on ADM (\$103.19 per ADM).

Table A (see attached) compares the estimated lottery distributions for school construction by LEA under current law and this bill.

SOURCES OF DATA: Department of Public Instruction

TECHNICAL CONSIDERATIONS: The basis for the FY 2009-10 projected public school construction lottery proceeds reflect a consensus estimate between the Office of State Budget and Management, the Lottery Commission and the Fiscal Research Division. This estimate is subject to both the General Assembly's FY 2009-10 appropriations decisions and the actual realization of net lottery proceeds at the level estimated in this analysis. Both issues could impact the actual FY 2009-10 school construction proceeds and result in a distribution different than in Table A.

Additionally, under current law a LEA's eligibility for the 35% funding stream is contingent on multiple factors that are updated later in the year. This analysis uses the data that determined FY 2008-09 LEA eligibility. As such, actual eligibility for certain LEAs in FY 2009-10 may ultimately differ from the projection in Table A.

FY 2009-10 Estimated Lottery Distribution Comparison: Current Law vs. H352

		Estimated Distribution				
		Current Law			H352	Difference
		65%	35%	100%	11002	Dinerence
LEA#	LEA NAME	to all LEAs	to Eligible LEAs	Total	Total	Total
010	Alamance County	1,501,347	-	1.501,347	2,309,765	808,418
020	Alexander County	374,599		374.599	576,306	201,707
	Alleghany County	103,426		103.426	159,116	55,690
040	Anson County	262,119	196,426	458,545	403,259	(55,286)
	Ashe County	215.570	-	215,570	331,647	116,077
	Avery County	149,437	-	149,437	229,903	80,466
070	Beaufort County	481,781	-	481,781	741,201	259,420
	Bertie County	195.851	146.767	342,618	301.310	(41,308)
	Bladen County	344,551	258,199	602.750	530.078	(72,672)
	Brunswick County	790.045		790,045	1,215,454	425,409
	Buncombe County	1.717.924		1.717,924	2.642,959	925,035
	Asheville City	247,832	-	247.832	381,280	133,448
	Burke County	928,952	-	928.952	1.429,156	500,204
	Cabarrus County	1.886.543	1,413,738	3.300,281	2.902,374	(397,907)
	Kannapolis City	348.307	261,014	609,321	535,856	(73,465)
140	Caldwell County	872,745	654.018	1,526,763	1,342,685	(184,078)
	Camden County	127,504	95,549	223,053	196,161	(26,892)
	Carteret County	552.944		552,944	850,683	297,739
	Caswell County	209.802	157.222	367,024	322,773	(44,251)
180	Catawba County	1.163,973		1,163,973	1,790,728	626,755
	Hickory City	298.271		298,271	458.878	160,607
	Newton-Conover City	190.552		190,552	293,158	102,606
	Chatham County	515,853	386,570	902.423	793.620	(108,803)
	Cherokee County	237.906	<u> </u>	237,906	366,009	128,103
	Chowan County	159.968		159,968	246,104	86,136
	Clay County	95,444		95.444	146.837	51,393
	Cleveland County Columbus County	1.100.724	824,860	1.925.584	1.693.421	(232,163)
	Whiteville City	456,561	342,138	798.699	. 702,402	(96,297)
	Craven County	164,797	123,495	288,292	253,533	(34,759)
	Cumberland County	977,915		977,915	1,504,484	526,569
	Currituck County	3.572.540	2,677,190	6,249,730	5,496,216	(753,514)
	Dare County	270,167 328,721		270,167	415,642	145,475
	Davidson County	1.378,806		328,721	505,725	177,004
	Lexington City	204,168		1,378,806	2,121,240	742,434
	Thomasville City	171.571		204,168	314,105	109,937
	Davie County	441,738	224 022	171,571	263,955	92,384
	Duplin County	589.297	331.030	772,768	679.597	(93,171)
	Durham Public	2.137,394	441.608	1,030,905	906,611	(124,294)
	dgecombe County	485.537	1,601,720 363,851	3.739,114	3,288,298	(450,816)
	orsyth County	3,455,969		849,388	746,979	(102,409)
	ranklin County	567.901	2,569,834 425,574	6.045.803	5.316.875	(728,928)
	Saston County	2,157,650	1,616.899	993,475	873,694	(119,781)
	Gates County	128,511	1,010,033	3,774,549	3.319,461	(455,088)
	Graham County	78,475		128.511	197,709	69,198
	Granville County	588,157	440,753	78.475	120,730	42,255
	Greene County	224,022	167.877	1,028,910	904,857	(124,053)
		-47,042	107.011	391.899	344,649	(47,250)

FY 2009-10 Estimated Lottery Distribution Comparison: Current Law vs. H352

		Estimated Distribution				
		Current Law			H352	Difference
		65%	35%	100%		
LEA#	LEA NAME	to all LEAs	to Eligible LEAs	Total	Total	Total
410	Guilford County	4,767.434	3,572,619	8.340,053	7,334.514	(1,005,539)
	Halifax County	287.002	215,074	502,076	441,542	(60,534)
	Roanoke Rapids City	196,522	147,270	343,792	302.341	(41,451)
422	Weldon City	64,591	48,403	112,994	99,370	(13,624)
430	Harnett County	1,266,929	949,411	2,216,340	1,949,122	(267,218)
440	Haywood County	524,506	-	524,506	806,932	282,426
450	Henderson County	896,556	•	896,556	1,379,317	482,761
460	Hertford County	212.820	159,483	372,303	327,416	(44,887)
	Hoke County	523,634	392,401	916,035	805,590	(110,445)
	Hyde County ·	41,987	-	41,987	64,596	22,609
	Iredell County	1,407.848	•	1,407,848	2,165,920	758,072
	Mooresville City	363,666		363,666	559.486	195,820
500	Jackson County	244,546	-	244,546	376.224	131,678
510	Johnston County	2,150,540	1.611,572	3.762,112	3,308,523	(453,589)
520	Jones County	80,487	60,315	140,802	123.826	(16,976)
530	Lee County	647,650	485,336	1.132,986	996.385	(136,601)
540 550	Lenoir County	624,443 803,795	467,945	1.092,388 803,795	960.682 1,236,607	(131,706)
	Lincoln County Macon County	294,179	-	294,179	452,583	432,812 158,404
	Madison County	176,199		176,199	271,075	94,876
	Martin County	261,985	196,326	458,311	403.053	(55,258)
	McDowell County	432,684	100,020	432,684	665,667	232,983
	Mecklenburg County	8,995,808	6,741,278	15,737,086	13,839,704	(1,897,382)
610	Mitchell County	144,675	-	144,675	222,577	77,902
	Montgomery County	291,228	-	291,228	448,043	156,815
	Moore County	823,380	-	823,380	1,266,738	443,358
640	Nash-Rocky Mount	1,171,217	877,687	2,048,904	1,801,872	(247,032)
650	New Hanover County	1,614,431	-	1.614,431	2,483,740	869,309
	Northanipton County	171,839	128,773	300,612	264,368	(36,244)
	Onslow County	1,585,657		1,585,657	2,439,472	853,815
	Orange County	469,976	352,190	822,166	723.040	(99,126)
681	Chapel Hill-Camboro	787,429	590,084	1.377,513	1,211.429	(166,084)
	Pamlico County	97,255	-	97,255	149,623	62,368
	Pasquotank County	408.269	<u> </u>	408,269	628,107	219,838
	Pender County	550,396	-	550,396	846,762	296,366
	Perquimans County	116,303	205 720	116,303	178,928	62,625
	Person County	354,611	265,739	620,350	545,556 2,397,371	(74,794)
	Pitt County Polk County	1,558,291 164,730	1,167,752	2,726,043 164,730	2,397,371	(328,672) 88,700
	Randolph County	1,250,899		1,250,899	1,924,460	673,561
	Asheboro City	307,728	<u>-</u>	307,728	473.427	165,699
	Richmond County	522,829	391,797	914,626	804,352	(110,274)
	Robeson County	1,569,425	1.176,096	2.745,521	2,414,501	(331,020)
	Rockingham County	938.610	703,376	1.641,986	1,444,016	(197,970)
1	Rowan-Salisbury	1,385.379	1.038,175	2,423,554	2,131,352	(292,202)
	Rutherford County	629,071		629,071	967,802	338,731
	Sampson County	570,249	427,333	997,582	877,306	(120,276)

FY 2009-10 Estimated Lottery Distribution Comparison: Current Law vs. H352

			Estir	nated Distributio	n	
			Current Law		H352	Difference
		65%	35%	100%		
LEA#	LEA NAME	to all LEAs	to Eligible LEAs	Total	Total	Total
821	Clinton City	208,125	155,965	364,090	320,193	(43,897)
830	Scotland County	444.287	332,940	777,227	683,519	(93,708)
840	Stanly County	626,187	469,252	1.095,439	963,365	(132,074)
850	Stokes County	478.628	358,674	837,302	736,351	(100,951)
860	Surry County	580,779	435,224	1,016,003	893.507	(122,496)
861	Elkin City	81.090	60,768	141,858	124,755	(17,103)
862	Mount Airy City	108,456	81,275	189,731	166,855	(22,876)
870	Swain County	129,986	-	129,986	199,979	69,993
880	Transylvania County	250.515	-	250,515	385,408	134,893
890	Tyrrell County	39,707	29,755	69,462	61,087	(8,375)
900	Union County	2,629.235	1.970,296	4,599,531	4,044,977	(554,654)
910	Vance County	500,360	374,959	875,319	769.784	(105,535)
920	Wake County	9,470,210	7,096,786	16,566,996	14,569.554	(1,997,442)
930	Warren County	174,656	-	174,656	268,702	94,046
940	Washington County	131,596	98,615	230,211	202,455	(27,756)
950	Watauga County	297,130	- 1	297,130	457,124	159,994
960	Wayne County	1,287,520	964,842	2,252,362	1,980,801	(271,561)
970	Wilkes County	657,443	492,675	1,150,118	1,011,451	(138,667)
980	Wilson County	833,508	624,614	1,458,122	1,282,320	(175,802)
990	Yadkin County	400,891	300,420	701,311	616,756	(84,555)
995	Yancey County	164,394	-	164,394	252,914	88,520

Total Allocation	\$ 95,698,258	S	51,529,827	\$	147,228,083	\$ 147,228,083	·
LEAs receiving allocation	115		62	-	115	115	
Per ADM Allocation	\$67.07		\$50.26			\$103.19	

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Brian Matteson

APPROVED BY: Marilyn Chism, Director

Fiscal Research Division

DATE: March 27, 2009



Signed Copy Located in the NCGA Principal Clerk's Offices



HOUSE BILL 352:Lottery School Capital Fund Formula

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Finance, if favorable, Appropriations

Introduced by: Reps. Allred, Randleman

Analysis of: First Edition

Date: May 6, 2009

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 352 is a public bill that would change the allocation of funds from the State Lottery for the Public School Building Capital Fund (Fund) so that all funds from the State Lottery which are designated for the Fund would be distributed based on average daily membership. The bill would also allow counties to use the monies from the Fund to retire indebtedness incurred for school construction projects that were incurred on or after January 1, 2000.

[As introduced, this bill was identical to S2, as introduced by Sen. Snow, which is currently in Senate Appropriations/Base Budget.]

CURRENT LAW: G.S. 18C-164 requires the Lottery Commission to distribute 40% of annual net revenue to the Fund. Of these funds, G.S. 115C-546.2(d) requires that 65% be distributed on a per average daily membership basis. The remaining 35% of the funds must be distributed to local school administrative units that are located in whole or in part in counties that have an effective tax rate greater in the State average effective tax rate. Effective county tax rate is defined as the actual tax rate for the vious fiscal year, including any countywide supplemental taxes levied for public schools multiplied by a weighted average of the most recent three years of sales-assessment ratios as determined by the Department of Revenue. The monies are then distributed on the basis of average daily membership to those that are eligible.

Counties can use the funds to pay for school construction projects and to retire indebtedness incurred for school construction projects incurred on or after January 1, 2003.

BILL ANALYSIS: House Bill 352 would provide that all monies from the State Lottery which are designated for the Fund are distributed based on average daily membership. It would allow counties to use the funds to pay for school construction projects and to retire indebtedness incurred for school construction projects incurred on or after January 1, 2000 rather than the current date of January 1, 2003.

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

H352-SMRN-10(e1) v4

*Drupti Chauhan contributed substantially to this summary.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 352 A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL CAPITAL
CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR
DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP.
With an unfavorable report, with a Minority Report attached.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

MINORITY REPORT

representing (1/4) one-fourth of the members preser entitled " AN ACT TO CHANGE 7	
CONSTRUCTION FORMULA IN	THE STATE LOTTERY ACT
TO PROVIDE FOR DISTRIBUTION OF	ALLTHE FUNDS BASED ON AVERAGE
when the bill was taken up for consideration, and dis-	agreeing with the majority, recommend that the bill
be reported with a favorable report.	
850	
AE STANC	
Gal Stan	
REP. GUICE	
W.DIT	
organia and Mark	1.
REP. LANGDON JA Finge	* V
Lauxa There	
REP. WILEY	
11/10/20 500	
The Golden	
REP. BLACKWELL	· · · · · · · · · · · · · · · · · · ·
·	· · · · · · · · · · · · · · · · · · ·
•	
	
	<u></u>
·	

H

purposes.'

"§ 105-538. Administration.

HOUSE BILL 561*

. •	
Short Title:	Cabarrus County Local Option Sales Tax. (Local)
Sponsors:	Representatives Johnson and Barnhart (Primary Sponsors).
Referred to:	Local Government II, if favorable, Finance.
•	March 12, 2009
LOCAL APPROV The General A	A BILL TO BE ENTITLED AUTHORIZE CABARRUS COUNTY TO LEVY A ONE-QUARTER CENT SALES AND USE TAX FOR ROAD CONSTRUCTION PURPOSES, IF ED BY THE VOTERS OF THE COUNTY. Assembly of North Carolina enacts: ECTION 1. This act applies to Cabarrus County only. ECTION 2. Subchapter VIII of Chapter 105 of the General Statutes is amended
	ew Article to read:
	"Article 47.
" <u>\$</u> " § 105-535. \$	Short title
	cle is the Second One-Quarter Cent (1/4¢) Local Government Sales and Use Tax
Act. "§ 105-536.	
This Artic	cle applies only to counties that levy the first one-cent (1¢) local sales and use tax
one-half cent one-half cent	39 of this Chapter or under Chapter 1096 of the 1967 Session Laws, the first $(1/2\phi)$ local sales and use tax under Article 40 of this Chapter, the second $(1/2\phi)$ local sales and use tax under Article 42 of this Chapter, and the first ent $(1/4\phi)$ local sales and use tax under Article 46 of this Chapter. Levy.
	uthority If the majority of those voting in a referendum held pursuant to this
resolution, le	for the levy of the taxes, the board of commissioners of the county may, by vy one-quarter percent (1/4%) local sales and use taxes in addition to any other all sales and use taxes levied pursuant to law.
(b) Vo	ote. – The board of commissioners of a county may direct the county board of conduct an advisory referendum on the question of whether to levy local ercent (1/4%) sales and use taxes in the county as provided in this Article. The
	be held on a date jointly agreed upon by the two boards and shall be held in ith the procedures of G.S. 163-287.
(c) Ba	allot Question. – The form of the question to be presented on a ballot for a special erning the levy of the taxes authorized by this Article shall be: '[] FOR [] AGAINST
	ne-quarter percent (1/4%) local sales and use taxes, in addition to the current local taxes, to be used only for road construction, improvement, or maintenance



2

5 6 7

8 9 10

11 12 13

14 15 16

17 18

19 20 21

22 23

Except as provided in this Article, the adoption, levy, collection, administration, and repeal of the additional taxes authorized by this Article shall be in accordance with Article 39 of this Chapter. A tax levied under this Article does not apply to the sales price of food that is exempt from tax pursuant to G.S. 105-164.13B.

"§ 105-539. Distribution and use.

- Distribution. The Secretary shall, on a monthly basis, distribute to each taxing county the net proceeds of the tax collected in that county under this Article. If the Secretary collects taxes under this Article in a month and the taxes cannot be identified as being attributable to a particular taxing county, the Secretary shall allocate these taxes among the taxing counties in proportion to the amount of taxes collected in each county under this Article in that month and shall include them in the monthly distribution.
- Use. Counties may use the proceeds of a tax levied under this Article only for participating in the cost of rights-of-way, construction, reconstruction, improvement, or maintenance of a road on the State highway system under agreement with the Department of Transportation as permitted under G.S. 136-98 and to retire indebtedness incurred by the county for these purposes."

SECTION 3. A tax levied under Article 46 of Chapter 105 of the General Statutes. as enacted by this act, does not apply to construction materials purchased to fulfill a lump-sum or unit-price contract entered into or awarded before the effective date of the levy or entered into or awarded pursuant to a bid made before the effective date of the levy when the construction materials would otherwise be subject to the tax levied under Article 46 of Chapter 105 of the General Statutes.

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

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

11 12

13

HOUSE BILL 981

Short Title:	Union County Commissioners.	(Local)
Sponsors:	Representative Gibson.	
Referred to:	Local Government II, if favorable, Election Law and Ca	mpaign Finance Reform.
•	April 2, 2009	
	A BILL TO BE ENTITLED	
COUNTY	PROVIDE GEOGRAPHIC PARITY IN REPRESENTA BOARD OF COMMISSIONERS.	TION ON THE UNION
	Assembly of North Carolina enacts:	
	ECTION 1. Part 4 of Article 4 of Chapter 153A of	the General Statutes is
suspended un	til January 1, 2013.	
shall be cond large seats in the changes r	ECTION 2. The 2010 election for the Union County I ucted using three at-large seats in the western half of U the eastern half of Union County. The Union County Corequired by this act to the U.S. Department of Justice purposes.	nion County and two at- mmissioners shall submit
	s Act of 1965.	
	ECTION 3. This act applies to Union County only.	
SI	ECTION 4. This act is effective when it becomes law.	



Н

HOUSE BILL 981 PROPOSED COMMITTEE SUBSTITUTE H981-CSST-21 [v.2]

D

5/5/2009 7:21:03 PM

Short Title: Union County Commissioners.	(Local)
Sponsors:	•
Referred to:	
April 2, 2009	
A BILL TO BE ENTITLED	
AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRES	SENTATION ON THE UNION
COUNTY BOARD OF COMMISSIONERS.	
The General Assembly of North Carolina enacts:	
SECTION 1. Part 4 of Article 4 of Chapter 15	3A of the General Statutes is
suspended until January 1, 2013.	
SECTION 2.(a) On or before September 1, 2009	
Commissioners shall submit a report on the structure of the bo	
County to the Revenue Laws Study Commission of the 2009	Regular Session of the General
Assembly. The report should address all of the following:	
(1) Whether or not the size of the board sl	
(2) Whether members should be elected to	•
(3) The most effective mode of election	
adequately represent all citizens o	
consideration geographic location, including proposed electoral districts.	
(4) Whether the chairman should be se	
from the membership of the board as	
(5) Any other issues the Union Cour	
determine impacts the participation	of citizens in the democratic
process at the county level.	or orizons in the democratic
SECTION 2.(b) If the report is accompanied by	a unanimous resolution of the
Union County Board of Commissioners, the results of the repo	
2010 election cycle following pre-clearance by the United States	
SECTION 2.(c) If the report is not accompanied by	_
Union County Board of Commissioners, the Revenue Laws Stu	
the electoral districts to be used in the 2010 election cycle:	following pre-clearance by the
United States Department of Justice.	·
SECTION 3. This act applies to Union County only	
SECTION 4. This act is effective when it becomes	law.



lX	KEROPIS			•	_	
e primary is the	·	RI	15 - CO COM:			
ly record with	T S	:] _	K e v		o . n a t j	
th JohnAthan Thomas	e c	y c	p	R i m	a n	n B
and Kevin Pressley.	G e	e K h e 1	e 5 5	R O G e	h	o a t n e
rey did not received	e r 9 46 5 38	27 68	12 154 11 121 4 68	49 90	90 86	r 6 32 7
he Necessary # of votes	13 0 46 7 15 6 61 6 50	91 93 41 94	25 112 6 67 30 133 16 133	99 74 106	93 48 94 105	19 37 6
to go on to the	7 38 0 26 6 31 3 14	14 152 167 32	23 E 21 9 17 4	8 171	108 96 50	48 33 9
General Election	2 7 227 4 36 7 75	0 261 50 382	47 1	0 297	483 65 126 32	132 14 35
in November.	0 0	525 0		76 552 0 0 0 0	106 0 0	72
Totals-	0 0 1822	5628	4.71	SE 6468	5441	1400
		18/				

1 ne Enquirer-journai

Since 1873, a heritage of commitment and involvement

Publisher: Marvin Enderle

Managing Editor: Stan Hojnacki News Editor: Jim Muldrow

City Editor: Betsy O'Donovan

APRIL 12, 2009

a carolina view

Let county decide itself

If there is a single idea that underpins democracies, it is the concept of self determination, that radical notion that the governed must consent to be led.

It is so vital, so cherished that it cannot be comprimised no matter the worth of the cause or the issue.

So despite our fervent belief that Union County would best be served by a more representative democracy, one that elects commissioners from geographic districts rather than at-large, we must stand against a bill introduced by state Rep. Pryor Gibson that would establish the very system we advocate. This is the second time Gibson has introduced a

This is the second time Gibson has introduced a bill that would by legislative flat impose a sweeping change in most basic rules of government for Union County. Gibson was defeated last time and we will do all we can to defeat his efforts again this time.

We believe the county would be better with representatives who understood the county's many factions — longtime residents, newcomers, Hispanics, blacks, Democrats, Republicans, farmers, commuters and factory workers. Not only would residents' concerns be better represented, we think the board of commissioners itself would be less contentious, more collegial and more effective.

Certainly commissioners could follow the model of the Board of Education in crafting the districts no doubt they will need to be adjusted to reflect oneman, one -vote after the 2010 census — and a newly constituted board would function similarly.

But the decision to change the rules of the game should arise locally, be discussed and debated locally and then approved or rejected locally. That decision should not be forced on the people of Union County by Pryor Gibson, the state Legislature or anyone else even if they feel they are serving the needs of their constituents. Eastern Union County should not try to impose its will through legislative sleight of hand any more than commissioners from the western part of the county should act parochially or selfishly.

Union County is changing dramatically and it is struggling to find its way. The journey will be much easier and our vision much clearer if we all work together, rather than manipulate the rules of the game in political oneupsmanship that can only create resentment and tension.

Maybe the first place we can unite is to oppose Pryor Gibson and his efforts to force district elections
on the county. We may not be perfect, but we really
don't need anyone else telling us how to do the things
we need to do.

And while we are at it, we should tell Mr. Gibson to at least let the Monroe City Council vote on its plan to to extend the term of the mayor before introducing a bill to impose that change, too.



OFFICE OF THE COMMISSIONERS AND MANAGER

500 N. Main St., Room 921 • Monroe, NC 28112 • Phone (704) 283-3810 • Fax (704) 282-0121

April 21, 2009

The Honorable Curtis Blackwood NC House of Representatives 16 W. Jones Street, Room 1317 Raleigh, NC 27601-1096

Dear Representative Blackwood,

Please find attached a Resolution passed by the Union County Board of Commissioners against any changes to the governing structure of Union County.

If you or any member of your staff needs further information, please contact me at 704-283-3656.

Sincerely,

Matthew L. Delk

Assistant County Manager



OFFICE OF THE COMMISSIONERS AND MANAGER

500 N. Main St., Room 921 • Monroe, NC 28112 • Phone (704) 283-3810 • Fax (704) 282-0121

Union County Board of County Commissioners

Resolution Against Any Changes to Local Government - SECOND RESOLUTION

4/20/09

Whereas, in 2007, Representative Pryor Gibson put a referendum on the ballot for Union County voters to approve, or disapprove districts for Union County. Wherein the districts before the voters were wildly disparate in population, ranging from two under 13,500 to those of almost 25,000 to over 27,500. And, wherein, said referendum was defeated with a vote of almost 60% opposed.

Whereas, in 2008, in response to a new proposal, 10 municipalities in Union County passed resolutions in opposition to having the State of North Carolina dictate our form of government to us.

Whereas, on December 15, 2008, The Union County Board of Commissioners passed a Resolution "requesting that the North Carolina General Assembly make no changes to the composition of the Union County Board of Commissioners".

Whereas, in 2009, a committee has been established, by the Union County Board of Commissioners, to address the issue of composition of the board. This committee has a seat at the table for all 14 municipalities and each Commissioner has the opportunity to appoint two people from the unincorporated area of Union County.

Whereas, on April 1, 2009 Representative Prior Gibson filed HB 981 in another attempt to force legislation to alter our local body of government.

Whereas, HB981, contrary to G.S.153A-58(3)a. and G.S.153A-60, would eliminate a referendum of the people, thereby silencing the collective voice of the voters of Union County, North Carolina, for two election cycles.

Now, therefore, be it resolved that the Union County Board of Commissioners requests that the North Carolina General Assembly resist any attempt to alter the Board of Union County Commissioners. Furthermore, we unequivocally believe in the North Carolina Constitution, the Constitution of the United States of America, and the freedom within our democracy and therefore believe that any changes to the composition, terms and governance style of the Board of County Commissioners be decided by the voters of Union County.

Be it further resolved that the people of the County of Union have the opportunity to vote for the composition of their government, as is their privilege, if so called for by the people and that this referendum be held in the general election of 2010, to avoid undue expense during this trying time.

Be it further resolved that, if the referendum is approved by the voters of Union County, the Census of 2010 be used in the drawing of equitable districts, according to law, in 2012, and presented during the Presidential election, virtually assuring the largest voice of the people.

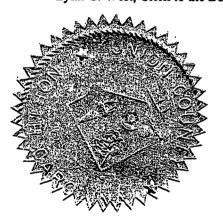
Be it further resolved that a copy of this resolution be forwarded to the members of the Union County legislative delegation and the members of the North Carolina General Assembly.

Adopted this 20th day of April, 2009.

Attest:

Lynn G West Clerk to the Board

anny Openshaw, Chairman



H

HOUSE BILL 1001

1

Modify School Calendar Law/3 County LEAs. (Local) Short Title: Sponsors: Representative Burr. Referred to: Local Government II, if favorable, Education.

April 2, 2009

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE REQUIRED SCHOOL OPENING AND CLOSING DATES IN THREE LOCAL SCHOOL ADMINISTRATIVE UNITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(d) reads as rewritten:

Opening and Closing Dates. - Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, the second Monday of August, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term "educational purpose" means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar."

SECTION 2. This act applies only to the Union, Stanly, and Montgomery County School Administrative Units.

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



2 3 4

5

1

28 29 30

31 32 33



HOUSE BILL 1001: Modify School Calendar Law/3 County LEAs

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

May 5, 2009

Education

Introduced by: Rep. Burr

Prepared by: Steven Rose

Analysis of:

First Edition

Committee Counsel

SUMMARY: HB 1001 changes the statutorily required school opening date of not before August 25, to not before the second Monday of August. The bill is applicable to the Union, Stanley and Montgomery County schools.

CURRENT LAW: G.S. 115C-84.2(d) establishes the opening and closing dates for public schools. Except for year-round schools, the opening date for students must not be before August 25 and the closing date for students must not be after June 10. The State Board of Education may grant waivers from the August 25 and June 10 opening and closing dates for the following reasons:

- A showing of good cause. "Good cause" means schools in the local school administrative unit have been closed 8 days per year during any 4 of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.
- An educational purpose. "Educational purpose" means that a local school administrative unit establishes a need to adopt a different calendar for:
 - o a specific school to accommodate a special program offered generally to students in that school;
 - o a school that primarily serves a special population of students; or
 - o a defined program within a school.

The State Board may grant the waiver for an educational purpose to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the August 25 and June 10 opening and closing dates. The law prohibits the use of a waiver request for an educational purpose to accommodate system-wide class scheduling preferences.

Local boards of education are required to consult with parents and the employed public school personnel when they develop the school calendar.

BILL ANALYSIS: HB 1001 would change the statutory requirement that schools open no earlier than August 25, to allow the Union, Stanley and Montgomery County schools to open not before the second Monday of August.

EFFECTIVE DATE: Effective when it becomes law.

§ 115C-84.2. School calendar.

- School Calendar. Each local board of education shall adopt a school calendar consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:
 - A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may

House Bill 1001

Page 2

vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

- (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.
- (2) A minimum of 10 annual vacation leave days.
- (3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.
- (4) Five days, as designated by the local board, for use as teacher workdays. These days shall be protected to allow teachers to complete instructional and classroom administrative duties. The local school administrative unit shall not impose any additional tasks on these days. The local board shall schedule one of these days at the beginning of the school year and one at the end of each academic quarter.
- (5) The remaining days scheduled by the local board in consultation with each school's principal for use as teacher workdays, additional instructional days, or other lawful purposes. Before consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. In order to make up days for school closing because of inclement weather, the local board may designate any of the days in this subdivision as additional make-up days to be scheduled after the last day of student attendance.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards shall designate at least seven days scheduled under subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.

- (b) Limitations. The following limitations apply when developing the school calendar:
 - (1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 195 days.

House Bill 1001

Page 3

- (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
- (3) School shall not be held on Sundays.
- (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools.
- (c) Emergency Conditions. During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.
- (d) Opening and Closing Dates. Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term "educational purpose" means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

(e) Nothing in this section prohibits a local board of education from offering supplemental or additional educational programs or activities outside the calendar adopted under this section.

Drupti Chauhan and Shirley Iorio, staff to the House Committee on Education, contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1

2

3

4

5

6

7 8

9

10

HOUSE BILL 1008

Short Title: Rutherford County to Regulate Golf Carts. (Local) Representative England. Sponsors: Referred to: Local Government II, if favorable, Finance. April 2, 2009 A BILL TO BE ENTITLED AN ACT TO ALLOW RUTHERFORD COUNTY TO REGULATE GOLF CARTS. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 160A-300.5(c) reads as rewritten: This section applies to the County-Counties of New Hanover, Hanover and "(c) Rutherford, to the Cities of Locust, Saluda, and Wilmington, to the Towns of Badin, Beulaville, Butner, Carolina Beach, Emerald Isle, Erwin, Faison, Fremont, Hobgood, Indian Beach, Kings Mountain, Kure Beach, Mayodan, Morrisville, Mount Olive, Oakboro, Oriental, Pineville. Shelby, and Wrightsville Beach, and to the Village of Pinehurst only."

SECTION 2. This act becomes effective July 1, 2009.



1 2

HOUSE BILL 1018

Delay Alamance County Revaluation.	(Local)
Representative Allred.	r.s.
Local Government II, if favorable, Finance.	
April 2, 2009	
A BILL TO BE ENTITLED O REQUIRE ALAMANCE COUNTY TO USE THE APPRAISI ROPERTY DETERMINED IN THE GENERAL REAPPRAISAL ATELY PRECEDING THE MOST RECENTLY CONDUCT AISAL. Assembly of North Carolina enacts: ECTION 1. This act applies only to Alamance County. ECTION 2. G.S. 105-286 reads as rewritten: (Effective until July 1, 2009) Time for general reappraisal of retennial Plan. — Unless the date shall be advanced—changed a)(2),(a)(2) or (a)(3) below, each county of the State, as of Janua the schedule set out in subdivision (a)(1), below, and every eighthise all real property in accordance with the provisions of G Schedule of Initial Reappraisals. — Division One — 1972: Avery, Camden, Cherok Cumberland, Guilford, Harnett, Haywood, Lee, Montgomer and Robeson. Division Two — 1973: Caldwell, Carteret, Colum Davidson, Gaston, Greene, Hyde, Lenoir, Madison, Orang Richmond, Swain, Transylvania, and Washington. Division Three — 1974: Ashe, Buncombe, Chowan, Frant Hoke, Jones, Pasquotank, Rowan, and Stokes. Division Four — 1975: Alleghany, Bladen, Brunson Catawba, Dare, Halifax, Macon, New Hanover, Surry, Tyrred Division Five — 1976: Bertie, Caswell, Forsyth, Iredell, J. Onslow, Person, Perquimans, Rutherford, Union, Vance, Wayancey. Division Six — 1977: Alamance, Durham, Edgecombe Mitchell, Nash, Polk, Randolph, Stanly, Warren, and Wilkes. Division Seven — 1978: Alexander, Anson, Beaufort, Davie, Duplin, and Granville. Division Eight — 1979: Burke, Chatham, Graham, Her McDowell, Mecklenburg, Moore, Pender, Rockingham, San	eal property. as provided in ry 1 of the year in year thereafter, .S. 105-283 and tee, Cleveland, y, Northampton, bus, Currituck, e, Pamlico, Pitt, klin, Henderson, wick, Cabarrus, ll, and Yadkin ackson, Lincoln, ackson, Lincoln, ackson, Martin, Clay, Craven, tford, Johnston,
 Advancing Scheduled Octennial Reappraisal. – Any couconduct a reappraisal of real property earlier than required by 	inty desiring to y this subsection
	Representative Allred. Local Government II, if favorable, Finance. April 2, 2009 A BILL TO BE ENTITLED REQUIRE ALAMANCE COUNTY TO USE THE APPRAISI ROPERTY DETERMINED IN THE GENERAL REAPPRAISAL ATELY PRECEDING THE MOST RECENTLY CONDUCT AISAL. Assembly of North Carolina enacts: CCTION 1. This act applies only to Alamance County. CCTION 2. G.S. 105-286 reads as rewritten: (Effective until July 1, 2009) Time for general reappraisal of rectennial Plan. — Unless the date shall be advanced—changed a)(2),(a)(2) or (a)(3) below, each county of the State, as of Janua the schedule set out in subdivision (a)(1), below, and every eighth ise all real property in accordance with the provisions of G. Schedule of Initial Reappraisals. — Division One — 1972: Avery, Camden, Cherok Cumberland, Guilford, Harnett, Haywood, Lee, Montgomer and Robeson. Division Two — 1973: Caldwell, Carteret, Colum Davidson, Gaston, Greene, Hyde, Lenoir, Madison, Orange Richmond, Swain, Transylvania, and Washington. Division Three — 1974: Ashe, Buncombe, Chowan, Frant Hoke, Jones, Pasquotank, Rowan, and Stokes. Division Four — 1975: Alleghany, Bladen, Brunsy Catawba, Dare, Halifax, Macon, New Hanover, Surry, Tyrrel Division Five — 1976: Bertie, Caswell, Forsyth, Iredell, Ji Onslow, Person, Perquimans, Rutherford, Union, Vance, Wayancey. Division Six — 1977: Alamance, Durham, Edgecombe, Mitchell, Nash, Polk, Randolph, Stanly, Warren, and Wilkes. Division Seven — 1978: Alexander, Anson, Beaufort, Davie, Duplin, and Granville. Division Eight — 1979: Burke, Chatham, Graham, Her McDowell, Mecklenburg, Moore, Pender, Rockingham, San Watauga, and Wayne. Advancing Scheduled Octennial Reappraisal. — Any cou



(a) may do so upon adoption by the board of county commissioners of a resolution so providing. A copy of any such resolution shall be forwarded promptly to the Department of Revenue. If the scheduled date for reappraisal for any county is advanced as provided herein, real property in that county shall thereafter be reappraised every eighth year following the advanced date unless, in accordance with the provisions of this subdivision (a)(2), an earlier date shall be adopted by resolution of the board of county commissioners, in which event a new schedule of octennial reappraisals shall thereby be established for that county.

(3) Delaying Scheduled Octennial Reappraisal. – Any county that conducted a general reappraisal to be effective in 2009 shall disregard the appraised values generated in that reappraisal and use the appraised values determined in the general reappraisal in effect immediately preceding the 2009 general reappraisal. The county must conduct its next general reappraisal to become effective no later than January 1, 2011.

SECTION 3. G.S. 105-286, as rewritten by Section 1.1 of S.L. 2008-146, reads as rewritten:

"§ 105-286. (Effective July 1, 2009; for applicability, see note) Time for general reappraisal of real property.

- (a) Octennial Cycle. Each county must reappraise all real property in accordance with the provisions of G.S. 105-283 and G.S. 105-317 as of January 1 of the year set out in the following schedule and every eighth year thereafter, unless the county is required to advance change the date under subdivision (2)subdivisions (2) or (2a) of this section or chooses to advance the date under subdivision (3) of this section.
 - (1) Schedule of Initial Reappraisals.

Division One – 1972: Avery, Camden, Cherokee, Cleveland, Cumberland, Guilford, Harnett, Haywood, Lee, Montgomery, Northampton, and Robeson.

Division Two – 1973: Caldwell, Carteret, Columbus, Currituck, Davidson, Gaston, Greene, Hyde, Lenoir, Madison, Orange, Pamlico, Pitt, Richmond, Swain, Transylvania, and Washington.

Division Three – 1974: Ashe, Buncombe, Chowan, Franklin, Henderson, Hoke, Jones, Pasquotank, Rowan, and Stokes.

Division Four – 1975: Alleghany, Bladen, Brunswick, Cabarrus, Catawba, Dare, Halifax, Macon, New Hanover, Surry, Tyrrell, and Yadkin.

Division Five – 1976: Bertie, Caswell, Forsyth, Iredell, Jackson, Lincoln, Onslow, Person, Perquimans, Rutherford, Union, Vance, Wake, Wilson, and Yancey.

Division Six – 1977: Alamance, Durham, Edgecombe, Gates, Martin, Mitchell, Nash, Polk, Randolph, Stanly, Warren, and Wilkes.

Division Seven – 1978: Alexander, Anson, Beaufort, Clay, Craven, Davie, Duplin, and Granville.

Division Eight – 1979: Burke, Chatham, Graham, Hertford, Johnston, McDowell, Mecklenburg, Moore, Pender, Rockingham, Sampson, Scotland, Watauga, and Wayne.

(2) Mandatory Advancement. – A county whose population is 75,000 or greater according to the most recent annual population estimates certified to the Secretary by the State Budget Officer must conduct a reappraisal of real property when the county's sales assessment ratio determined under G.S. 105-289(h) is less than .85 or greater than 1.15, as indicated on the

notice the county receives under G.S. 105-284. A reappraisal required under this subdivision must become effective no later than January 1 of the earlier of the following years:

- a. The third year following the year the county received the notice.
- b. The eighth year following the year of the county's last reappraisal.
- (2a) Delayed Reappraisal. Any county that conducted a general reappraisal to be effective in 2009 shall disregard the appraised values generated in that reappraisal and use the appraised values determined in the general reappraisal in effect immediately prior to the 2009 general reappraisal. The county must conduct its next general reappraisal to become effective no later than January 1, 2011.
- Optional Advancement. A county may conduct a reappraisal of real property earlier than required by subdivision (1) or (2) of this subsection if the board of county commissioners adopts a resolution providing for advancement of the reappraisal. The resolution must designate the effective date of the advanced reappraisal and may designate a new reappraisal cycle that is more frequent than the octennial cycle set in subdivision (1) of this subsection. The board of county commissioners must promptly forward a copy of the resolution adopted under this subdivision to the Department of Revenue. A more frequent reappraisal cycle designated in a resolution adopted under this subdivision continues in effect after a mandatory reappraisal required under subdivision (2) of this subsection unless the board of county commissioners adopts another resolution that designates a different date for the county's next reappraisal.

SECTION 4. Section 2 of this act is effective when it becomes law and expires July 1, 2009. Section 3 of this act becomes effective July 1, 2009. The remainder of this act is effective when it becomes law.

H

HOUSE BILL 1157*

1

Short Title:	Allow Municipalities to Regulate Golf Carts.	(Public)
Sponsors:	Representatives Martin; K. Alexander and Lucas.	_
Referred to:	Local Government II, if favorable, Finance.	

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW MUNICIPALITIES TO REGULATE GOLF CARTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.5 reads as rewritten:

"§ 160A-300.5. Regulation of golf carts on streets in certain localities.

- Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city-municipality may, by ordinance, regulate the operation of golf earts carts, as defined in G.S. 20-4.01(12a), on any public street or highway where the speed limit is 35 miles per hour or less within the eity municipal limits, or on any property owned or leased by the eity municipality.
- By ordinance, a city-municipality 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. No person less than 16 years of age may operate a golf cart on a public street or highway.
- This section applies to the County of New Hanover, to the Cities of Locust, Saluda, and Wilmington, to the Towns of Badin, Beulaville, Butner, Carolina Beach, Emerald Isle, Erwin, Faison, Fremont, Hobgood, Indian Beach, Kings Mountain, Kure Beach, Mayodan, Morrisville, Mount Olive, Oakboro, Oriental, Pineville, Shelby, and Wrightsville Beach, and to the Village of Pinehurst only.
- For purposes of this section, the term "city" municipality" shall include a city, a town, a village, or a county. For purposes of this section, the term "county" shall mean any unincorporated areas within that county boundary."

SECTION 2. Section 1(a) of S.L. 2001-132 reads as rewritten:

"SECTION 1.(a) With the exception of any provisions prohibiting or regulating the operation of private golf carts, the The provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles are applicable to the streets, roadways, and alleys on the properties owned by or under the control of the West Side Landowners Association, Inc., or the members of the West Side Landowners Association, Inc. For purposes of this act, streets, roadways, and alleys in the Seven Lakes West Community shall have the same meaning as highways and public vehicular areas pursuant to G.S. 20-4.01."

SECTION 3. Section 6 of S.L. 2001-356 is repealed.

SECTION 4. Section 3 of Chapter 33 of the 1995 Session Laws, as amended by Section 2 of S.L. 2002-82, reads as rewritten:

"Sec. 3. This act shall not be construed as in any way interfering with the ownership and control of the streets, roadways, and alleys of the Seven Lakes Landowners Association, Inc., or its members as is now vested by law in that association or its members. The speed limits within the Seven Lakes Community shall be the same as those in effect at the time of ratification of this act. Any proposed change in the speed limit shall be submitted to and



1 2

3 4

5 6

7 8 9

10 11 12

13 14

15 16 17

18 19

20 21 22

27 28 29

30 31

32 33

34 35 36

1 2

approved by the Moore County Board of Commissioners. Pursuant to G.S. 20-141, the Moore County Board of Commissioners may authorize by ordinance higher or lower speeds. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Moore County Board of Commissioners may, by ordinance, regulate the operation of electric golf carts on streets and roads within the confines of the Seven Lakes Community as recommended by the Directors of the Seven Lakes Landowners Association, Inc. By ordinance, the Moore County Board of Commissioners may require the registration of golf carts, specify the persons authorized to operate golf carts, and specify required equipment, load limits, and the hours and methods of operation of the golf carts."

SECTION 5. Section 1 of S.L. 2003-124, as amended by S.L. 2004-58, S.L. 2007-204, and S.L. 2007-259, 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, 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 6. Section 1 of S.L. 2004-38 reads as rewritten:

"SECTION 1. With the exception of any provisions prohibiting or regulating the operation of private golf carts, the The provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles are applicable to the streets, roadways, and alleys on the properties owned by or under the control of the Lake Toxaway Property Owners' Association, Inc., or the members of the Lake Toxaway Property Owners' Association, Inc. For purposes of this act, streets, roadways, and alleys in the Lake Toxaway Community shall have the same meaning as highways and public vehicular areas pursuant to G.S. 20-4.01."

SECTION 7. Section 1 of S.L. 2005-11, as amended by S.L. 2007-18, is repealed. **SECTION 8.** Section 3 of S.L. 2005-11, as amended by S.L. 2006-149, S.L. 2006-152, and S.L. 2007-18, reads as rewritten:

"SECTION 3. Section 1 of this act applies only to the Towns of Benson, Bladenboro, Chadbourn, Clarkton, Elizabethtown, Four Oaks, Rose Hill and Tabor City. Section 2 of this This act applies only to Moore County."

SECTION 9. S.L. 2005-58 is repealed.

SECTION 10. Section 9.4 of the Charter for the Town of Cary, as enacted by Section 1 of S.L. 2005-117, is repealed.

SECTION 11. Section 5.2 of the Charter for the Town of Whispering Pines, as enacted by S.L. 2008-105, is repealed.

SECTION 12. This act becomes effective October 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 1263

Short Title:	Keep Recordings of Closed Sessions.	(Public)
Sponsors:	Representatives Mackey, K. Alexander (Primary Sponsors); Farmer-Butterfield, Luebke, Starnes, Weiss, and Wray.	Faison,
Referred to:	Local Government II, if favorable, Judiciary I.	

April 9, 2009

1 2

3

4.

6

7

8

9

10

11 12

13

14

15 16

17 18

19

20 21

22

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT LARGER COUNTIES AND MUNICIPALITIES MAKE RECORDINGS OF CLOSED SESSIONS.

The General Assembly of North Carolina enacts:

5

SECTION 1. G.S. 143-318.10(e) reads as rewritten:

Every public body shall keep full and accurate minutes of all official meetings. including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. When a public body meets in closed session, it shall make a sound or video and sound recording of that session, which may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session: provided, this sentence applies only to municipalities with a population of 50,000 or more according to the most recent decennial federal census and to counties with a population of 50,000 or more according to the most recent decennial federal census."

SECTION 2. This act becomes effective July 1, 2009.



VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

MAY 6, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Midhelle Frazier	MF+S
Dusafor	wcPS5
Seff GenBEN	wow rounty ActiVIST
Barrelmith	Freedom Newspasse
Barry Smith J Bussian	NC Press Assn
DAVID HUSKINS	Smory MT. HOST
	muc
Any Schilders BRIAN CEWIS	NCAE
LisaMartin	Nc Home Builders
Du Hammond	City of Lournhuy
	1

House Pages

LOCAL GOVT U	-100
Name of Committee :	_ Date:
1. Name: Hannah Reynolds	
County: Person	
Sponsor: <u>Joe Hackney</u>	
2. Name:	
County:	
Sponsor:	
Name:	
County:	
Sponsor:	
1. Name:	
County:	<u> </u>
Sponsor:	
5. Name:	
County:	
Sponsor:	:
Se NA	gt-At-Arms
Name: FRANK PRENO Z. Name: Son Rossi S. Name: Bon Rossi	
2. Name: Trey Roley	
3. Name: Box Ross 1	

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Monday, May 11, 2009

TIME: 2:00 p.m.

LOCATION: 424 LOB

COMMENTS: The Committee has few bills. If the Committee can convene promptly at 2 pm with a quorum we can dispense with its business quickly, and the members can attend other committees that may conflict at this scheduled time. Rep. Van Braxton, Chair

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 352	Lottery School Capital Fund Formula.	Representative Allred
•	•	Representative Randleman
HB 921	Lenoir Fox Trapping.	Representative Braxton
HB 1018	Delay Alamance County Revaluation.	Representative Allred
HB 1263	Keep Recordings of Closed Sessions.	Representative Mackey
	•	Representative Kelly M.
		Alexander, Jr.
HB 1568	Delinquent Tax Notice in Name of	Representative Allred
	Escrow Agent.	

Respectfully, Representative Braxton, Chair

	•	
I hereby certify this notice was filed by the certification of the certi	ommittee assistant at the following offices	ai
☐ Principal Clerk ☐ Reading Clerk – House Chamber		
Barbara Hocutt (Committee Assistant)	•	

COMMITTEE ON LOCAL GOVERNMENT II AGENDA May 11, 2009

House Bill 1263 Keep Recordings of Closed Session (If favorable, Judiciary I)		Mackey & K. Alexande	
House Bill 352	Lottery School Capital Fund Formula (If favorable, Finance, if favorable, Appropriation)	Allred	
House Bill 921	Lenoir Fox Trapping	Braxton	
House Bill 1018	Delay Alamance County Revaluation (If favorable, Finance)	Allred	
House Bill 1568	Delinquent Tax Notice in Name of Escrow Agent (If favorable, Finance)	Allred	

COMMITTEE ON LOCAL GOVERNMENT II MINUTES MAY 11, 2009

The Committee on Local Government was called to order by the Committee Chair, Representative R. Van Braxton, at 2:07 p.m. on May 11, 2009. The following members were present: Representatives Tucker Gibson, Guice, Langdon, McElraft, and Stam. There no pages. The Sergeants were Dusty Rhodes and Toussant Avient.

Since the bill sponsors were absent, House Bills 1263, 1018 and 1568 were not heard. Representative Tucker assumed the Chair, and Representative Braxton presented his bill, House Bill 921, AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY. Representative Stam moved for the consideration of the Proposed Committee Substitute which changed the title, and the motion passed. There was a technical amendment to the Proposed Committee Substitute. (See attached.) Representative Stam moved that the amendment be adopted and the amendment be rolled into the Proposed Subcommittee Substitute. The motion passed. Representative Gibson moved a favorable report of the Proposed Committee Substitute, as amended, and it passed.

Representative Gibson, having been among the majority voting and prevailing, on HB 352 at the last meeting moved to reconsider the bill. The motion passed. Representative Stam moved to report HB 352, AN ACT TO CHANGE THE SCHOOL CAPITAL CONSTRUCITON FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR THE DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP, without prejudice and re-refer the bill to the Committee on Finance. The motion passed.

The meeting was adjourned by Representative Braxton, the Chair.

Representative RaVan Braxton, Chairma

Barbara Hocutt, Committee Assistant

Barbara Socutt

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 1263

Short Title: Keep Recordings of Closed Sessions. (Public)

Sponsors: Representatives Mackey, K. Alexander (Primary Sponsors); Farmer-Butterfield, Luebke, Starnes, Weiss, and Wray.

Referred to: Local Government II, if favorable, Judiciary I.

April 9, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT LARGER COUNTIES AND MUNICIPALITIES MAKE RECORDINGS OF CLOSED SESSIONS.

Every public body shall keep full and accurate minutes of all official meetings.

The General Assembly of North Carolina enacts:

.4 5

3

SECTION 1. G.S. 143-318.10(e) reads as rewritten:

6 7 8

9

10

11 12

16

19

22

including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long

13 Law, (14 conduct 15 as publications)

as public inspection would frustrate the purpose of a closed session. When a public body meets in closed session, it shall make a sound or video and sound recording of that session, which may be withheld from public inspection so long as public inspection would frustrate the

17 may be wit

purpose of a closed session: provided, this sentence applies only to municipalities with a population of 50,000 or more according to the most recent decennial federal census and to counties with a population of 50,000 or more according to the most recent decennial federal

20 <u>counties</u> 21 census."

SECTION 2. This act becomes effective July 1, 2009.



H

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

HOUSE BILL 352

Short Title:	Lottery School Capital Fund Formula.	(Public)				
Sponsors:	Representatives Allred, Randleman (Primary Sponsors); and Starnes.					
Referred to:	Local Government II, if favorable, Finance, if favorable, Appropriations.					
	March 2, 2009					
	+ DAT 1 MO DE EL MINET ED	·				
4 N. 4 CT TO	A BILL TO BE ENTITLED	n rrr				
	CHANGE THE SCHOOL CAPITAL CONSTRUCTION FORMULA : COTTERY ACT TO PROVIDE FOR DISTRIBUTION OF ALL THE					
	ON AVERAGE DAILY MEMBERSHIP.	LONDS				
	Assembly of North Carolina enacts:					
	ECTION 1. G.S. 115C-546.2(d) reads as rewritten:					
	onies transferred into the Fund in accordance with Chapter 18C of the	General				
	be allocated for capital projects for school construction projects as follows:					
(1)						
	accordance with G.S. 18C-164-shall be allocated on a per avera					
·	membership basis according to the average daily membership for the	budget				
	year as determined and certified by the State Board of Education.					
(2)						
	accordance with G.S. 18C 164 shall be allocated to those local					
	administrative units located in whole or part in counties in the counti					
	effective county tax rate as a percentage of the effective State ave	_				
	rate is greater than one hundred percent (100%), with the fe	Howing				
	definitions applying to this subdivision:					
	a. "Effective county tax rate" means the actual county					
	multiplied by a three year weighted average of the mos	t recent				
	b. "State average effective tax rate" means the average effective	. countr				
	tax rates for all counties.	, county				
	e. "Sales assessment ratio studies" means sales assessment ratio	ctudies				
	performed by the Department of Revenue under G.S. 105-289					
· (3)		` '				
` '	(c) of this section.					
(4)	A county may use monies in this Fund to pay for school cons	struction				
	projects in local school administrative units and to retire inde	otedness				
	incurred for school construction projects incurred on or after January 1,					
	2003. 2000.					
(5)	• • •	hnology				
	needs."					
SE	ECTION 2. This act is effective when it becomes law.					





HOUSE BILL 352:Lottery School Capital Fund Formula

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Finance, if favorable, Appropriations

Introduced by: Reps. Allred, Randleman

Analysis of: First Edition

Date: May 6, 2009

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 352 is a public bill that would change the allocation of funds from the State Lottery for the Public School Building Capital Fund (Fund) so that all funds from the State Lottery which are designated for the Fund would be distributed based on average daily membership. The bill would also allow counties to use the monies from the Fund to retire indebtedness incurred for school construction projects that were incurred on or after January 1, 2000.

[As introduced, this bill was identical to S2, as introduced by Sen. Snow, which is currently in Senate Appropriations/Base Budget.]

CURRENT LAW: G.S. 18C-164 requires the Lottery Commission to distribute 40% of annual net revenue to the Fund. Of these funds, G.S. 115C-546.2(d) requires that 65% be distributed on a per average daily membership basis. The remaining 35% of the funds must be distributed to local school administrative units that are located in whole or in part in counties that have an effective tax rate greater in the State average effective tax rate. Effective county tax rate is defined as the actual tax rate for the vious fiscal year, including any countywide supplemental taxes levied for public schools multiplied by a weighted average of the most recent three years of sales-assessment ratios as determined by the Department of Revenue. The monies are then distributed on the basis of average daily membership to those that are eligible.

Counties can use the funds to pay for school construction projects and to retire indebtedness incurred for school construction projects incurred on or after January 1, 2003.

BILL ANALYSIS: House Bill 352 would provide that all monies from the State Lottery which are designated for the Fund are distributed based on average daily membership. It would allow counties to use the funds to pay for school construction projects and to retire indebtedness incurred for school construction projects incurred on or after January 1, 2000 rather than the current date of January 1, 2003.

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

H352-SMRN-10(e1) v4

*Drupti Chauhan contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 352 (First Edition)

SHORT TITLE: Lottery School Capital Fund Formula.

SPONSOR(S): Representatives Allred and Randleman

FISCAL IMPACT

Yes () No (x) No Estimate Available ()

FY 2009-10 FY 2010-11 FY 2011-12 FY 2012-13 FY 2013-14

REVENUES

Local School Administrative Units

See Assumptions and Methodology

EXPENDITURES

POSITIONS (cumulative):

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Local School Administrative Units, Department of Public

Instruction

EFFECTIVE DATE: Bill becomes effective when it becomes law

BILL SUMMARY: Amends GS 115C-546.2(d) to change the school capital construction distribution formula in the State Lottery Act. Current law allocates 65% of the lottery proceeds deposited in the Public School Building Capital Fund (PSBCF) among all 115 local education agencies (LEAs) based on average daily membership (ADM) as certified annually by the State Board of Education and allocates the remaining 35% to LEAs located in counties with an effective tax rate that is greater than 100% of the state average effective tax rate. This bill allocates 100% of lottery proceeds deposited in the PSBCF among all LEAs based on ADM.

ASSUMPTIONS AND METHODOLOGY: Under GS 18C-164, 40% of the net revenues from the State Education Lottery Fund are allocated to the Public School Building Capital Fund (PSBCF) for school construction. In FY 2009-10, this amount is estimated at \$147,228,083. H352 does not change the amount of lottery revenue earmarked for school construction; this bill changes how those funds are distributed among LEAs.

Current Law

Under current law, 65% of the \$147,228,083, or \$95,698,254 million, of estimated lottery proceeds for school construction would be distributed among all 115 LEAs based on ADM. Allotted ADM for LEAs in FY 2009-10 is currently estimated at 1,426,792; therefore, all LEAs would receive \$67.07 per ADM from this block of funds. The remaining 35%, or \$51,529,829, would be distributed among LEAs located in specified counties with an effective tax rate that is greater than 100% of the state average effective tax rate. In FY 2008-09, the most recent year for which we have this data, 62 LEAs meet this criterion. ADM in eligible LEAs totals 1,025,211; therefore, each eligible LEA would receive an additional \$50.26 per ADM.

Proposed Law

Under this bill, all of the \$147,228,083 of estimated lottery proceeds for school construction would be distributed among all 115 LEAs based on ADM (\$103.19 per ADM).

Table A (see attached) compares the estimated lottery distributions for school construction by LEA under current law and this bill.

SOURCES OF DATA: Department of Public Instruction

TECHNICAL CONSIDERATIONS: The basis for the FY 2009-10 projected public school construction lottery proceeds reflect a consensus estimate between the Office of State Budget and Management, the Lottery Commission and the Fiscal Research Division. This estimate is subject to both the General Assembly's FY 2009-10 appropriations decisions and the actual realization of net lottery proceeds at the level estimated in this analysis. Both issues could impact the actual FY 2009-10 school construction proceeds and result in a distribution different than in Table A.

Additionally, under current law a LEA's eligibility for the 35% funding stream is contingent on multiple factors that are updated later in the year. This analysis uses the data that determined FY 2008-09 LEA eligibility. As such, actual eligibility for certain LEAs in FY 2009-10 may ultimately differ from the projection in Table A.

FY 2009-10 Estimated Lottery Distribution Comparison: Current Law vs. H352

		Estimated Distribution				
			Current Law		T D:44	
		65%	35%	1000	H352	Difference
Í		0076	35%	100%		
LEA#	LEA NAME	to all LEAs	to Eligible LEAs	Total	Total	Total
ı			_	ŀ		10.00
010	Alamance County	1,501,347	-	1,501,347	2,309,765	900 440
020	Alexander County	374,599	-	374.599	576,306	808,418 201,707
	Alleghany County	103,426		103.426	159,116	55,690
040	Anson County	262.119	196.426	458,545	403,259	(55,286)
050	Ashe County	215.570	-	215,570	331,647	116,077
060	Avery County	149,437		149,437	229,903	80,466
070	Beaufort County	481.781		481,781	741,201	259,420
080	Bertie County	195,851	146.767	342,618	301.310	(41,308)
	Bladen County	344.551	258,199	602.750	530.078	(72,672)
100	Brunswick County	790,045		790,045	1.215,454	425,409
	Buncombe County	1.717,924		1.717,924	2,642,959	925,035
	Asheville City	247,832		247.832	381,280	133,448
120	Burke County	928,952	<u> </u>	928,952	1.429,156	500,204
130 132	Cabarrus County	1.886.543	1,413,738	3.300,281	2,902,374	(397,907)
140	Kannapolis City	348,307	261,014	609,321	535,856	(73,465)
150	Caldwell County	872,745	654.018	1,526,763	1,342,685	(184,078)
	Camden County	127,504	95.549	223,053	196,161	(26,892)
170	Carteret County	552,944		552,944	850,683	297,739
	Caswell County Catawba County	209,802	157.222	367,024	322,773	(44,251)
	Hickory City	1.163,973	<u>-</u>	1,163,973	1,790,728	626,755
	Newton-Conover City	298.271		298,271	458.878	160,607
	Chatham County	190.552	- 252 - 75	190,552	293,158	102,606
	Cherokee County	515.853	386.570	902.423	793.620	(108,803)
	Chowan County	237,906 159,968	<u>-</u>	237,906	366,009	128,103
	Clay County	95,444		159,968	246.104	86,136
	Cleveland County	1,100,724	924 962	95.444	146.837	51,393
	Columbus County	456.561	824.860 342.138	1.925.584	1.693.421	(232,163)
	Whiteville City	164.797		798.699	702,402	(96,297)
	Craven County	977,915	123,495	288,292	253,533	(34,759)
	Cumberland County	3.572,540	2,677,190	977.915	1,504,484	526,569
	Currituck County	270,167	2,017.150	6.249,730	5,496,216	(753,514)
	Dare County	328,721		270,167	415,642	145,475
290	Davidson County	1,378,806		328,721 1.378,806	505,725	177,004
_	Lexington City	204,168			2,121,240	742,434
	Thomasville City	171,571		204.168	314,105	109,937
	Davie County	441,738	331.030	171,571 772,768	263,955	92,384
310	Duplin County	589.297	441.608	4 444 444	679.597	(93,171)
320	Durham Public	2.137.394	1.601,720	3.739,114	906,611	(124,294)
	Edgecombe County	485.537	363.851	849,388	3.288,298	(450,816)
340	Forsyth County	3,455,969	2,589,834	6.045.803	746,979	(102,409)
	Franklin County	567.901	425.574	993,475	5.316.875	(728,928)
	Gaston County	2.157,650	1,616.899	3.774,549	873,694	(119,781)
	Gates County	128,511	- 1,070.000	128.511	3.319,461	(455,088)
380	Graham County	78,475		78,475	197,709 120,730	69,198
390 (Granville County	588,157	440,753	1,028,910	904,857	42,255
	Greene County	224,022	167.877	391,899		(124,053)
			.51.511	331,033	344,649	(47,250)

FY 2009-10 Estimated Lottery Distribution Comparison: Current Law vs. H352

		Estimated Distribution				
			Current Law		H352	Difference
		65°°	35%	100%		
LEA#	LEA NAME	to all LEAs	to Eligible LEAs	Total	Total	Total
410	Guilford County	4,767.434	3,572,619	8.340,053	7,334.514	(1,005,539)
420	Halifax County	287.002	215,074	502,076	441,542	(60,534)
421	Roanoke Rapids City	196,522	147,270	343,792	302.341	(41,451)
422	Weldon City	64,591	48,403	112,994	99,370	(13,624)
430	Harnett County	1,266,929	949,411	2,216,340	1,949,122	(267,218)
440	Haywood County	524,506	-	524,506	806,932	282,426
450	Henderson County	896,556		896,556	1,379,317	482,761
460	Hertford County	212,820	159,483	372,303	327,416	(44,887)
	Hoke County	523,634	392,401	916,035	805,590	(110,445)
	Hyde County	41,987	-	41,987	64,596	22,609
490	Iredell County	1,407.848		1,407,848	2,165,920	758,072
491	Mooresville City	363,666	<u> </u>	363,666	559,486	195,820
500	Jackson County	244,546		244,546	376.224	131,678
510	Johnston County	2,150,540	1611,572	3.762,112	3,308,523	(453,589)
520	Jones County	80,487	60,315	140,802	123.826	(16,976)
530	Lee County	647,650	485,336	1.132,986	996.385	(136,601)
540	Lenoir County	624,443	467,945	1.092,388	960.682	(131,706)
550	Lincoln County	803,795	-	803,795	1,236,607	432,812
	Macon County	294,179	-	294,179	452,583	158,404
	Madison County	176,199	406 336	176,199	271,075 403,053	94,876
580 590	Martin County McDowell County	261,985 · 432,684	196,326	458,311 432,684	665,667	(55,258) 232,983
	Mecklenburg County	8,995,808	6,741,278	15,737,086	13,839,704	(1,897,382)
610	Mitchell County	144,675	0,741,270	144,675	222,577	77,902
	Montgomery County	291,228		291,228	448,043	156,815
630	Moore County	823,380	-	823,380	1,266,738	443,358
	Nash-Rocky Mount	1,171.217	877,687	2,048,904	1,801,872	(247,032)
650	New Hanover County	1,614,431	-	1.614,431	2,483.740	869,309
660	Northampton County	171.839	128,773	300,612	264,368	· (36,244)
670	Onslow County	1,585,657	-	1,585,657	2,439,472	853,815
680	Orange County	469,976	352,190	822,166	723.040	(99,126)
681	Chapel Hill-Carrboro	787,429	590,084	1.377,513	1,211.429	(166,084)
	Pamlico County	97.255		97,255	149,623	52,368
	Pasquotank County	408.269	-	408,269	628,107	219,838
	Pender County	550,396		550,396	846,762	296,366
720	Perquimans County	116,303		116,303	. 178,928	62,625
	Person County	354,611	265,739	620,350	545,556	(74,794)
	Pitt County	1,558,291	1,167,752	2,726,043	2,397,371	(328,672)
	Polk County	164,730	-	164,730	253,430	88,700
	Randolph County	1,250,899	-	1,250,899	1,924,460	673,561
	Asheboro City	307,728	204 707	307,728 914,626	473,427 804,352	165,699 (110,274)
770 780	Richmond County Robeson County	522,829 1,569,425	391,797 1 176,096	2,745,521	2,414,501	(331,020)
	Rockingham County	938,610	703,37ñ	1.641,986	1,444,016	(197,970)
	Rowan-Salisbury	1,385.379	1.038,175	2,423,554	2,131,352	(292,202)
	Rutherford County	629.071	1,000,110	. 629,071	967.802	338,731
820	Sampson County	570.249	427,333	997,582	877.306	(120,276)
020	pampson county	370.248	421,333	331,302	1 011.000	1 (120,270)

FY 2009-10 Estimated Lottery Distribution Comparison: Current Law vs. H352

_			Estin	nated Distributio	n	
			Current Law		H352	Difference
		65%	35%	100%		
LEA#	LEA NAME	to all LEAs	to Eligible LEAs	Total	Total	Total
821	Clinton City	208,125	155,965	364,090	320,193	(43,897)
830	Scotland County	444.287	332,940	777,227	683,519	(93,708)
840	Stanly County	626,187	469,252	1.095,439	963,365	(132,074)
850	Stokes County	478,628	358,674	837,302	736,351	(100,951)
860	Surry County	580,779	435,224	1,016,003	893.507	(122,496)
861	Elkin City	81.090	60,768	141,858	124.755	(17,103)
862	Mount Airy City	108,456	81,275	189,731	166.855	(22,876)
870	Swain County	129,986	· -	129,986	199,979	69,993
880	Transylvania County	250,515	- 1	250,515	385,408	134,893
890	Tyrrell County	39,707	29,755	69,462	61,087	(8,375
900	Union County	2,629,235	1,970,296	4.599,531	4,044,977	(554,554
910	Vance County	500,360	374,959	875,319	769.784	(105,535
920	Wake County	9,470,210	7,096,786	16,566,996	14,569.554	(1,997,442
930	Warren County	174.656	-]	174,656	268,702	94,046
940	Washington County	131,596	98,615	230,211	202,455	(27,756
950	Watauga County	297,130	-	297,130	457,124	159,994
960	Wayne County	1,287,520	964,842	2,252,362	1,980.801	(271,561
970	Wilkes County	657.443	492,675	1,150,118	1,011,451	(138,667
980	Wilson County	833,508	624,614	1,458,122	1,282,320	(176,802
990	Yadkin County	400,891	300,420	701,311	616,756	(84,555
995	Yancey County	164,394	- 1	164,394	252,914	88,520

Total Allocation	æ	95 698,258	9	51,529,827	\$	147.228.083	5	147,228,083	
TOTAL ANGUATION	<u> </u>	00,000,200	•	01,020,021	Ψ	147,220,000		141,220,000	
LEAs receiving allocation		115		62		115		115	
Per ADM Allocation		\$67.07		\$50.26				\$103.19	

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Brian Matteson

APPROVED BY: Marilyn Chism, Director

Fiscal Research Division

DATE: March 27, 2009



Signed Copy Located in the NCGA Principal Clerk's Offices

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:					
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.					
Committee Substitute for					
IB 352 A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL CAPITAL					
CONSTRUCTION FORMULA IN THE STATE LOTTERY ACT TO PROVIDE FOR					
DISTRIBUTION OF ALL THE FUNDS BASED ON AVERAGE DAILY MEMBERSHIP.					
(1 ON OOD CALL)					
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on					
· · · · · · · · · · · · · · · · · · ·					
The hill/resolution is re-referred to the Committee on .					

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

Short Title:

Lenoir Fox Trapping.

HOUSE BILL 921

	Sponsors:	Representatives Braxton; and Dockham.
	Referred to:	Wildlife Resources, if favorable, Local Government II.
		April 1, 2009
1		A BILL TO BE ENTITLED
2	AN ACT TO	ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR
3	COUNTY	
4	The General A	Assembly of North Carolina enacts:
5	SI	ECTION 1. Notwithstanding any other provision of law, there is an open season
6		tes with the use of steel jaw or foothold traps from January 15 through February
7	28 of each ye	ar.
8	SI	ECTION 2. No season bag limit applies to foxes taken under this act.
9		ECTION 3. This act applies only to Lenoir County.
10	SI	ECTION 4. This act is effective when it becomes law.



1

(Local)



HOUSE BILL 921: Lenoir Fox Trapping

2009-2010 General Assembly

Committee:

House Local Government II

Introduced by: Rep. Braxton

Analysis of:

PCS to First Edition

H921-CSRL-34

Date:

May 8, 2009

Prepared by:

Steven Rose

Committee Counsel

SUMMARY: The PCS for House Bill 921 establishes a season for the trapping of foxes in Lenoir County.

BILL ANALYSIS: House Bill 921 creates an open season for taking foxes with the use of steel jaw or foothold traps from January 15 through February 28 of each year. No season bag limit applies to foxes taken under this act. The PCS adds a provision that the NC Wildlife Commission shall provide for the sale of foxes taken lawfully pursuant to the provisions of the bill.

This act applies only to Lenoir County.

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

Susan Sitze, Counsel to House Wildlife Resources, substantially contributed to this summary.

H921-SMRL-60(CSRL-34) v1

D

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 921 PROPOSED COMMITTEE SUBSTITUTE H921-PCS50685-LL-21

Short Title: Lenoir/Johnston Taking of Foxes. (Local)
Sponsors:
Referred to:
April 1, 2009
A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR
COUNTY AND TO AMEND THE LAW ESTABLISHING A SEASON FOR TAKING
FOXES WITH WEAPONS AND BY TRAPPING IN JOHNSTON COUNTY.
The General Assembly of North Carolina enacts:
SECTION 1.(a) Notwithstanding any other provision of law, there is an open
season for taking foxes with the use of steel jaw or foothold traps from January 15 through
February 28 of each year.
SECTION 1.(b) No season bag limit applies to foxes taken under this section.
SECTION 1.(c) The North Carolina Wildlife Resources Commission shall provide for the sale of foxes taken lawfully pursuant to this act.
SECTION 2. Section 1 of S.L. 2007-47 reads as rewritten:
"SECTION 1. Notwithstanding any other provision of law, there is an open season from
December 1 through February 20 of each year for taking foxes with weapons and by trapping,
trapping during the season set by the Wildlife Resources Commission each year, with no
tagging requirements prior to or after sale."
SECTION 3. Section 1 of this act applies only to Lenoir County. Section 2 of this
act applies only to Johnston County.
SECTION 4. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

•	EDITION No
	H. B. No. 921 DATE 5/11/09
	S. B. No Amendment No
	COMMITTEE SUBSTITUTE (to be filled in by Principal Clerk)
	(Rep.) Vaddoo Sam
	Sen.)
1	moves to amend the bill on page, line5 9-10
2	/ NULICH CHANGES THE TITLE
3	by Inserting the following between those lines:
4	
5	"SECTION 1. (c) The North Carolina Wildlife
6	Commission shall provide for the sale of
7	Commission shall provide for the sale of taxes taken lawfully pursuant to this act.".
3	, , , , , , , , , , , , , , , , , , ,
9	
10	
	•
	•
13	,
	<u> </u>
19	SI
	SIGNED
	ADOPTEDTABLEDTABLED

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 921 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE
TRAPPING OF FOXES IN LENOIR COUNTY.
With a favorable report as to the committee substitute bill, which changes the title,
unfavorable as to the original bill.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No)
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No)

H

HOUSE BILL 1018

Short Title:	Delay Alamance County Revaluation.	(Local)
Sponsors:	Representative Allred.	
Referred to:	Local Government II, if favorable, Finance.	
	April 2, 2009	
REAL PRIMMEDI REAPPR The General A SI "§ 105-286. (a) Oc subdivision (a) prescribed in	A BILL TO BE ENTITLED REQUIRE ALAMANCE COUNTY TO USE THE APPRAISA ROPERTY DETERMINED IN THE GENERAL REAPPRAISA ATELY PRECEDING THE MOST RECENTLY CONDUC AISAL. Assembly of North Carolina enacts: ECTION 1. This act applies only to Alamance County. ECTION 2. G.S. 105-286 reads as rewritten: (Effective until July 1, 2009) Time for general reappraisal of the countil Plan. — Unless the date shall be advanced—change a)(2),(a)(2) or (a)(3) below, each county of the State, as of Jan the schedule set out in subdivision (a)(1), below, and every eighties all real property in accordance with the provisions of	f real property. ed_as provided in huary 1 of the year thereafter, G.S. 105-283 and rokee, Cleveland, hery, Northampton, hery, Northampton, hery, Pamlico, Pitt, anklin, Henderson,
	Catawba, Dare, Halifax, Macon, New Hanover, Surry, Tyr Division Five – 1976: Bertie, Caswell, Forsyth, Iredell	теll, and Yadkin. , Jackson, Lincoln,
	Onslow, Person, Perquimans, Rutherford, Union, Vance, Yancey. Division Six – 1977: Alamance, Durham, Edgecom Mitchell, Nash, Polk, Randolph, Stanly, Warren, and Wilk Division Seven – 1978: Alexander, Anson, Beaufo Davie, Duplin, and Granville. Division Eight – 1979: Burke, Chatham, Graham, F McDowell, Mecklenburg, Moore, Pender, Rockingham, S	be, Gates, Martin, es. ort, Clay, Craven, Hertford, Johnston,
(2	Watauga, and Wayne. Advancing Scheduled Octennial Reappraisal. – Any conduct a reappraisal of real property earlier than required	



- (a) may do so upon adoption by the board of county commissioners of a resolution so providing. A copy of any such resolution shall be forwarded promptly to the Department of Revenue. If the scheduled date for reappraisal for any county is advanced as provided herein, real property in that county shall thereafter be reappraised every eighth year following the advanced date unless, in accordance with the provisions of this subdivision (a)(2), an earlier date shall be adopted by resolution of the board of county commissioners, in which event a new schedule of octennial reappraisals shall thereby be established for that county.
- (3) Delaying Scheduled Octennial Reappraisal. Any county that conducted a general reappraisal to be effective in 2009 shall disregard the appraised values generated in that reappraisal and use the appraised values determined in the general reappraisal in effect immediately preceding the 2009 general reappraisal. The county must conduct its next general reappraisal to become effective no later than January 1, 2011.

SECTION 3. G.S. 105-286, as rewritten by Section 1.1 of S.L. 2008-146, reads as rewritten:

"§ 105-286. (Effective July 1, 2009; for applicability, see note) Time for general reappraisal of real property.

- (a) Octennial Cycle. Each county must reappraise all real property in accordance with the provisions of G.S. 105-283 and G.S. 105-317 as of January 1 of the year set out in the following schedule and every eighth year thereafter, unless the county is required to advance change the date under subdivision (2) subdivisions (2) or (2a) of this section or chooses to advance the date under subdivision (3) of this section.
 - (1) Schedule of Initial Reappraisals.

Division One – 1972: Avery, Camden, Cherokee, Cleveland, Cumberland, Guilford, Harnett, Haywood, Lee, Montgomery, Northampton, and Robeson.

Division Two – 1973: Caldwell, Carteret, Columbus, Currituck, Davidson, Gaston, Greene, Hyde, Lenoir, Madison, Orange, Pamlico, Pitt, Richmond, Swain, Transylvania, and Washington.

Division Three – 1974: Ashe, Buncombe, Chowan, Franklin, Henderson, Hoke, Jones, Pasquotank, Rowan, and Stokes.

Division Four – 1975: Alleghany, Bladen, Brunswick, Cabarrus, Catawba, Dare, Halifax, Macon, New Hanover, Surry, Tyrrell, and Yadkin.

Division Five – 1976: Bertie, Caswell, Forsyth, Iredell, Jackson, Lincoln, Onslow, Person, Perquimans, Rutherford, Union, Vance, Wake, Wilson, and Yancey.

Division Six – 1977: Alamance, Durham, Edgecombe, Gates, Martin, Mitchell, Nash, Polk, Randolph, Stanly, Warren, and Wilkes.

Division Seven - 1978: Alexander, Anson, Beaufort, Clay, Craven, Davie, Duplin, and Granville.

Division Eight – 1979: Burke, Chatham, Graham, Hertford, Johnston, McDowell, Mecklenburg, Moore, Pender, Rockingham, Sampson, Scotland, Watauga, and Wayne.

(2) Mandatory Advancement. – A county whose population is 75,000 or greater according to the most recent annual population estimates certified to the Secretary by the State Budget Officer must conduct a reappraisal of real property when the county's sales assessment ratio determined under G.S. 105-289(h) is less than .85 or greater than 1.15, as indicated on the

1.8

 notice the county receives under G.S. 105-284. A reappraisal required under this subdivision must become effective no later than January 1 of the earlier of the following years:

- a. The third year following the year the county received the notice.
- b. The eighth year following the year of the county's last reappraisal.
- (2a) Delayed Reappraisal. Any county that conducted a general reappraisal to be effective in 2009 shall disregard the appraised values generated in that reappraisal and use the appraised values determined in the general reappraisal in effect immediately prior to the 2009 general reappraisal. The county must conduct its next general reappraisal to become effective no later than January 1, 2011.
- Optional Advancement. A county may conduct a reappraisal of real property earlier than required by subdivision (1) or (2) of this subsection if the board of county commissioners adopts a resolution providing for advancement of the reappraisal. The resolution must designate the effective date of the advanced reappraisal and may designate a new reappraisal cycle that is more frequent than the octennial cycle set in subdivision (1) of this subsection. The board of county commissioners must promptly forward a copy of the resolution adopted under this subdivision to the Department of Revenue. A more frequent reappraisal cycle designated in a resolution adopted under this subdivision continues in effect after a mandatory reappraisal required under subdivision (2) of this subsection unless the board of county commissioners adopts another resolution that designates a different date for the county's next reappraisal.

SECTION 4. Section 2 of this act is effective when it becomes law and expires July 1, 2009. Section 3 of this act becomes effective July 1, 2009. The remainder of this act is effective when it becomes law.

House Bill 1018-First Edition

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 1568

Short Title:	Delinquent Tax Notice in Name of Escrow Agent. (Public)
Sponsors:	Representative Allred.
Referred to:	Local Government II, if favorable, Finance.
	April 30, 2009
AGENTS SHOWS S AGENT. The General A	A BILL TO BE ENTITLED PUBLISH DELINQUENT TAX NOTICES IN THE NAME OF ESCROW RATHER THAN PROPERTY OWNERS WHEN A PROPERTY OWNER SUFFICIENT EVIDENCE OF HAVING PAID THE TAXES TO AN ESCROW Assembly of North Carolina enacts: CCTION 1. G.S. 105-369(c) reads as rewritten: Advertisement of tax liens on real property for failure to pay taxes.
subsection do advertise cour publishing ear the taxing un notice of the l more newspar be made during be paid by the collector, the	me and Contents of Advertisement. – A tax collector's failure to comply with this es not affect the validity of the taxes or tax liens. The county tax collector shall not tax liens by posting a notice of the liens at the county courthouse and by the lien at least one time in one or more newspapers having general circulation in it. The municipal tax collector shall advertise municipal tax liens by posting a liens at the city or town hall and by publishing each lien at least one time in one or liens having general circulation in the taxing unit. Advertisements of tax liens shall attain the period March 1 through June 30. The costs of newspaper advertising shall a taxing unit. If the taxes of two or more taxing units are collected by the same tax tax liens of each unit shall be advertised separately unless, under the provisions of or contractual agreement between the taxing units, joint advertisement is
•	d notice and newspaper advertisement shall set forth the following information:
(1)	Repealed by Session Laws 2006-106, s. 2, effective for taxes imposed for taxable years beginning on or after July 1, 2006.
(12	



	General Assemb	ly of North Carolina Session 2009
1	(1b)	After the information required by subdivision (1a) of this subsection for each
2		parcel, a brief description of each parcel of land to which a lien has attached
3		and a statement of the principal amount of the taxes constituting a lien
4	•	against the parcel.
5	(2)	A statement that the amounts advertised will be increased by interest and
6		costs and that the omission of interest and costs from the amounts advertised
7	•	will not constitute waiver of the taxing unit's claim for those items.
8	(3)	In the event the list of tax liens has been divided for purposes of
9		advertisement in more than one newspaper, a statement of the names of all
10		newspapers in which advertisements will appear and the dates on which they
11		will be published.
12	(4)	A statement that the taxing unit may foreclose the tax liens and sell the real
13		property subject to the liens in satisfaction of its claim for taxes."
14	SECT	TION 2. This act is effective July 1, 2009, and applies to tax liens that attach
15	on or after that da	ite.

LOCAL + REG GOV.	House Pages		
Name of Committee :			11-09
Name of Committee			
1. Name:			
County:			_
Sponsor:			
Name:			-
County:		•	- •
•			_
5. Name:	•		_
County:			
Sponsor:			
. Name:			_
County:			
Sponsor:			
Name:			- -
Sponsor:			
υροιώσι	Sgr-At-Arms		;
lame: DUSTY /CHO	D 69		
Name: TOUSSANT AV	ENT		

LOCAL GOVERNMENT II

MAY 11, 2009

Name of Committee

Date

NAME	FIRM OR AGENCY AND ADDRESS
Harid N. Howan	NC Realtons
Caman Horly	Electricity of Ne
PAnc Meyer	NCIM
Jim Blackburn	NC ASSOCIATION of Country Commissioners
Joan Adams	Rep Hugh Blackwell's Bic
Jul Scobo IN	peg
David Baker	NCDOR
Benly -	G1C

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

DAY	&	DA	TE:	Wednesday,	May	13,	2009
-----	---	----	-----	------------	-----	-----	------

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1018	Delay Alamance County Revaluation.	Representative Allred
HB 1263	Keep Recordings of Closed Sessions.	Representative Mackey
		Representative Kelly M.
		Alexander, Jr.
HB 1568	Delinquent Tax Notice in Name of Escrow Agent.	Representative Allred

Respectfully, Representative Braxton, Chair

•	
I hereby certify this notice was filed by the committee assistant at the follow 17 o'clock on May 11, 2009.	ing offices a
☐ Principal Clerk ☐ Reading Clerk – House Chamber	
Barbara Hocutt (Committee Assistant)	•

Correction to the CORRECTED NOTICE

HB 476 HAS BEEN ADDED

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, May 13, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1018	Delay Alamance County Revaluation.	Representative Allred
HB 1263	Keep Recordings of Closed Sessions.	Representative Mackey
	•	Representative Kelly M.
	_	Alexander, Jr.
HB 1568	Delinquent Tax Notice in Name of	Representative Allred
•	Escrow Agent.	
HB 476	Faison /ETJ Powers	Representative Bell

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices a	at
9 o'clock on May 12, 2009.	
Principal Clerk	

Barbara Hocutt (Committee Assistant)

Reading Clerk – House Chamber

COMMITTEE ON LOCAL GOVERNMENT II MEETING MAY 13, 2009

AGENDA

I.	CALL TO	ORDER	
II.	WELCOM	E	
III.	BILLS	•	
	HB 1263	Keep Recordings of Closed Session (If Favorable, Judiciary I)	Macky & Alexander
	HB 1018	Delay Alamance County Revaluation (If favorable, Finance)	Allred
	HB 1568	Delinquent Tax Notice in Name of Escrow Agent (If favorable, Finance)	Allred

COMMITTEE ON LOCAL GOVERNMENT II MEETING MAY 13, 2009

AGENDA

I.	CALL TO	ORDER	
п.	WELCOM	TE	
m.	BILLS	•	
	HB 1263	Keep Recordings of Closed Session (If Favorable, Judiciary I)	Macky & Alexander
	HB 1018	Delay Alamance County Revaluation (If favorable, Finance)	Allred
	HB 1568	Delinquent Tax Notice in Name of Escrow Agent (If favorable, Finance)	Allred
	HB 476	Faison/ETJ Powers (If favorable, Finance)	Bell

COMMITTEE ON LOCAL GOVERNMENT II MINUTES, MAY 13, 2009

The meeting was called to order at 11:05 a.m. by Representative Braxton, Chair. The following members were present: Representatives Stam, Blackwell, Floyd, Stewart, Lucas, Langdon, Warren, Spear, Tucker, Gibson, McElraft, Samuelson, and Braxton. Representative Braxton introduced the Pages from Oak Ridge Military Academy sponsored by Speaker Hackney: Christian Shelton of Guilford County, Ryan McMillan of Wake County, Will Reuther of Philadelphia, PA. And Patrick Paul of Nassau, Bahamas. Marvin Lee, Bob Rossi and Trey Raley served as Sergeants-at-Arms.

Representative Mackey presented House Bill 1263, AN ACT TO REQUIRE THAT LARGER COUNTIES AND MUNICIPALITIES MAKE RECORDINGS OF CLOSED SESSIONS. After extended discussion, Rep. Mackey asked that the bill be displaced.

House Bill 476, AN ACT REPEALING THE AUTHORITY OF THE TOWN OF FAISON TO EXERCISE THE POWER OF EXTRATERRITORIAL JURISDICTION BEYOND ONE MILE OF THE TOWN'S CORPORATE LIMITS, by Representative Bell. Woody Brinson, representing the town of Faison, suggested putting the matter in a study committee. Rick Moorefield, Sampson County Manager, spoke in favor of the bill. Representative Floyd moved a favorable report, and the motion failed on a vote by show of hands 4 to 8.

Representative Allred presented House Bill 1018, AN ACT TO REQUIRE ALAMANCE COUNTY TO USE THE APPRAISED VALUE OF REAL PROPERTY DETERMINED IN THE GENERAL REAPPRAISAL CONDUCTED IMMEDIATELY PRECEDING THE MOST RECENTLY CONDUCTED GENERAL REAPPRAISAL. Representative Stam moved to amend the bill which changed the title. The motion was accepted. Since there is a constitutional question about the bill, Representative Stam said he could not vote for it. David Baker of the Department of Revenue furnished more information on the process the state requires in revaluing property. Representative Gibson moved that the Proposed Committee Substitute which changes the title be reported without prejudice and rereferred to the Committee on Finance. The motion carried.

House Bill 1568 was also sponsored by Representative Allred. House Bill 1568 is AN ACT TO PUBLISH DELINQUENT TAX NOTICES IN THE NAME OF ESCROW AGENTS RATHER THAN PROPERTY OWNERS WHEN A PROPERTY OWNER SHOWS SUFFICIENT EVIDENCE OF HAVING PAID THE TAXES TO AN ESCROW AGENT. Representative Lucas moved a favorable report and referral to the Committee on Finance. The motion was accepted.

The meeting was adjourned at 11:52 a.m. by the Representative Braxton.

Representative R. Van Braxton Chairman

Barbara Hocutt, Committee Assistant

Barbara Woutt

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

H

HOUSE BILL 1263

Short Title:	Keep Recordings of Closed Sessions.	(Public)
Sponsors:	Representatives Mackey, K. Alexander (Primary Sponsors); Farmer-Butterfield, Luebke, Starnes, Weiss, and Wray.	Faison,
Referred to:	Local Government II, if favorable, Judiciary I.	

April 9, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT LARGER COUNTIES AND MUNICIPALITIES MAKE RECORDINGS OF CLOSED SESSIONS.

The General Assembly of North Carolina enacts:

4 5 6

7

8

9

10

11

12

13 14

15

16

17

18

19

20

22

3

SECTION 1. G.S. 143-318.10(e) reads as rewritten:

Every public body shall keep full and accurate minutes of all official meetings. including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. When a public body meets in closed session, it shall make a sound or video and sound recording of that session, which may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session; provided, this sentence applies only to municipalities with a population of 50,000 or more according to the most recent decennial federal census and to counties with a population of 50,000 or more according to the most recent decennial federal census."

21

SECTION 2. This act becomes effective July 1, 2009.



1



HOUSE BILL 1263: Keep Recordings of Closed Sessions

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

· Date:

May 5, 2009

Judiciary I

Introduced by: Reps. Mackey, K. Alexander

Prepared by: R. Erika Churchill

Analysis of:

First Edition

Committee Counsel

SUMMARY: House Bill 1263 requires all counties and cities with a population of 50,000 or more according to the last decennial census to record all closed session meetings, either through audio or video.

CURRENT LAW: Article 33 of Chapter 143 governs meetings of public bodies in North Carolina. That article clearly states that each official meeting of a public body shall be open to the public, and any person is entitled to attend that meeting: G.S. 143-318.10.

A "public body" is defined to be any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function.

official meetings are meetings, assemblies, or gatherings at any time or place, or the simultaneous communication by conference telephone or other electronic means, of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction of the public body.

Public bodies are permitted to enter into "closed session" only for the following reasons:

- > To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- > To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar
- > To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
- > To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.
- > To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating any of the following:
 - o The price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.
 - o The amount of compensation and other material terms of an employment contract or proposed employment contract.
- > To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee

House Bill 1263

Page 2

- or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.
- > To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- > To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- > To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

General policy matters are not to be discussed in a closed session. Final actions are to be taken in an open meeting. G.S. 143-318.11. A general account of closed sessions is to be kept, so that a person not in attendance would have a reasonable understanding of what transpired. Those general accounts may be written, video recording or audio recording. The account may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

BILL ANALYSIS: House Bill 1263 would require counties and cities with a population of 50,000 or more according to the last decennial census to make a video or sound recording of the closed session. That recording could be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

EFFECTIVE DATE: Effective July 1, 2009.

BACKGROUND: According to the 2000 Census, 46 counties and 15 cities have a population of 50,000 people or greater.

- ➤ <u>COUNTIES</u>: Alamance, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Catawba, Cleveland, Columbus, Craven, Cumberland, Davidson, Durham, Edgecombe, Forsyth, Gaston, Guilford, Halifax, Harnett, Haywood, Henderson, Iredell, Johnston, Lenoir, Lincoln, Mecklenburg, Moore, Nash, New Hanover, Onslow, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, Rutherford, Sampson, Stanly, Surry, Union, Wake, Wayne, Wilkes, Wilson
- ➤ <u>CITIES</u>: Asheville, Cary, Charlotte, Concord, Durham, Fayetteville, Gastonia, Greensboro, Greenville, High Point, Jacksonville, Raleigh, Rocky Mount, Wilmington, Winston-Salem

According the Office of State Budget and Management, State Data Center, the July 2008 population estimates indicate that the Counties of Chatham, Duplin, Franklin, Granville, Lee, and Pender are also now above 50,000 in population. The Town of Chapel Hill is also above 50,000 in population.

H1263-SMST-26(e1) v2 `

1 2

HOUSE BILL 1018



- (a) may do so upon adoption by the board of county commissioners of a resolution so providing. A copy of any such resolution shall be forwarded promptly to the Department of Revenue. If the scheduled date for reappraisal for any county is advanced as provided herein, real property in that county shall thereafter be reappraised every eighth year following the advanced date unless, in accordance with the provisions of this subdivision (a)(2), an earlier date shall be adopted by resolution of the board of county commissioners, in which event a new schedule of octennial reappraisals shall thereby be established for that county.
- (3) Delaying Scheduled Octennial Reappraisal. Any county that conducted a general reappraisal to be effective in 2009 shall disregard the appraised values generated in that reappraisal and use the appraised values determined in the general reappraisal in effect immediately preceding the 2009 general reappraisal. The county must conduct its next general reappraisal to become effective no later than January 1, 2011.

SECTION 3. G.S. 105-286, as rewritten by Section 1.1 of S.L. 2008-146, reads as rewritten:

"§ 105-286. (Effective July 1, 2009; for applicability, see note) Time for general reappraisal of real property.

- (a) Octennial Cycle. Each county must reappraise all real property in accordance with the provisions of G.S. 105-283 and G.S. 105-317 as of January 1 of the year set out in the following schedule and every eighth year thereafter, unless the county is required to advance change the date under subdivision (2) subdivisions (2) or (2a) of this section or chooses to advance the date under subdivision (3) of this section.
 - (1) Schedule of Initial Reappraisals.

Division One – 1972: Avery, Camden, Cherokee, Cleveland, Cumberland, Guilford, Harnett, Haywood, Lee, Montgomery, Northampton, and Robeson.

Division Two – 1973: Caldwell, Carteret, Columbus, Currituck, Davidson, Gaston, Greene, Hyde, Lenoir, Madison, Orange, Pamlico, Pitt, Richmond, Swain, Transylvania, and Washington.

Division Three – 1974: Ashe, Buncombe, Chowan, Franklin, Henderson, Hoke, Jones, Pasquotank, Rowan, and Stokes.

Division Four – 1975: Alleghany, Bladen, Brunswick, Cabarrus, Catawba, Dare, Halifax, Macon, New Hanover, Surry, Tyrrell, and Yadkin.

Division Five – 1976: Bertie, Caswell, Forsyth, Iredell, Jackson, Lincoln, Onslow, Person, Perquimans, Rutherford, Union, Vance, Wake, Wilson, and Yancey.

Division Six – 1977: Alamance, Durham, Edgecombe, Gates, Martin, Mitchell, Nash, Polk, Randolph, Stanly, Warren, and Wilkes.

Division Seven – 1978: Alexander, Anson, Beaufort, Clay, Craven, Davie, Duplin, and Granville.

Division Eight – 1979: Burke, Chatham, Graham, Hertford, Johnston, McDowell, Mecklenburg, Moore, Pender, Rockingham, Sampson, Scotland, Watauga, and Wayne.

(2) Mandatory Advancement. – A county whose population is 75,000 or greater according to the most recent annual population estimates certified to the Secretary by the State Budget Officer must conduct a reappraisal of real property when the county's sales assessment ratio determined under G.S. 105-289(h) is less than .85 or greater than 1.15, as indicated on the

notice the county receives under G.S. 105-284. A reappraisal required under this subdivision must become effective no later than January 1 of the earlier of the following years:

- a. The third year following the year the county received the notice.
- b. The eighth year following the year of the county's last reappraisal.
- (2a) Delayed Reappraisal. Any county that conducted a general reappraisal to be effective in 2009 shall disregard the appraised values generated in that reappraisal and use the appraised values determined in the general reappraisal in effect immediately prior to the 2009 general reappraisal. The county must conduct its next general reappraisal to become effective no later than January 1, 2011.
- Optional Advancement. A county may conduct a reappraisal of real property earlier than required by subdivision (1) or (2) of this subsection if the board of county commissioners adopts a resolution providing for advancement of the reappraisal. The resolution must designate the effective date of the advanced reappraisal and may designate a new reappraisal cycle that is more frequent than the octennial cycle set in subdivision (1) of this subsection. The board of county commissioners must promptly forward a copy of the resolution adopted under this subdivision to the Department of Revenue. A more frequent reappraisal cycle designated in a resolution adopted under this subdivision continues in effect after a mandatory reappraisal required under subdivision (2) of this subsection unless the board of county commissioners adopts another resolution that designates a different date for the county's next reappraisal.

 SECTION 4. Section 2 of this act is effective when it becomes law and expires July 1, 2009. Section 3 of this act becomes effective July 1, 2009. The remainder of this act is effective when it becomes law.



HOUSE BILL 1018: Delay Alamance County Revaluation

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

May 5, 2009

Finance

Introduced by: Rep. Allred

Prepared by: Martha Walston

Analysis of:

First Edition

Committee Counsel

SUMMARY: HB 1018 would require a county that conducted a general reappraisal of real property, effective for 2009, to disregard the appraised values for 2009, and to use the appraised values determined in the general reappraisal in effect immediately preceding the 2009 general reappraisal. The county must conduct its next general reappraisal no later than January 1, 2011.

The bill is a local bill applying only to Alamance County.

CURRENT LAW: Under G.S. 105-286, counties are required to reappraise real property at least once every eight years. Counties are allowed to advance the octennial schedule by adopting a shorter cycle, such as every four or six years. Each year, the Department of Revenue studies property values in every county and compares the value of the parcels as a function of their sales price with the value of the parcels as indicated by their assessed tax value. The Department notifies each county of the resulting sales assessment ratio on April 15 of the year following the study.

1 2008, the General Assembly enacted legislation, effective July 1, 2009, requiring a county with a opulation of 75,000 or greater to advance its octennial reappraisal schedule if its sales assessment ratio drops below .85 or becomes greater than 1.15 in the previous year. This change would occur when the assessed value differs from the sales price of the property by more than 15%. A county required to conduct a new reappraisal under this recent legislation must implement the new values by January 1 of the third year following the year the notification of the triggering sales assessment ratio was made. The legislation retains the octennial reappraisal schedule for all other counties.

BILL ANALYSIS: Alamance County conducted their 8-year revaluation effective 2009. House Bill 1018 would require Alamance County disregard the appraised values in the 2009 general reappraisal and to use the appraised values determined in the 2001 general reappraisal. Alamance County must conduct its next general reappraisal effective no later than January 1, 2011.

EFFECTIVE DATE: When it becomes law.

BACKGROUND: Currently 40 counties have chosen to advance the octennial general reappraisal schedule to a 4-year schedule, three counties have adopted a five-year schedule, and seven counties have adopted a six-year schedule.

Article V, Section 2 of the North Carolina Constitution requires that property be taxed by uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other unit of local government. An argument could be made that a local bill allowing a county to delay a general reappraisal beyond the octennial schedule violates the North Carolina Constitution.

H1018-SMLA-29(e1) v1

[.]S. 105-287 allows reappraisals of real property in a year other than a general reappraisal year if the value of the property has changed for some reason other than economic conditions. Examples are: a clerical or mathematical error in the general reappraisal of the property, rezoning of the property, an addition has been made to the property, or the property has been damaged by fire.

· 2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1018 A BILL TO BE ENTITLED AN ACT TO REQUIRE ALAMANCE
COUNTY TO USE THE APPRAISED VALUE OF REAL PROPERTY DETERMINED IN
THE GENERAL REAPPRAISAL CONDUCTED IMMEDIATELY PRECEDING THE MOST
RECENTLY CONDUCTED GENERAL REAPPRAISAL.
Without prejudice as to the committee substitute bill, which changes the title, unfavorable as
to the original bill, and recommendation that the committee substitute bill be re-referred to the
Committee on FINANCE.
TON TOTAL TON ON THE
(FOR JOURNAL USE ONLY)
D ==
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
is placed on the Omavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

H

HOUSE BILL 1568

				m 111 \
•	Short Title:	Delinque	nt Tax Notice in Name of Escrow Agent.	(Public)
	Sponsors:	Represer	tative Allred.	
	Referred to:	Local Go	vernment II, if favorable, Finance.	
			April 30, 2009	
1			A BILL TO BE ENTITLED	
2	AN ACT TO) PUBLIS	H DELINQUENT TAX NOTICES IN THE NA	ME OF ESCROW
3			R THAN PROPERTY OWNERS WHEN A PR	
4	SHOWS	SUFFICIE	NT EVIDENCE OF HAVING PAID THE TAXES	TO AN ESCROW
5 ·	AGENT.			·
6	The General A	Assembly	of North Carolina enacts:	
7			. G.S. 105-369(c) reads as rewritten:	
8	"§ 105-369.	Advertise	ment of tax liens on real property for failure to pa	ay taxes.
9	•••			
10			ontents of Advertisement. – A tax collector's failure	
11			ect the validity of the taxes or tax liens. The count	~
12			ens by posting a notice of the liens at the county	
13			least one time in one or more newspapers having g	
14	the taxing unit. The municipal tax collector shall advertise municipal tax liens by posting a			
15 16 -	notice of the liens at the city or town hall and by publishing each lien at least one time in one or			
10 · 17	more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period March 1 through June 30. The costs of newspaper advertising shall			
18			it. If the taxes of two or more taxing units are colle	
19	-	_	f each unit shall be advertised separately unless, un	-
20			actual agreement between the taxing units, join	-
21	permitted.	. 01 001111	actual agreement octwood the taxing aims, join	it advortisoment is
22	•	d notice ar	nd newspaper advertisement shall set forth the follow	ving information:
23	(1		aled by Session Laws 2006-106, s. 2, effective fo	•
24			le years beginning on or after July 1, 2006.	•
25	(1:		name of the record owner as of the date the taxes be	came delinquent for
26	•	•	parcel on which the taxing unit has a lien for	-
27		alpha	betical order. The notice and advertisement shall b	e in the name of the
28		escro	w agent instead of the name of the record owner if	all of the following
29		<u>cond</u>	tions are satisfied prior to the time the tax collector	posts the notice and
30		<u>publi</u>	shes the newspaper advertisement:	
31		<u>a.</u>	The record owner remitted to an escrow agent ar	amount equal to or
32		_	greater than the amount of the delinquent taxes.	
33		<u>b.</u>	The escrow agent failed to remit payment for the	taxes of the record
34			owner to the tax collector.	001
35		<u>c.</u>	The record owner provides to the tax collector su	itticient evidence of
36			sub-subdivision a. of this subdivision.	



Gen	eral Asseml	bly of North Carolina Sess	sion 2009
1	(1b)	After the information required by subdivision (1a) of this subsection	n for each
2	` '	parcel, a brief description of each parcel of land to which a lien has	
3		and a statement of the principal amount of the taxes constituti	ng a lien
4		against the parcel.	•
5	(2)	A statement that the amounts advertised will be increased by int	erest and
6		costs and that the omission of interest and costs from the amounts a	
7		will not constitute waiver of the taxing unit's claim for those items.	
8	(3)	In the event the list of tax liens has been divided for pur	poses of
9		advertisement in more than one newspaper, a statement of the nar	_
0		newspapers in which advertisements will appear and the dates on w	hich they
1		will be published.	-
2	(4)	A statement that the taxing unit may foreclose the tax liens and se	ll the real
3		property subject to the liens in satisfaction of its claim for taxes."	
4	SEC	TION 2. This act is effective July 1, 2009, and applies to tax liens t	hat attach

SECTION 2. This act is effective July 1, 2009, and applies to tax liens that attach on or after that date.

15

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 476

1

Short Title: (Local) Faison/ETJ Powers. Representative Bell. Sponsors: Referred to: Local Government II, if favorable, Finance. March 9, 2009 A BILL TO BE ENTITLED 1 2 AN ACT REPEALING THE AUTHORITY OF THE TOWN OF FAISON TO EXERCISE THE POWER OF EXTRATERRITORIAL JURISDICTION BEYOND ONE MILE OF 3 THE TOWN'S CORPORATE LIMITS. The General Assembly of North Carolina enacts: 5 SECTION 1. Section 2 of Chapter 596 of the 1991 Session Laws is repealed. 6 SECTION 2. Nothing in this act shall be construed to prohibit the Town of Faison 7 from exercising the power of extraterritorial jurisdiction within a defined area extending not 8 more than one mile beyond the Town's corporate limits as authorized by G.S. 160A-360(a). 9 **SECTION 3.** This act is effective when it becomes law. 10





HOUSE BILL 476: Faison/ETJ Powers

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

March 25, 2009

Finance

First Edition

Rep. Bell Introduced by:

Analysis of:

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 476 would repeal the Town of Faison's authority to exercise the power of extraterritorial jurisdiction beyond one mile of the Town's corporate limits.

CURRENT LAW: The General Statutes allow municipalities to regulate land-use within an area onemile beyond their municipal boundaries, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance.

With the approval of the county commissioners, a city with a population between 10,000 and 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits. G.S. 160A-360(a).

"ILL ANALYSIS: In 1991, the North Carolina General Assembly extended the Town of Faison's traterritorial jurisdiction to include a specific area near State Highway 403 West and Interstate 40. House Bill 476 repeals the Town of Faison's authority to exercise extraterritorial jurisdiction in this area. The act does not prohibit the Town from otherwise exercising its extraterritorial jurisdiction within one mile beyond its corporate limits (as is allowed for all municipalities under current law).

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

BACKGROUND: Sampson County has purchased 260 acres and wants to build an industrial park in the area in question. The land is currently zoned as commercial. House Bill 476 will allow Sampson County to rezone it as industrial.

H476-SMRN-12(e1) v6

House Pages

<u>Flouse Fazes</u>	
LOCAL 6004 5/13	109
Name of Committee : Date:	
1. Name: Christian Shetten	
County: Guilford	
Sponsor: Jee Hackney	
2. Name: Ryan McMillan	
County: Wake	
Sponsor: See Hackney	
, Name: Patrick Paul	
County: Nassau, Baronas	
Sponsor DE HACKNEY	
4. Name: Will Reuther	•
County: Philadelphia	•
Sponsor: Hackney	
5. Name:	
County:	
Sponsor:	
Sgr-At-Arms	
ame: MARUIN LEE	
2. Name: Bob Ross 1	
3. Name: 184 Rq Rq	
j	

LOCAL GOVERNMENT II	MAY 13, 2009
Name of Committee	Date

NAME	FIRM OR AGENCY AND ADDRESS
Elmu Flake	Town of Faison, No
Bill Dave.	k . % 10
Woody Brinson	PO BOX34 Kenausville NC
JANE Cole	POBOXSY Kenansville NC -Forsyta Co. Gratt 201 N. Chestant St. Wasta - Sel-
MalDerson	
Douglewis	1575 HARVEY CEWIS RD. 28341
Midulle Frazier	WE42

LOCAL GOVERNMENT II

MAY 13, 2009

Name of Committee

Date

NAME	FIRM OR AGENCY AND ADDRESS
Mia Boiley	Electricities of Nc. Inc.
Barry Smith	Fredom Neuspase
Pick Baunos	054
Chris Halls	KxL B.T.LS
BRUCE THOMEON	PARKOR POB
Da	EcotN
Tud Bagette	
Gene Causty	Ne (C1
Bill Lunis	Margaret Re Facion
Canel Lewis	Marcast AD. Fairon
Benton Cargo	NCA

LOCAL	GOVERNMENT	II

MAY 13, 2009

Name of Committee

Date

NAME	FIRM OR AGENCY AND ADDRESS
DAVID MICKEY	
Frances Parks	
Bill Rowe	NC Justice Center
Jane Short	Sampson Caenty- Frisa- Ross
Becky T. JAckson	·
Pat Dense	
anne Jaylor	
Jane Hollingmort	L Fairer Town Commencieres
STEWART PRELY	ME Southern Produce DIST INC
Lisa Moorefield	
Rick Moseches	ld Sampson G. Managen
	l

Name of Committee	May 13, 2009 Date		
VISITORS: PLEASE SIGN	IN BELOW AND RETURN TO COMMITTEE CLERK		
NAME	FIRM OR AGENCY AND ADDRESS		
ManayShompson	wegerhaeuser		
Cam Circu	BPMHZ		
	•		

COMMITTEE ON LOCAL GOVERNMENT II

AGENDA MAY 20, 2009

I.	Call to Or	der	
II.	Introducti	ons	
III.	Bills		
	SB 53	Extend Burgaw ETJ (If favorable, Finance)	Soles
	SB 315	Southport Annexation Agreement (If favorable, Finance)	Soles
	SB 79	Chowan/Delinquent Tax-Deny Building Permit (If favorable, Finance)	Jones
	SB 91	Pine Knoll Shores Corporate Limits (If favorable, Finance)	Preston
	SB 173	Wilmington ETJ Authority Restored (no re-referral)	Boseman
IV.	Adjournm	ent	·

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND PHASE SPONSOR NOTIFICATION

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, May 20, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 53	Extend Burgaw ETJ.	Senator Soles, Jr.
SB 79	Chowan/Delinquent Tax - Deny	Senator Jones
	Building Permit.	•
SB 91	Pine Knoll Shores Corporate Limits.	Senator Preston
SB 173	Wilmington ETJ Authority Restored.	Senator Boseman
SB 315	Southport Annexation Agreement.	Senator Soles, Jr.

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by	the committee	assistant at t	the following	offices at
11 o'clock on May 15, 2009.	•		7	

Principal Clerk	
Reading Clerk – House Cha	amber

Barbara Hocutt (Committee Assistant)

COMMITTEE ON LOCAL GOVERNMENT II

AGENDA MAY 20, 2009

	*		
I.	Call to Order		
II.	Introducti	ons	
III.	Bills		
	SB 53	Extend Burgaw ETJ (If favorable, Finance)	Soles
	SB 315	Southport Annexation Agreement (If favorable, Finance)	Soles
	SB 79	Chowan/Delinquent Tax-Deny Building Permit (If favorable, Finance)	Jones
	SB 91	Pine Knoll Shores Corporate Limits (If favorable, Finance)	Preston
	SB 173	Wilmington ETJ Authority Restored (no re-referral)	Bosemar
IV.	Adjournme	ent	

COMMITTEE ON LOCAL GOVERNMENT II May 20, 2009 Minutes

The Chair, Representative Braxton, called the meeting of the Committee on Local Government II to order at 11:02 a.m. The following members were present: Representatives Braxton, Lucas, Stewart, Gibson, Samuelson, Warren, Stewart, Floyd, Guice, Langdon, Stam, Wiley, McElraft, and Blackwell. The Pages introduced were: Travis Newton of Wake County sponsored by Speaker Hackney, Shelby Heller of Harnett County sponsored by Representative Lewis and Timothy Coster of Wake County sponsored by Representative Lewis. Serving as Sergeants at Arms were Marvin Lee, Bob Rossi and Charles Williams.

Senator Jones presented SB 79, AN ACT PROVIDING THAT CHOWAN COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER. Representative Stam moved a favorable report and re-referral to the Committee on Finance. The motion passed by a voice vote.

Senator Boseman presented SB 173, AN ACT TO ALLOW THE CITY OF WILMINGTON TO EXERCISE EXTRATERRITORIAL PLANNING AND ZONING WITHIN NEW HANOVER COUNTY. Representative Lucas moved to hear the Proposed Committee Substitute to SB 173. After some discussion, Senator Boseman decided to displace the bill from the agenda.

SB 91 was presented by Senator Preston. It is AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINE KNOLL SHORES. Representative McElraft moved a favorable report with a re-referral to the Committee on Finance. By a voice vote the motion was passed.

SB 315 sponsored by Senator Soles was presented by Representative Stiller. It is AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION AGREEMENT. Representative Lucas moved a favorable report with a re-referral to the Committee on Finance. The ayes have the majority and the motion passed.

In the absence of Senator Soles, Representative Hughes spoke for SB 53, AN ACT ALLOWING THE TOWN OF BURGAW TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS. Representative Spear moved a favorable report and re-referral to the Committee on Finance. The motion passed by voice vote.

The meeting was/adjourned by the Chair, Representative Braxton at 11:35 a.m.

Representative R. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

Barbera Docutt

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

1

2 3

4

5

6

7

8 9

10

11

SENATE BILL 53

Short Title: Extend Burgaw ETJ. (Local) Sponsors: Senator Soles. Referred to: Finance. February 4, 2009 A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BURGAW TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS. The General Assembly of North Carolina enacts: SECTION 1. Notwithstanding the population provisions in G.S. 160A-360(a), the Town of Burgaw may exercise the extraterritorial jurisdiction powers granted in Article 19 of Chapter 160A of the General Statutes within a defined area extending not more than two miles beyond its corporate limits. Except as otherwise provided by this act, the extension of extraterritorial jurisdiction by the Town of Burgaw is subject to the provisions of G.S. 160A-360.

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



1



SENATE BILL 53: Extend Burgaw ETJ

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

May 18, 2009

Finance

Introduced by: Sen. Soles

Prepared by: Bill Patterson

First Edition Analysis of:

Committee Counsel

SUMMARY: Senate Bill 53 would authorize the Town of Burgaw to exercise extraterritorial jurisdiction over an area extending two miles from its limits.

[As introduced, this bill was identical to H968, as introduced by Rep. Hughes, which is currently in House Local Government I, if favorable, Finance.]

CURRENT LAW: Municipalities have the statutory authority to regulate land-use within their corporate limits and within an area one-mile beyond their municipal boundaries, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance.

Counties have authority to regulate land-use only over the parts of the county not subject to city planning. However, if a city does not adopt an ordinance specifying the boundaries of its ETJ, then the county may exercise its planning jurisdiction over an area even if the area is within one mile of a municipality's corporate boundaries. If the county is already enforcing planning regulations, zoning regulations, and the State building code in that one-mile area, then a municipality may only exercise its ETJ authority in the one-mile area with the county's permission.

With the approval of the county commissioners, a city with a population between 10,000 and 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits.

BILL ANALYSIS: In 2000, the population of Burgaw was approximately 3,300. Under current law, the size of the town prohibits the county commissioners from extending the town ETJ beyond the onemile radius. Senate Bill 53 would authorize the Town of Burgaw to exercise extraterritorial jurisdiction over an area extending two miles from its limits.

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

BACKGROUND: The population of the Town of Burgaw has increased by 30% since 2005. In an effort to insure consistency among the development, the Town of Burgaw Board of Commissioners voted in April 2008 to request an expansion of the ETJ. Prior to the vote, the Town informed all effected property owners in the proposed ETJ area, and held a public hearing to discuss the ETJ expansion.

In August of 2008, the Pender County Board of Commissioners approved the Town's request to expand the ETJ up to 2 miles outside the current corporate limits.

The additional ETJ would include strategic growth areas of the Town including Exit 398 of Interstate 40, the NC 53 East corridor, and the US 117 North corridor.

Heather Fennell, counsel to Senate Finance Committee, substantially contributed to this summary.

S53-SMTG-58(e1) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 53 A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BURGAW
TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING
TWO MILES FROM ITS LIMITS.
With a favorable report and recommendation that the bill be re-referred to the Committee on
FINANCE.
·
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

Short Title:

SENATE BILL 79

Chowan/Delinquent Tax - Deny Building Permit.

	Sponsors:	Senator Jones.
	Referred to:	Finance.
	· · · · · · · · · · · · · · · · · · ·	February 5, 2009
1		A BILL TO BE ENTITLED
2	AN ACT PR	OVIDING THAT CHOWAN COUNTY MAY PROHIBIT THE ISSUANCE OF
3	A BUILD	ING PERMIT TO A DELINQUENT TAXPAYER.
4	The General	Assembly of North Carolina enacts:
.5	SI	ECTION 1. Section 3(b) of S.L. 2005-433, as amended by Section 2 of S.L.
6	2006-150 and	Section 1 of S.L. 2007-58, reads as rewritten:
7	"SECTIO	ON 3.(b) This section applies to Chowan, Davie, Gates, Greene, Lenoir, Lincoln,
8	Iredell, Wayr	e, and Yadkin Counties only."
9	· ·	ECTION 2. This act is effective when it becomes law.



1

(Local)



SENATE BILL 79: Chowan/Delinquent Tax - Deny Building Permit

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

May 20, 2009

Finance

Introduced by: Sen. Jones

Prepared by: Brad Krehely

Analysis of:

First Edition

Committee Co-Counsel

SUMMARY: Senate Bill 79 would authorize Chowan County to prohibit issuance of a building permit to a person who owes delinquent property taxes.

[As introduced, this bill was identical to H103, as introduced by Rep. Spear, which is currently in Senate Finance.]

CURRENT LAW: Section 3(a) of S.L. 2005-433 (G.S. 153A-357(c)) authorizes certain counties to prohibit the issuance of a building permit to a person who owes delinquent property taxes on property owned by the person. As originally enacted in 2005, this authorization applied only to Greene, Lenoir, Iredell, Wayne, and Yadkin Counties. Davie and Lincoln Counties were added in 2006 and Gates County was added in 2007.

Section 3(a) of S.L. 2005-433 (G.S. 153A-357(c)) states:

"(c) A county may by ordinance provide that a permit may not be issued under subsection (a) of this ection to a person who owes delinquent property taxes, determined under G.S. 105-360, on property owned by the person. Such ordinance may provide that a building permit may be issued to a person protesting the assessment or collection of property taxes."

BILL ANALYSIS: Senate Bill 79 would add Chowan County to the list of counties that may prohibit the issuance of a building permit to a delinquent taxpayer.

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

BACKGROUND: The companion bill to Senate Bill 79, House Bill 103, received a favorable report in House Local Government II on February 11, 2009. The bill passed 2nd and 3rd Readings in the House of Representatives on March 30, 2009 and is currently in Senate Finance. The 3rd Edition House Bill 103 added the following counties to the bill: Alexander, Anson, Catawba, and Tyrrell.

S79-SMRN-72(e1) v3

George Givens and Judy Collier contributed substantially to the drafting of this summary.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for SB 79 A BILL TO BE ENTITLED AN ACT PROVIDING THAT CHOWAN
COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A
DELINQUENT TAXPAYER.
With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
(PORTOOIR (III COZ CI-Z)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
· ·
The bill/resolution is re-referred to the Committee on

S

1

2 3

4

5 6

SENATE BILL 91

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Short Title:	Pine Knoll Shores Corporate Limits.	(Local)
Sponsors:	Senator Preston.	
Referred to:	Finance.	

February 10, 2009

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINE KNOLL SHORES.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Pine Knoll Shores are extended to include the following described property:

Tract One:

7 Beginning at a point in the mean low water mark of the Atlantic Ocean located at the southeast 8 corner of that certain tract of property conveyed by Mrs. Alice Hoffman to the Trustees of the 9 Diocese of East Carolina recorded in Deed Book 123, Page 259, Carteret County Registry (the 10 property described in said deed being referred to herein as the "Episcopal Church Property"), 11 which point is also the southwestern corner of Lot 10, Pine Knoll Shores Commercial Property 12 as shown on that plat recorded in Map Book 9, Page 49, Carteret County Register of Deeds; 13 from said point of beginning run thence in a southerly direction in a line which is a 14 prolongation of the eastern property line of the Episcopal Church Property for a distance of 15 2500 feet to a point in the Atlantic Ocean; thence in a westwardly direction in the Atlantic 16 Ocean parallel to the mean low water mark of the Atlantic Ocean at a distance of 2500 feet 17 measured perpendicularly from the mean low water mark of the Atlantic Ocean to a point 18 19 which intersects a southerly extension of the existing western boundary line of the corporate limits of the Town of Pine Knoll Shores; thence with said extension of the western boundary 20 line of the corporate limits in a northerly direction a distance of 2500 feet to a point in the low 21 water mark of the Atlantic Ocean; thence in an easterly direction with the low water mark 22 23 approximately 1,706.48 feet to the point and place of beginning.

24

Tract Two: Beginning at a point in the mean low water mark of Bogue Sound which is located at the 25 northeastern point of that certain tract of property conveyed by Mrs. Alice Hoffman to the 26 27 Trustees of the Diocese of East Carolina recorded in Deed Book 123, Page 259, Carteret County Registry (the property described in said deed being referred to herein as the "Episcopal 28 Church Property") and the northwestern point of the Roosevelt property as shown on that plat 29 recorded in Map Book 17, Page 3, Carteret County Registry; from said point of beginning run 30 31 thence in a northerly direction in a line which is a prolongation of the eastern property line of the Episcopal Church Property a distance of 2500 feet to a point in Bogue Sound; run thence in 32 a westwardly direction in Bogue Sound and parallel to the low water mark of Bogue Sound at a 33 distance of 2500 feet measured perpendicularly from the low water mark of Bogue Sound to a 34 35 point which intersects a northerly extension of the existing western boundary line of the corporate limits of the Town of Pine Knoll Shores; thence in a southerly direction with the 36 prolongation of the western boundary line of the corporate limits a distance of 2500 feet to a 37



1

- point in the low water mark of Bogue Sound; thence in an easterly direction along the low water mark of Bogue Sound to the point and place of beginning.
 - **SECTION 2.** This act is effective when it becomes law.



SENATE BILL 91: Pine Knoll Shores Corporate Limits

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

May 18, 2009

Finance

Introduced by: Sen. Preston

Prepared by: Bill Patterson

Analysis of: First Edition Committee Counsel

SUMMARY: Senate Bill 91 would extend the corporate limits of the Town of Pine Knoll Shores a distance of 2500 feet into the Atlantic Ocean and Bogue Sound at the extreme western end of the Town, as specifically described in the bill as Tract 1 and Tract 2.

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

BACKGROUND: When the Town of Pine Knoll Shores was incorporated in 1973, the General Assembly included in the Town's original boundaries an area which extended 2500 feet into both the Atlantic Ocean and Bogue Sound. In 1983, the Board of Commissioners of the Town annexed additional land into the corporate limits; however because the areas adjacent to these properties in the Atlantic Ocean and in Bogue Sound did not meet the urban standards required for annexation under §160A-48, these water areas were not annexed.

The Town is seeking jurisdiction over these areas of Bogue Sound and the Atlantic Ocean in order to exercise zoning and general ordinance jurisdiction. There are some concerns over unregulated wind turbines being built in Bogue Sound. Additionally, the Town wants to control the discharge of firearms in these areas.

On November 12, 2008, the Town of Pine Knoll Shores Board of Commissioners by unanimous vote enacted a Resolution petitioning the North Carolina General Assembly to include in the corporate boundaries of the Town the areas extending 2500 feet both into the Atlantic Ocean and into Bogue Sound adjacent to the 1983 Annexation Properties.

Judy Collier, counsel to Senate Finance Committee, substantially contributed to this summary.

S91-SMTG-59(e1) v3

S.L. 1973-265. Research Division

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 91 A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE
LIMITS OF THE TOWN OF PINE KNOLL SHORES.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

S

SENATE BILL 315 State and Local Government Committee Substitute Adopted 3/18/09

Short Title:	Southport Annexation Agreement. (Local)	
Sponsors:	•	
Referred to:		
	February 26, 2009	
A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION AGREEMENT. The General Assembly of North Carolina enacts:		
any other pu	CCTION 1. Notwithstanding any applicable provision of the General Statutes or blic or local law, the City of Southport is granted certain contract powers as	
(1	To enter into an agreement with Carolina Power and Light Company, a North Carolina corporation doing business as Progress Energy Carolinas, Inc., and with the North Carolina Eastern Municipal Power Agency, a joint agency organized and existing under Chapter 159B of the General Statutes, whereby the City of Southport may provide that certain property more particularly described in the agreement may not be involuntarily annexed by the City prior to January 1, 2073, under the General Statutes as they now exist or may be subsequently amended, except as may be provided in that agreement. The City of Southport shall not seek to repeal this act.	
(2		
(3	Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the governing board of the City of Southport during the full term of such agreement and any extension thereof.	
. (4	The parties to any agreement entered into as provided in subdivision (1) of this section are authorized by this section to modify, amend, and extend such agreement on mutual written consent, without the approval of the General Assembly, provided that any such modification or amendment does not materially alter the concept of the agreement.	
discussed in North Carolina Eas	Section 1 of this act the acquiescence by Carolina Power and Light Company, as a corporation doing business as Progress Energy Carolinas, Inc., and the North tern Municipal Power Agency, a joint agency organized and existing under of the General Statutes in an annexation by the City of Southport of the areas	



provided in that agreement.

SECTION 3. This act is effective when it becomes law and also applies to an agreement dated August 27, 2008, that conforms with this act. That agreement is specifically ratified by the General Assembly.



SENATE BILL 315: Southport Annexation Agreement

2009-2010 General Assembly

Committee: House Local Government II, if favorable.

Date:

May 20, 2009

Finance

Introduced by: Sen. Soles

Prepared by: Brad Krehely

Analysis of:

Second Edition

Committee Co-Counsel

SUMMARY: Senate Bill 315 is a local act that would allow the City of Southport to enter into an annexation agreement.

BILL ANALYSIS: Senate Bill 315 specifically authorizes the City of Southport to enter into an agreement with Progress Energy Carolinas and the North Carolina Eastern Municipal Power Agency. The bill does all of the following:

- Stipulates that certain property described in the agreement may not be involuntarily annexed by the City of Southport before January 1, 2073.
- Provides that any agreement entered into is proprietary and commercial in nature and is consistent with the public policy of the State of North Carolina.
- Provides that any agreement entered into is a continuing agreement and is binding on and enforceable against the governing board of the City of Southport during the full term of the agreement.
- Provides that the parties may modify, amend, or extend the agreement by mutual written consent, without the approval of the General Assembly as long as the modification does not materially alter the concept of the agreement.
- Provides that the City may accept as consideration for the agreement the acquiescence by Progress Energy and NC Eastern Municipal Power in an annexation by the City of an area provided in the agreement.

EFFECTIVE DATE: This act is effective when it becomes law and also applies to an August 27, 2008 agreement which the General Assembly ratifies in this act.

BACKGROUND: The House Local Government II Committee gave a favorable report to this bill's companion bill, House Bill 347, on March 2, 2009. The bill is currently in House Finance and is identical to the Second Edition of Senate Bill 315.

Similar legislation has also been enacted for the following municipalities:

- Town of Fletcher-S.L. 2008-51
- Town of Navassa-S.L. 2007-314
- Town of Weldon-S.L. 2001-425
- Town of Huntersville- S.L. 2000-100

115-SMRN-71(e2) v4

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

	ort(s) from standing committee(s) is/are presented:
By Repres	entative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Sub	stitute for
SB 315 A	BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF
SOUTHPORT TO	ENTER INTO AN ANNEXATION AGREEMENT.
With a favorab	le report and recommendation that the bill be re-referred to the Committee on
(FOR JOURNAL	USE ONLY)
Pursuan	at to Rule 32(a), the bill/resolution is re-referred to the Committee on
aci . 1.11	/www.lustina.is we reformed to the Committee on
The bill	/resolution is re-referred to the Committee on

House Pages

	oușe Pages			
Lo CAL GOV + II	Date:	5-20	0-09	
Name of Committee	_ Date			-
•				
1. Name: Travis Newton	<u> </u>			
County: Wake				
Sponsor: Speaker Huckney		,		
2. Name: Sholby Haler				
County: Harnett		:		
Sponsor: Rop. Lowis	· 			
3. Name: Timothy Custon				
County: Wake				
Sponsor: Darren Jackson.	·		•	
4. Name:				
County:		<u></u>		٠
Sponsor:				
5. Name:		Î		
County:		<u> </u>		
Sponsor:				
	gt-At-Arms			
iame: MARUWLEE			-	
2. Name: BOB ROSSI			_	
Charles WILL				

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

MAY 20, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

. NAME

FIRM OR AGENCY AND ADDRESS

Tation Roule	MALL
week Park	· N/H L L
JA, Reise	NCAEC
KAthy HAWKELS	Progress Enem
Bill Loilkes	DOR
13111 1 1116	
Dovid Baller	DOR
R. Paul Wilms	WGR.
Cody Throns	NC ASON of REALTIPE
EMILY STRADER	MHA-NC
Jeh allen	NM RS
Jum m	JO, M. PA
Drew Sounders	Electricities

VISITOR REGISTRATION SHEET

MAY 20, 2009

LOCAL GOVERNMENT II

Name of Committee	Date	;
•		:
VISITORS: PLEASE SIGN I	IN BELOW AND RETURN TO COMMITTEE (<u>CLERK</u>
NAME	FIRM OR AGENCY AND ADDRESS	•
	TIRM OR AGENCT AND ADDRESS	· -
Mode	BCS	
LANCES BEAN	City of Wilmineston	
	The state of the s	
		!
		,
		·
	·	
_		
•		
	<u>, </u>	

CORRECTED REMOVE SENATE BILLS 222, 251 AND 339 ADD SENATE BILL 564

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, May 27, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 207	Duplin Chair Vote Only if Tie.	Senator Albertson
SB 222	Red Light Cameras in Wilmington.	Senator Boseman
SB 251	Winterville/Public Nuisance Ordinance.	Senator Davis
SB 252	Strengthen Local Emergency	Senator Snow
	Management.	
SB 339	Stallings Occupancy Tax.	Senator Goodall
SB 437	Increase Mecklenburg Force Account Limit.	Senator Goodall
SB 564	Statewide Nuisance Notice Authority	Senator Davis

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the 9 o'clock on May 22, 2009.	ne committee assistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	

Barbara Hocutt (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, May 27, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 207	Duplin Chair Vote Only if Tie.	Senator Albertson
SB 222	Red Light Cameras in Wilmington.	Senator Boseman
SB 251	Winterville/Public Nuisance Ordinance.	Senator Davis
SB 252	Strengthen Local Emergency	Senator Snow
	Management.	
SB 339	Stallings Occupancy Tax.	Senator Goodall
SB 437	Increase Mecklenburg Force Account	Senator Goodall
	Limit.	

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the comming o'clock on May 22, 2009.	ttee assistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	

Barbara Hocutt (Committee Assistant)

LOCAL GOVERNMENT II MAY 27, 2009

AGENDA

I.	Call to Orde	r	
II.	Introduction	L .	
III.	Bills		
	SB 207	Duplin Chair Vote Only If Tie (If favorable, Judiciary III)	Albertsor
	SB 222	Red Light Cameras in Wilmington (If favorable, Finance)	Boseman
	SB 251	Winterville/Public Nuisance (No re-referral)	Davis
	SB 252	Strengthen Local Emergency Management (If favorable, Homeland Security, Milita & Vet. Affairs)	Snów nry
	SB 339	Stallings Occupancy Tax (If favorable, Finance)	Goodall
	SB 437	Increase Mecklenburg Force Account Limit (If favorable, Judiciary II)	Goodall

"audio," and then make your selection – House Chamber, Senate Chamber, Appropriations Committee Room or Press Conference Room.

COMMITTEE ON LOCAL GOVERNMENT II MINUTES May 27, 2009

The Committee on Local Government II was convened by the Chair, Representative R. Van Braxton, at 11:05 a.m. The following members were present: Representatives Langdon, Guice, Tucker, Stam, Samuelson, Stewart, Lucas, Blackwell, Spear, Floyd, and McElraft. Representative Braxton welcomed the Pages: Hillary Mushaka of Wayne County, sponsored by Representative Wainwright and Seth Denlinger of Wayne County sponsored, by Representative Sager. The Chair recognized the Sergeants-at-Arms, Marvin Lee, Bob Rossi and Margaret Parrish. Representative Braxton announced that Senate Bills 207, 222, 251, 339 were pulled from the Agenda.

Representative Samuelson presented SB 437, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG COUNTY, which was sponsored by Senator Goodall. Representative Tucker moved for a favorable report which was accepted. The Chair recognized the 4th grade class of Eastover Elementary School, the Alma Mater of Representative Samuelson.

Senator Snow presented Senate Bill 252, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, which he sponsored. Representative Stewart moved a favorable report. After some discussion about the whether it would be better for Senator Snow to defer his bill to the House version which passed the House on April 1st and was earlier that Senator Snow's which passed the Senate on May 6. Representative Tucker opined that Senator Snow would have better use for the bill later on. Doug Hoell, Director of the North Carolina Emergency Management, found no difficulty in displacing Senate Bill 252 at this time. Representative Stewart withdrew his motion. The bill was displaced at this time.

The Committee addressed Senate Bill 564, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL MINICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES. Representative Tucker moved to amend the bill on Page 1, line 28 by inserting the word "this" immediately before the word "act and Page 1, line 35 by inserting the words "or county" immediately before the period. The motion passed and will be put into a Proposed Committee Substitute. Representative Stam moved to amend the bill Page 1, lines 12 and 22 by deleting the words "initial annual" in both places and Page 1, lines 12 & 22 by changing "served" to "sent" in both places. The motion passed. The changes are to be included in the Proposed Committee Substitute. Representative Lucas moved a favorable report as to the House Proposed Committee Substitute which changes the title and an unfavorable report as to the Senate committee substitute bill and recommendation



Loc Gov II 5-27-09 Page 2

that the House committee substitute bill be re-referred to the Committee on Judiciary III. The motion passed.

The meeting was adjourned by the Chair at 11:35 a.m.

Representative R. Van Braxton, Chairman

Barbara R. Hocutt, Committee Assistant

Barbula Houth

SENATE BILL 207

Short Title: Duplin Chair Vote Only if Tie.		(Local)
Sponsors:	Senator Albertson.	
Referred to:	State and Local Government.	

February 18, 2009

1 2

3

4

5

6

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IN THE CASE OF DUPLIN COUNTY, IF THE BOARD CONSISTS OF AN EVEN NUMBER OF MEMBERS, THE CHAIR OF A BOARD OF EDUCATION OR COUNTY BOARD OF COMMISSIONERS MAY VOTE ONLY IN THE CASE OF A TIE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-41(a) reads as rewritten:

7 8 9

10

11

12 13

14

15

16

17

18

"(a) Unless otherwise provided by local law, all local boards of education shall have an organizational meeting no later than 60 days after the swearing in of members following election or appointment and as often thereafter as the board shall determine appropriate. The board may fix the date and time of its organizational meeting. At the organizational meeting the members of all boards shall elect one of their members as chairman for a period of one year, or until his successor is elected and qualified. The chairman of the local board of education shall preside at the meetings of the board, and in the event of his absence or sickness, the board may appoint one of its members temporary chairman. If the board consists of an even number of members, the chairman may vote only in the case of a tie. The superintendent of schools. whether a county or city superintendent, shall be ex officio secretary to his respective board. He shall keep the minutes of the meetings of the board but shall have no vote: Provided, that in the event of a vacancy in the superintendency, the board may elect one of its members to serve temporarily as secretary to the board."

19 20 21

SECTION 1.(b) This section applies only to the Duplin County Board of Education.

22 23

SECTION 2.(a) G.S. 153A-39 reads as rewritten:

24 25 "§ 153A-39. Selection of chairman and vice-chairman; powers and duties. On:

26

(1) The first Monday in December of each even-numbered year; and Its first regular meeting in December of each odd-numbered year,

27 28

29

30 31 the board of commissioners shall choose one of its members as chairman for the ensuing year, unless the chairman is elected as such by the people or otherwise designated by law. The board shall also at that time choose a vice-chairman to act in the absence or disability of the chairman. If the chairman and the vice-chairman are both absent from a meeting of the board, the members present may choose a temporary chairman.

32 33 34

35

36

37

The chairman is the presiding officer of the board of commissioners. Unless excused by rule of the board, the presiding officer has the duty to vote on any question before the board. but he has no right to break a tie vote in which he participated. Notwithstanding the prior sentence, unless the chairman is an officer elected separately by the people, if the board consists of an even number of members, the chairman may vote only in the case of a tie."



2 Commissioners.

SECTION 2.(b) This section applies only to the Duplin County Board of ssioners.

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

.2

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 222 State and Local Government Committee Substitute Adopted 5/12/09

	Short Title: Red Light Cameras in Wilmington.	(Local)
	Sponsors:	
	Referred to:	
	February 19, 2009	
1	A BILL TO BE ENTITLED	
2 .	AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO USE RED I	LIGHT
3	CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT.	
4	The General Assembly of North Carolina enacts:	
5	SECTION 1. Section 3 of S.L. 2007-341 reads as rewritten:	
6	"SECTION 3. Section 1 of this act applies to the Cities of Albemarle, Charlotte, D	urham,
7	Fayetteville, Locust, and Rocky Mount Rocky Mount, and Wilmington and to the municipal	palities
8	in Union County."	
9	SECTION 2. This act becomes effective October 1, 2009.	



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 251*

Short Title:	Winterville/Public Nuisance Ordinance. (1	Local)
Sponsors:	Senators Davis and Jenkins.	
Referred to:	State and Local Government.	
	February 23, 2009	
ANI: A OT TO	A BILL TO BE ENTITLED	mron
	AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NO ONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE	
The General A	Assembly of North Carolina enacts:	
SE	ECTION 1. Section 2 of S.L. 2005-44, as amended by S.L. 2007-3,	S.L.
2007-254, and	d S.L. 2008-23, reads as rewritten:	
"SECTIO	ON 2. This act applies to the County of New Hanover, the Cities of Wilmi	ngton
and Wilson, a	and the Towns of Cornelius, Davidson, Matthews, and Morehead City More	<u>ehead</u>
City, and Win	nterville only."	
SE	ECTION 2. This act is effective when it becomes law.	





GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

S

SENATE BILL 252* State and Local Government Committee Substitute Adopted 5/5/09

	Short Title:	Strengthe	n Loca	al Emergency Management.	(Public)
	Sponsors:		-		
	Referred to:		·		
				February 23, 2009	
1				A BILL TO BE ENTITLED	
2	AN ACT TO	STRENG	THEN	LOCAL EMERGENCY MANAGEMENT O	CAPABILITIES, AS
3	RECOM	MENDED	BY	THE JOINT SELECT COMMITTEE C	N EMERGENCY
4				DISASTER MANAGEMENT RECOVERY.	
5	The General	Assembly	of Nort	th Carolina enacts:	
6				. 166A-5(3) reads as rewritten:	
7		3) Func	ions o	of State Emergency Management The fur	nctions of the State
8	•			management program include:	
9	•	· a.	-	rdination of the activities of all agence	ies for emergency
10				agement within the State, including pla	
11				fing, equipping, training, testing, and the activ	
12				agement programs.	_
13		b.	Prep	paration and maintenance of State plans for r	nan-made or natural
14			disa	sters. The State plans or any parts thereof r	nay be incorporated
15				department regulations and into execut	
16				vernor.	•
17		b1.	Coo	rdination with the State Health Director to	amend or revise the
18			Nort	th Carolina Emergency Operations Plan rega	arding public health
19				ters. At a minimum, the revisions to the Plan	
20				owing:	•
21			1.	The epidemiologic investigation of a k	nown or suspected
22				threat caused by nuclear, biological, or ch	emical agents.
23			2.	The examination and testing of persons a	
24				have been exposed to a nuclear, biologica	l, or chemical agent.
25			3.	The procurement and allocation of imm	nunizing agents and
26				prophylactic antibiotics.	
27			4.	The allocation of the National Pharmaceu	tical Stockpile.
28			5.	The appropriate conditions for quaranti	ne and isolation in
29	٠			order to prevent further transmission of di	
30			6.	Immunization procedures.	,
31			7.	The issuance of guidelines for prophylar	kis and treatment of
32				exposed and affected persons.	
33		c.	Pror	mulgation of standards and requirements	for local plans and
34				grams, programs consistent with federal as	-
35				ulations, determination of eligibility for State	
36				vided for in G.S. 166A-7 and provision of te	
37			loca	l governments. Standards and requirements	for local plans and



- programs promulgated under this sub-subdivison shall be reviewed by the Division of Emergency Management at least biannually and updated as necessary.
- d. Development and presentation of training programs and public information programs to insure the furnishing of adequately trained personnel and an informed public in time of need.
- e. Making of such studies and surveys of the resources in this State as may be necessary to ascertain the capabilities of the State for emergency management, maintaining data on these resources, and planning for the most efficient use thereof.
- f. Coordination of the use of any private facilities, services, and property.
- g. Preparation for issuance by the Governor of executive orders, proclamations, and regulations as necessary or appropriate.
- h. Cooperation and maintenance of liaison with the other states, federal government and any public or private agency or entity in achieving any purpose of this Article and in implementing programs for emergency, disaster or war prevention, preparation, response, and recovery.
- i. Making recommendations, as appropriate, for zoning, building and other land-use controls, and safety measures for securing mobile homes or other nonpermanent or semipermanent works designed to protect against or mitigate the effects of a disaster.
- j. Coordination of the use of existing means of communications and supplementing communications resources and integrating them into a comprehensive State or State-federal telecommunications or other communications system or network."

SECTION 2. G.S. 166A-7 reads as rewritten:

"§ 166A-7. County and municipal emergency management.

- (a) The governing body of each county is responsible for emergency management, as defined in G.S. 166A-4, within the geographical limits of such county. All emergency management efforts within the county will be coordinated by the county, including activities of the municipalities within the county.
 - (1) The governing body of each county is hereby authorized to establish and maintain an emergency management agency for the purposes contained in G.S. 166A-2.
 - (2) The governing body of each county which establishes an emergency management agency pursuant to this authorization will appoint a coordinator who will have a direct responsibility for the organization, administration and operation of the county program and will be subject to the direction and guidance of such governing body.
 - (3) In the event any county fails to establish an emergency management agency, and the Governor, in his discretion, determines that a need exists for such an emergency management agency, then the Governor is hereby empowered to establish an emergency management agency within said county.
- (b) All incorporated municipalities are authorized to establish and maintain emergency management agencies subject to coordination by the county. Joint agencies composed of a county and one or more municipalities within its borders may be formed.
- (b1) Counties and incorporated municipalities are authorized to form joint emergency management agencies composed of a county and one or more municipalities within the county's

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30 31

32 33

34

35 36

37

borders, between two or more counties, or between two or more counties and one or more municipalities within the borders of those counties.

- (c) Each county and incorporated municipality in this State is authorized to make appropriations for the purposes of this Article and to fund them by levy of property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues, whose use is not otherwise restricted by law.
 - (d) In carrying out the provisions of this Article each political subdivision is authorized:
 - (1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes and to provide for the health and safety of persons and property, including emergency assistance, consistent with this Article;
 - (2) To direct and coordinate the development of emergency management plans and programs in accordance with the policies and standards set by the State; Division of Emergency Management, consistent with federal and State laws and regulations;
 - (3) To assign and make available all available resources for emergency management purposes for service within or outside of the physical limits of the subdivision; and
 - (4) To delegate powers in a local state of emergency under G.S. 166A-8 to an appropriate official.
- Each county which establishes an emergency management agency pursuant to State standards and which meets requirements for local plans and programs may be eligible to receive State and federal financial assistance assistance, including State and federal funding appropriated for emergency management planning and preparedness, and for the maintenance and operation of a county emergency management program. Such financial assistance for the maintenance and operation of a county emergency management program will not exceed one thousand dollars (\$1,000) for any fiscal year and is subject to an appropriation being made for this purpose. Eligibility of each county will be determined annually by the State. Where the appropriation does not allocate appropriated funds among counties, the amount allocated to each county shall be determined annually by the Division of Emergency Management. The size of this allocation shall be based in part on the degree to which local plans and programs meet State standards and requirements promulgated by the Division, including those relating to professional competencies of local emergency management personnel. However, in making an allocation determination, the Division shall, where appropriate, take into account the fact that a particular county may lack sufficient resources to meet the standards and requirements promulgated by the Division."

SECTION 3. This act becomes effective October 1, 2009.

5

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

SENATE BILL 339

Short Title:	Stallings Occupancy Tax.	(Local)
Sponsors:	Senator Goodall.	
Referred to:	Finance.	

March 2, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE PORTION OF THE TOWN OF STALLINGS LOCATED IN UNION COUNTY AND TO AUTHORIZE THE DISTRICT TO LEVY UP TO A FIVE PERCENT ROOM OCCUPANCY TAX WITHIN THE DISTRICT TO BE USED FOR TOURISM DEVELOPMENT WITHIN THE DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. Stallings District U Created. – Stallings District U is created as a taxing district. Its jurisdiction consists of that part of the Town of Stallings that is located within Union County. Stallings District U is a body politic and corporate and has the power to carry out the provisions of this act. The Stallings Town Council shall serve ex officio as the governing body of the district, and the officers of the town shall serve as the officers of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 2. Occupancy tax. – (a) Authorization and Scope. – The governing body of Stallings District U may levy a room occupancy tax of up to five percent (5%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.(b) Administration. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this act.

SECTION 2.(c) Definitions. – The following definitions apply in this act:

- (1) Net proceeds. Gross proceeds less the cost to the district of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.



 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the district or to attract tourists or business travelers to the district. The term includes tourism-related capital expenditures.

SECTION 2.(d) Distribution and Use of Tax Revenue. — Stallings District U shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Stallings District U Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it to promote travel and tourism in Stallings District U and shall use the remainder for tourism-related expenditures. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of the jurisdiction of Stallings District U. None of the proceeds may be used to promote travel or tourism in areas within the Town of Stallings that are outside of the district or for tourism-related expenditures in the town that are outside of the district.

SECTION 3. Stallings District U Tourism Development Authority. — (a) Appointment and Membership. — When the governing body of the district adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Stallings District U Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the district, and at least one-half of the members must be individuals who are currently active in the promotion of travel and tourism in the district. The governing body of the district shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Stallings shall be the ex officio finance officer of the Authority.

SECTION 3.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the district, sponsor tourist-related events and activities in the district, and finance tourist-related capital projects in the district.

SECTION 3.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the governing body of the district on its receipts and expenditures for the preceding quarter and for the year in such detail as the governing body may require.

SECTION 4. G.S. 160A-215(g) reads as rewritten: "§ 160A-215. Uniform provisions for room occupancy taxes.

(g) This section applies only to Beech Mountain District W, W and Stallings District U, to the Cities of Belmont, Elizabeth City, Eden, Gastonia, Goldsboro, Greensboro, High Point, Kings Mountain, Lexington, Lincolnton, Lumberton, Monroe, Mount Airy, Reidsville, Roanoke Rapids, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Blowing Rock, Boiling Springs, Burgaw, Carolina Beach, Carrboro, Dallas, Dobson, Elkin, Franklin, Jonesville, Kenly, Kure Beach, Mooresville, North Topsail Beach, Pilot Mountain, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and Brunswick Counties."

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

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

S SENATE BILL 437* Finance Committee Substitute Adopted 4/2/09

Short Title: Increase Mecklenburg Force Account Limit.		(Local)	
Sponsors:			
Referred to:			

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG COUNTY.

The General Assembly of North Carolina enacts:

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

"8 143-135. 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. This act only applies to nonutility construction or repair work for park and greenway projects in Mecklenburg County.

SECTION 3. This act is effective when it becomes law and expires June 30, 2012.



2

1

2 3

4 5

6

20

21 22 23

24

25 26 27

> 28 29

> > 30 31 32



SENATE BILL 437: Increase Mecklenburg Force Account Limit

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

May 26, 2009

Judiciary II

Introduced by: Sen. Goodall

Prepared by: Bill Patterson

Second Edition Analysis of:

Committee Counsel

SUMMARY: Senate Bill 437 authorizes Mecklenburg County to enter into "force account" contracts for nonutility construction or repair work for park and greenway projects costing \$300,000.00 or less without meeting public contract requirements of Article 8 of Chapter 136 of the General Statutes. The bill eliminates the current exemption from these requirements that is based on a project's total labor cost, and has a sunset provision.

[As introduced, this bill was identical to H507, as introduced by Rep. Samuelson, which is currently in House Local Government II, if favorable, Judiciary II.

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. Under current law, formal bidding requirements for construction or repair work do 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 507 permits Mecklenburg County to enter into a nonutility construction or repair contract for park and greenway projects without meeting otherwise applicable public contracts requirements if the contract will be performed by county employees and if the total cost of the project will not exceed \$300,000.00, an increase from the current limit of \$125,000.00. The bill also eliminates the alternative exemption for projects having a total labor cost of no more than \$50,000.00.

EFFECTIVE DATE: The act is effective when it becomes law, and expires June 30, 2012.

Heather Fennell, Counsel to the Senate Finance Committee, substantially contributed to this summary. S437-SMTG-60(e2) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
☐ Committee Substitute for SB 437 A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG COUNTY.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY II.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 564

State and Local Government Committee Substitute Adopted 4/15/09 Third Edition Engrossed 4/21/09

Short Title:	Statewide Nuisance Notice Authority.	(Public)
Sponsors:		
Referred to:	·	

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES. The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-200.1. Annual notice to chronic violators of public nuisance ordinance.

A city may notify a chronic violator of the city's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the city 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 certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance."

SECTION 2. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county 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 certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance."

SECTION 3. S.L. 2005-44, S.L. 2007-3, S.L. 2007-254, and S.L. 2008-23 are repealed.

SECTION 4. Section 3 of this act becomes effective October 1, 2009. The remainder of act is effective when it becomes law. A municipality or county may adopt an ordinance under G.S. 160A-200.1 or G.S. 153A-140.2 when this act becomes law, but the ordinances may not become effective prior to October 1, 2009. The repeal in this act of any local act does not affect the rights or liabilities of a municipality or county that arose during the time the act was in effect, or under an ordinance adopted under such an act. If any municipality or county adopted an ordinance under any act repealed by this act, and the ordinance would be permitted under G.S. 160A-200.1 or G.S. 153A-140.2, as enacted by this act, that ordinance shall remain in effect until amended or repealed by that municipality.



S

SENATE BILL 564

State and Local Government Committee Substitute Adopted 4/15/09 Third Edition Engrossed 4/21/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S564-PCS35342-RL-41

Short Title:	tle: Statewide Nuisance Notice Authority.	
Sponsors:		
Referred to:		

March 12, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE A SINGLE NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES. The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-200.1. Annual notice to chronic violators of public nuisance ordinance.

A city may notify a chronic violator of the city's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the city 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 notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance."

SECTION 2. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county 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 notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance."

SECTION 3. S.L. 2005-44, S.L. 2007-3, S.L. 2007-254, and S.L. 2008-23 are repealed.

SECTION 4. Section 3 of this act becomes effective October 1, 2009. The remainder of this act is effective when it becomes law. A municipality or county may adopt an ordinance under G.S. 160A-200.1 or G.S. 153A-140.2 when this act becomes law, but the ordinances may not become effective prior to October 1, 2009. The repeal in this act of any local act does not affect the rights or liabilities of a municipality or county that arose during the time the act was in effect, or under an ordinance adopted under such an act. If any municipality



D

General Assembly Of North Carolina

Session 2009

- or county adopted an ordinance under any act repealed by this act, and the ordinance would be permitted under G.S. 160A-200.1 or G.S. 153A-140.2, as enacted by this act, that ordinance
- 3 shall remain in effect until amended or repealed by that municipality or county.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
⊠Committee Substitute for
SB 564 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL
MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC
VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES.
☑ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on JUDICIARY III.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No.) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.



SENATE BILL 564: Statewide Nuisance Notice Authority

2009-2010 General Assembly

Analysis of:

Committee: House Local Government II, if favorable,

Date:

May 26, 2009

Judiciary III

Introduced by: Sen. Davis

Third Edition :

Prepared by: Steven Rose

Committee Counsel

SUMMARY: Senate Bill 564 would authorize all cities and counties to remedy chronic violations of their public nuisance ordinance after providing chronic violators only annual notice. This bill is serially referred to House Judiciary III.

[As introduced, this bill was identical to H699, as introduced by Rep. McLawhorn, which is currently in House Judiciary III.]

CURRENT LAW: Cities and counties have the authority to adopt ordinances related to the health, safety, or welfare of their citizens. (G.S. 160A-174 and 153A-121.) G.S. 160A-175 and 153A-123 authorize cities and counties to enforce their ordinances, and G.S. 160A-193 and 153A-140 allow cities and counties to abate situations that are dangerous or prejudicial to the public health and welfare. The cost of abatement may be charged to the violator. If unpaid, the expense of remedying the violation would become a lien upon the chronic violator's property and be collected as unpaid taxes.

'n 2005 the General Assembly enacted S.L. 2005-44, which gave the Town of Matthews the authority to give a "chronic violator" of the municipality's public nuisance ordinance notice on an annual basis. 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 nuisance ordinance. Under that local act, if a chronic violator's property is in violation of the ordinance again, the municipality may take action to remedy the violation after giving only the annual notice. The expense of the action would become a lien on the property and would be collected as unpaid taxes. The text of S.L. 2005-44 that applies to Matthews is as follows:

"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."

In 2007, the General Assembly added the towns of Cornelius and Davidson, the City of Wilmington, and New Hanover County to the local governments that had the same power as Matthews.

BILL ANALYSIS: SB 564 would allow all cities and all counties to remedy chronic nuisance violations after giving the same kind of annual notice to the chronic violator that Cornelius, Davidson, Wilmington, and New Hanover County are now authorized to use. The definition remains the same as in the previously enacted local acts. The bill would repeal the local acts that apply to those local governments, but preserve ordinances enacted under the previously existing local acts until further action by the municipalities.

F.FFECTIVE DATE: When becomes law. A new ordinance adopted under the bill could not go into ffect until Oct. 1, 2009. There is a saving clause for pre-existing ordinances, so they would not have to ...e re-enacted.

BACKGROUND: As noted, the General Assembly has passed several local bills allowing local governments to remedy chronic violations of the public nuisance ordinance after only annual

Senate Bill 564

Page 2

notification. Article II, Section 24 of the North Carolina Constitution prohibits the General Assembly from enacting local acts relating to health, sanitation, and the abatement of nuisances. A court could potentially determine that the previously enacted local acts are unconstitutional because they deal with the abatement of nuisances. A statewide act would remove that potential constitutional infirmity. It does not address any issue that might be raised concerning due process.

William Gilkeson, Counsel to Senate State and Local Government, contributed to this summary.

S564-SMRL-74(e3).v1

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

	3	•
EDI	DITION No.	
H. B	B. No DATE _	
S. B	B. No	Amendment No.
COM	DMMITTEE SUBSTITUTE	(to be filled in by Principal Clerk)
	(3) (C)	
	(Rep.) Jan	
	Sen.)	
1 mov	oves to amend the bill on page	, line 12 + /m 22
	\ WHICH CHANGES THE TITLE	
	deleting the	words
4	,	
5	"Initial amual"	in both places
6		,
7		
3	and on page I lines	12 +22
9		
10	by changing '	'served' to "sent"
11	0 7	•
12	in both plac	es
13	1	
	· · · · · · · · · · · · · · · · · · ·	
		·
	SIGNEI	Stan
ADO	OOPTED FAILED	TABLED
-		



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

Senate Bill 564

AMENDMENT NO._____

S564-ARL-	14 [v.1]		•	illed in by pal Clerk)	
Comm. Sub Amends Tit Third Edition	le [NO]		Date	Pe	age 1 of 1
Rep.					
word "act";		page 1, line 28, by inserting the words "or cour		•	
SIGNED _	Russ.	Amendment Sponsor	<u>, </u>		
SIGNED _	Committee C	hair if Senate Committee A	Amendment		
ADODTED		PAILED	æ	ADIED.	



VISITOR REGISTRATION SHEET

MAY 27, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Derra De Caville	UNC.106
Lisa Martin	NC Home Brilders
Cady Thomas	NC ASON of REALTHS
TOM BOWLIN	NO NATIONAL CHART
Doub HOELL	NCEM CCPS
Eastover Elem	Cheul -
Bju Swan	1Clb
Kim Hisbal	NCCA.

House Pages

LOCAL DO FIL		[12]	7/89
Name of Committee:	Date: _	2/9	101
•			
VIVI AND MA		•	
1. Name: HIVORY MUSHAMA			
1. Name: Hilbry Mushaka County: Wayne			
O 111	•		
Sponsor: Rep. Walnur what			
2. Name: Seth Den linger			
County: Wayne			
onsor: Ethin Sager			
Jonson: Frum Suger			
3. Name:			
County:	<u> </u>		
Sponsor:			
3ponsor:			
1. Name:	•		
County:			
Sponsor:			
5. Name:			
County:			
·			
Sponsor:	•		
	Sgr-At-Arms		
Name: MARVIN LEE	•		
ROL Proce			•
2. Name: DOD ROSSI			-
	1		-

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II	 MAY 27, 2009
Name of Committee	Date ·

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY AND ADDRESS
	Chad Barefoot	Rep. Paul Stan, Intern
	DANIEL BAUR	K+L GATES
-	Thomas C. Caver, Jr.	NC Dept. of Crime Control : Public Safe
	Average M AUGO	roke
	Dea	Blub Citiz
•		
		

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION

2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 3, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 173	Wilmington ETJ Authority Restored.	Senator Boseman
SB 390	Midland Retirement.	Senator Hartsell
SB 430	Wilmington Civil Service Rewrite.	Senator Boseman
SB 433	First Craven Sanitary District	Senator Preston
	Validation.	
SB 453	Use of Funds Received From Parking	Senator Stein
	Meters.	•
SB 475	Amend Carrboro Charter/Conserve	Senator Kinnaird
	Energy/Water.	
SB 503	Durham MWBE.	Senator McKissick
SB 504	Durham Anti-Sweatshop Requirements.	Senator McKissick

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices 10 o'clock on May 29, 2009.				offices at	
Principal Clerk					

Barbara Hocutt (Committee Assistant)

Reading Clerk – House Chamber

. COMMITTEE ON LOCAL GOVERNMENT II

JUNE 3, 2009

AGENDA

I.	Call to ord	ler	
II.	Introducti	ons (
III.	Bills		
	SB 173	Wilmington ETJ Authority Restored (No re-referral)	Boseman
	SB 390	Midland Retirement (If favorable, Pensions & Retirement)	Hartsell
	SB 430	Wilmington Civil Service Rewrite (If favorable, Judiciary I)	Boseman
	SB 433	First Craven Sanitary District Validation (No re-referral)	Preston
	SB 453	Use of Funds Received From Parking Meters (If favorable, Finance)	Stein
	SB 475	Amend Carrboro Charter/Conserve Energy Water (If favorable, Energy & Energy Efficien	Kinnaird cy)
	SB 503	Durham MWBE (If favorable, Judiciary III)	McKissick
	SB 504	Durham Anti-Sweatshop Requirements (If favorable, Judiciary III)	McKissick

CORRECTED COMMITTEE ON LOCAL GOVERNMENT II

JUNE 3, 2009

AGENDA

I.	Call to orde	er	
п.	Introductio	ns	•
III.	Bills		
	SB 173	Wilmington ETJ Authority Restored (No re-referral)	Boseman
	SB 390	Midland Retirement (If favorable, Pensions & Retirement)	Hartsell
	SB 430	Wilmington Civil Service Rewrite (If favorable, Judiciary I)	Boseman
	SB 433	First Craven Sanitary District Validation (No re-referral)	Preston
-	SB 453	Use of Funds Received From Parking Meters (If favorable, Finance)	Stein
	SB 475	Amend Carrboro Charter/Conserve Energy Water (If favorable, Energy & Energy Efficienc	Kinnaird y)
	SB 503	Durham MWBE (If favorable, Judiciary III)	McKissicl
	SB 504	Durham Anti-Sweatshop Requirements (If favorable, Judiciary III)	McKissick
	SB 1028	Volunteers to Support Acad. Success in School (If Favorable, Education)	Albertson

Corrected Notice ADD SENATE BILL 1028

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 3, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 173	Wilmington ETJ Authority Restored.	Senator Boseman
SB 390	Midland Retirement.	Senator Hartsell
SB 430	Wilmington Civil Service Rewrite.	Senator Boseman
SB 433	First Craven Sanitary District	Senator Preston
	Validation.	
SB 453	Use of Funds Received From Parking	Senator Stein
	Meters.	
SB 475	Amend Carrboro Charter/Conserve	Senator Kinnaird
	Energy/Water.	
SB 503	Durham MWBE.	Senator McKissick
SB 504	Durham Anti-Sweatshop Requirements.	Senator McKissick
SB 1028	Volunteers to Support Acad. Success in	· Senator Albertson
	School.	

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following office	s at
8 o'clock on June 02, 2009.	
Principal Clerk	

Barbara Hocutt (Committee Assistant)

Reading Clerk – House Chamber

COMMITTEE ON LOCAL GOVERNMENT II

MINUTES June 3, 2009

The Committee on Local Government II chaired by Representative Van Braxton convened on June 3, 2009 at 11:05 a.m. Representative Braxton introduced the Pages: Chutney Cunningham of Wake County sponsored by Representative Parmon and Rogers Clark of Bladen County sponsored by Representative Brisson. The Chair thanked the Sergeants-at-Arms for their service: Marvin Lee, Trey Raley and Judy Turner. The following members were present: Representatives Braxton, Lucas, Langdon, Blackwell, Stam, Guice, Floyd, Samuelson, Gibson, Spears and Warren

Representative Carolyn Justice presented Senate Bill 173 in the absence of Senator Boseman, the bill sponsor. Senate Bill 173 is AN ACT TO ALLOW THE CITY OF WILMINGTON TO EXERCISE EXTERATERRITORIAL PLANNING AND ZONING WITHIN NEW HANOVER COUNTY. Representative Lucas moved to hear the House proposed committee substitute and it passed. The Assistant to the City Manager, Lawless Bean, told the committee that this compromise was worked out to the satisfaction of all parties. Representative Floyd moved a favorable report as to the Proposed Committee Substitute and unfavorable as to the original bill. The motion passed on a voice vote.

Senate Bill 1028, AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, KNOW AS COMMUNITY ACHIEVEMENT NETWORK – DEVELOPING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATION TO SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF BOLUNTEER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP POLICIES TO MAKE INFORMATION ON TUTURING AND ACADEMIC SUPPORT SERVICES AVAILABLE TO PARENTS AND STUDENTS, was put before the committee by Senator Charles Albertson, the bill sponsor. After several questions concerning the requirements of this bill by members of the committee, Representative Stam offered to make an amendment that would take out the words that seem to franchise one group to offer these volunteer services. Senator Albertson asked that the bill be displaced until the next meeting.

Senate Bill 430, AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT, sponsored by Senator Boseman was removed from consideration by Representative Justice acting in behalf of Senator Boseman.

Senator Jean Preston's bill, Senate Bill 433, AN ACT TO CHANGE THE YEARS OF ELECTION AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT, was considered by the committee. Representative Spear moved a favorable report which was accepted.

Senate Bill 390, AN ACT TO AUTHORIZE THE TOWN OF MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES, was presented by Senator Hartsell. Representative Floyd moved a favorable report and recommendation that the bill be re-referred to the Committee on Pensions and Retirement. The motion was adopted by voice vote.

Senate Bill 453, AN ACT TO ALLOW THE CITY OR RALEIGH TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE POCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES, was presented by the sponsor, Senator Stein. Representative Stam moved to amend the bill include Chapel Hill in the bill. The amendment passed and will be rolled into a Proposed Committee Substitute. Representative Stam moved a favorable report as to the House Committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation the House Committee substitute bill be re-referred to the Committee on Finance. The motion was adopted by voice vote.

Senator Kinnaird presented Senate Bill 475, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT OERDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WAQTER-SAVING DEVICES. Representative moved to hear the Proposed Committee Substitute. After some discussion in which lobbyist, Henry Jones, representative of the Community Associations Institute, explained the purpose of the bill. It was decided that a subcommittee would be appointed to address the concerns of some of the committee members. Representative Stam was appointed Chair. Other members of the committee are Representatives Blackwell and Spear.

Senate Bill 503, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S MINORITY OR WOMEN'S BUSINESS ENTERPRISE REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS, was presented by Senator McKissick. After much discussion, Representative Stam offered several amendments that were rolled into a Proposed Committee Substitute which were approved by the committee by voice vote. Representative Stam moved a favorable report as to the House committee substitute bill, unfavorable as to the original bill, and recommendation that the House committee substitute bill re-referred to the Committee on Judiciary III. The motion carried by voice vote.

Senate Bill 504, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY ANANGER THE AUTHORITY TO INCLUDE THE CITY'S ANTI-SWEATSHOP REQUIREMENTS IN THE SPECIFICATIONS FOR CITY

Loc.Gov.II 6-03-09, P. 3,

CONTRACTS, was presented by Senator McKissick. Since the time for adjournment was nearing, it was decided to hold the bill over for the next committee meeting.

The meeting was adjourned by the Chair at 11:52 a.m.

Barbara Hocult

Representative R. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 173

(Local) Wilmington ETJ Authority Restored. Short Title: Sponsors: Senator Boseman. State and Local Government. Referred to:

February 17, 2009

1 2

3

4

5

AN

A BILL TO BE ENTITLED ALLOW THE CITY OF WILMINGTON TO EXTRATERRITORIAL PLANNING AND ZONING WITHIN NEW HANOVER

COUNTY.

ACT

TO

The General Assembly of North Carolina enacts:

6 7

SECTION 1. Section 23.2 of the Charter of the City of Wilmington, being Chapter 495 of the Session laws of 1977 reads as rewritten:

8 . 9

10

11

12

13

14

15

16

17

"Sec. 23.2. Extraterritorial planning authority. The City Council of the City of Wilmington is hereby authorized to exercise any planning, zoning, subdivision, building, or other regulatory power which may now or hereafter be conferred upon the City of Wilmington and vested in the city council by this charter, the General Statutes of North Carolina, or any other law applicable to the City of Wilmington not only within the corporate limits of the city but also within the territory beyond the corporate limits as now or hereafter fixed in accordance with the General Statutes. In exercising such powers in accordance with G.S. 160A-360 within the territory beyond the corporate limits of the city but within New Hanover County, the approval of the Board of Commissioners of New Hanover County is not required. Such powers may be exercised to the same extent and according to the same procedures as are applicable to the exercise of planning, zoning, subdivision, or building regulation powers within the corporate limits of the city."

18 19 20

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



1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

D

SENATE BILL 173 PROPOSED HOUSE COMMITTEE SUBSTITUTE S173-CSRL-40 [v.1]

5/22/2009 11:33:32 AM

Short Title: Wilmington ETJ Authority Restored.	(Local)
Sponsors:	
Referred to:	
February 17, 2009	
A BILL TO BE ENTITLED	•
AN ACT TO ALLOW THE CITY OF WILMINGTON TO EXTRATERRITORIAL PLANNING AND ZONING WITHIN NEW COUNTY.	EXERCISE HANOVER
The General Assembly of North Carolina enacts: SECTION 1. Section 23.2 of the Charter of the City of Wilmington, b	eing Chapter
495 of the Session laws of 1977 reads as rewritten: "Sec. 23.2. Extraterritorial planning authority. The City Council of the City of	
is hereby authorized to exercise any planning, zoning, subdivision, building, or oth	er regulatory
power which may now or hereafter be conferred upon the City of Wilmington and	vested in the
city council by this charter, the General Statutes of North Carolina, or any other la to the City of Wilmington not only within the corporate limits of the city but als	w applicable on within the
territory beyond the corporate limits as now or hereafter fixed in accordance with	the General
Statutes. In exercising powers in accordance with G.S. 160A-360, the programmer of S. 160A-360(e) shall not apply to the city with regard to extensions of its	rovisions of
G.S. 160A-360(e) shall not apply to the city with regard to extensions of its expowers under Article 19 of Chapter 160A of the General Statutes when the expowers under Article 19 of Chapter 160A of the General Statutes when the expower of the General Statutes when the general Statut	ktraterritorial
within New Hanover County. Such powers may be exercised to the same extent a	nd according
to the same procedures as are applicable to the exercise of planning, zoning, su	bdivision, or

building regulation powers within the corporate limits of the city."

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





SENATE BILL 173: Wilmington ETJ Authority Restored

2009-2010 General Assembly

Committee: House Local Government II

Introduced by: Sen. Boseman

Analysis of: PCS to First Edition

S173-CSRL-39

Date:

May 20, 2009

Prepared by: Steven Rose

Committee Counsel

SUMMARY:

Senate Bill 173 will allow the City of Wilmington to exercise its extraterritorial planning and zoning jurisdiction in an area up to three miles beyond its corporate limits, but within New Hanover County, without the consent of New Hanover County. It will also allow the city to exercise its extraterritorial planning and zoning jurisdiction in an area up to three miles beyond its corporate limits in New Hanover County where the county is already exercising zoning and subdivision authority and enforcing the State building code, without agreement of the county.

[As introduced, this bill was identical to H965, as introduced by Rep. Hughes, which is currently in House Local Government I, if favorable, Finance.]

CURRENT LAW:

G.S. 160A-360(a) provides that a city may exercise its planning and zoning authority in an area xtending not more than one mile beyond its limits. A city of 25,000 or more, with the consent of the county, may exercise these powers in an area extending up to three miles from its limits. G.S. 160A-360(e) provides that a city may not exercise extraterritorial jurisdiction in an area where the county is already exercising zoning and subdivision authority and enforcing the State building code without agreement of the county. G.S. 160A-360(g) provides that a county may also rescind its approval upon two years written notice to the city by repealing the resolution approving the exercise of extraterritorial jurisdiction.

BILL ANALYSIS:

Senate Bill 173 will allow the City of Wilmington to exercise its extraterritorial planning and zoning jurisdiction in an area up to three miles beyond its corporate limits, but within New Hanover County, without the consent of New Hanover County. It will also allow the city to exercise its extraterritorial planning and zoning jurisdiction in an area up to three miles beyond its corporate limits in New Hanover County where the county is already exercising zoning and subdivision authority and enforcing the State building code, without agreement of the county.

EFFECTIVE DATE:

The act is effective when it becomes law.

§ 160A-360. Territorial jurisdiction.

(a) All of the powers granted by this Article may be exercised by any city within its prporate limits. In addition, any city may exercise these powers within a defined area extending to more than one mile beyond its limits. With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its

Senate Bill 173

Page 2

limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration.

- (a1) Any municipality planning to exercise extraterritorial jurisdiction under this Article shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the county tax records. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a public hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160A-364, and the right of all residents of the area to apply to the board of county commissioners to serve as a representative on the planning board and the board of adjustment, as provided in G.S. 160A-362. The notice shall be mailed at least four weeks prior to the public hearing. The person or persons mailing the notices shall certify to the city council that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud.
- (b) Any council wishing to exercise extraterritorial jurisdiction under this Article shall adopt, and may amend from time to time, an ordinance specifying the areas to be included based upon existing or projected urban development and areas of critical concern to the city, as evidenced by officially adopted plans for its development. Boundaries shall be defined, to the extent feasible, in terms of geographical features identifiable on the ground. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas lying in another county, areas separated from the city by barriers to urban growth, or areas whose projected development will have minimal impact on the city. The boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques. This delineation shall be maintained in the manner provided in G.S. 160A-22 for the delineation of the corporate limits, and shall be recorded in the office of the register of deeds of each county in which any portion of the area lies.
- (c) Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional boundary between them shall be a line connecting the midway points of the overlapping area unless the city councils agree to another boundary line within the overlapping area based upon existing or projected patterns of development.
- (d) If a city fails to adopt an ordinance specifying the boundaries of its extraterritorial jurisdiction, the county of which it is a part shall be authorized to exercise the powers granted by this Article in any area beyond the city's corporate limits. The county may also, on request of the city council, exercise any or all these powers in any or all areas lying within the city's corporate limits or within the city's specified area of extraterritorial jurisdiction.
- (e) No city may hereafter extend its extraterritorial powers under this Article into any area for which the county at that time has adopted and is enforcing a zoning ordinance and subdivision regulations and within which it is enforcing the State Building Code. However, the city may do so where the county is not exercising all three of these powers, or when the city and

Senate Bill 173

Page 3

the county have agreed upon the area within which each will exercise the powers conferred by this Article.

- (f) When a city annexes, or a new city is incorporated in, or a city extends its jurisdiction to include, an area that is currently being regulated by the county, the county regulations and powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of 60 days has elapsed following the annexation, extension or incorporation, whichever is sooner. During this period the city may hold hearings and take any other measures that may be required in order to adopt its regulations for the area.
- (f1) When a city relinquishes jurisdiction over an area that it is regulating under this Article to a county, the city regulations and powers of enforcement shall remain in effect until (i) the county has adopted this regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. During this period the county may hold hearings and take other measures that may be required in order to adopt its regulations for the area.
- (g) When a local government is granted powers by this section subject to the request, approval, or agreement of another local government, the request, approval, or agreement shall be evidenced by a formally adopted resolution of that government's legislative body. Any such request, approval, or agreement can be rescinded upon two years' written notice to the other legislative bodies concerned by repealing the resolution. The resolution may be modified at any time by mutual agreement of the legislative bodies concerned.
- (h) Nothing in this section shall repeal, modify, or amend any local act which defines the Joundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and distances.
- (i) Whenever a city or county, pursuant to this section, acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the local government surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring jurisdiction may take any action regarding such a permit, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its ordinances and regulations. Except as provided in this subsection, any building, structure, or other land use in a territory over which a city or county has acquired jurisdiction is subject to the ordinances and regulations of the city or county.
 - (j) Repealed by Session Laws 1973.

Barbara Riley, Counsel to Senate State and Local Government Committee, contributed to this summary. S173-SMRL-73(CSRL-39) v2

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

CONTAINS NEW Y 484

SENATE BILL 173
PROPOSED HOUSE COMMITTEE SUBSTITUTE \$173-PC\$15298-RL-40

Short Title:	Wilmington ETJ Authority Restored.	(Local)
Sponsors:		
Referred to:	·	

February 17, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILMINGTON TO EXERCISE EXTRATERRITORIAL PLANNING AND ZONING WITHIN NEW HANOVER COUNTY.

The General Assembly of North Carolina enacts:

S

1

3

4

5

6 7

8

9

10

11

12

13

14.

15

16

17

18

19 20 SECTION 1. Section 23.2 of the Charter of the City of Wilmington, being Chapter 495 of the Session Laws of 1977, reads as rewritten:

"Sec. 23.2. Extraterritorial planning authority. The City Council of the City of Wilmington is hereby authorized to exercise any planning, zoning, subdivision, building, or other regulatory power which may now or hereafter be conferred upon the City of Wilmington and vested in the city council by this charter, the General Statutes of North Carolina, or any other law applicable to the City of Wilmington not only within the corporate limits of the city but also within the territory beyond the corporate limits as now or hereafter fixed in accordance with the General Statutes. In exercising powers in accordance with G.S. 160A-360, the provisions of G.S. 160A-360(e) shall not apply to the city with regard to extensions of its extraterritorial powers under Article 19 of Chapter 160A of the General Statutes when the extensions are within New Hanover County. Such powers may be exercised to the same extent and according to the same procedures as are applicable to the exercise of planning, zoning, subdivision, or building regulation powers within the corporate limits of the city."

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

D

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for SB 173 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF
WILMINGTON TO EXERCISE EXTRATERRITORIAL PLANNING AND ZONING WITHIN NEW HANOVER COUNTY.
☑ With a favorable report as to the House committee substitute bill, unfavorable as to the original bill.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

· 2

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

S

SENATE BILL 390* Pensions & Retirement & Aging Committee Substitute Adopted 3/26/09

	Short Title: Midland Retirement. (Local)
	Sponsors:
	Referred to:
	March 4, 2009
1	A BILL TO BE ENTITLED
2	AN ACT TO AUTHORIZE THE TOWN OF MIDLAND TO PARTICIPATE IN THE
3	LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT
4	PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.
5	The General Assembly of North Carolina enacts:
6	SECTION 1. Notwithstanding any other provision of law, if the Town of Midland
7	becomes a member of the Local Governmental Employees' Retirement System, the town
8	council may elect to provide no prior service credit in the Retirement System for employees
9	employed prior to the date that the town becomes a participating employer in the Retirement
10	System. If no prior service credit is given for employees of the town for service provided to the
11	town prior to its participation in the Retirement System, then the town shall not be required to
12	pay for any prior service credits for its employees.
13	SECTION 2. This act applies only to the Town of Midland.
14	SECTION 3. This act is effective when it becomes law.





SENATE BILL 390: Midland Retirement

2009-2010 General Assembly

Analysis of:

Committee: House Local Government II, if favorable,

Second Edition

Date: June 3, 2009

Pensions and Retirement

Introduced by: Sen. Hartsell

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: Senate Bill 390 authorizes the Town of Midland to participate in the Local Governmental Employees' Retirement System. It further provides that if the town council elects to become a member of the LGERS and to not provide prior service credit, then it does not have to pay for service credits.

[As introduced, this bill was identical to H560, as introduced by Reps. Johnson, Barnhart, which is currently in House Pensions and Retirement.]

BILL ANALYSIS: Senate Bill 390 applies only to the Town of Midland and allows the Town to become a member of the Local Governmental Employees' Retirement System (LGERS). If the town elects to become a LGERS member and to provide no prior service credit in the Retirement System for employees employed prior to the date the authority becomes a participating member, then the town is not required to pay for any prior service credits.

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

EACKGROUND: The companion bill for Senate Bill 390 is House Bill 560. A version of House Bill 560, which is identical to the Second Edition of Senate Bill 390, received a favorable report in Local Government II on March 12, 2009. Senate Bill 390 is on the Local Government II calendar because it made the crossover deadline (passed 2nd and 3rd readings on March 30, 2009), while House Bill 560 did not.

S390-SMRN-80(e2) v3

Theresa Matula contributed substantially to the drafting of this summary.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 390 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF
MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES'
RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS
EMPLOYEES.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on PENSIONS AND RETIREMENT.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

1 2

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

SENATE BILL 430 State and Local Government Committee Substitute Adopted 5/12/09

Short Title:	Wilmington Civil Service/Amendments.	(Local)
Sponsors:		
Referred to:		

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 11.1 and 11.2 of Article XI of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 342 of the 1981 Session Laws, read as rewritten:

"ARTICLE XI. CIVIL SERVICE.

"Sec. 11.1. Civil Service Commission established.—There is created a Civil Service Commission consisting of five members. Each member must be a citizen and a resident of the City of Wilmington. No member shall be an officer or employee of the city, or be a member of the immediate family of an employee of the city or a former employee of the police or fire department.

The employees of the City of Wilmington Fire Department, by a majority vote, shall name one member. The employees of the City of Wilmington Police Department, by a majority vote, shall name one member. The City Council of the City of Wilmington, by a majority vote, shall name one member. The New Hanover County Medical Society governing board, by a majority vote, shall name one member. The Wilmington Ministerial Association governing body, by a majority vote, shall name one member.

The members of the commission shall serve a term of three years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.

A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled by the agency authorized to name the member causing the vacancy. If the agency fails to fill the vacancy within 60 days after notification, the resident senior superior court judge of the judicial district that includes New Hanover County shall immediately fill the vacancy. Members appointed to fill a vacancy serve for the remainder of the unexpired term.

The city council-shall set the compensation for allowances, if any, to be paid the members of the commission. In November of each year, the commission shall elect a chairman and may elect other officers. A majority of the members of the commission constitutes a quorum. The commission may determine its own rules of procedure.

The city clerk shall be designated as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of commission meetings and hearings, keep custody of commission records and notify members of meetings. The director of personnel shall act as an ex officio member of the commission representing the city on personnel matters to be handled by the commission. The commission shall within a reasonable time, supply the director of personnel with notification of any actions, reports, or recommendations made by the commission. The personnel office shall notify affected police



1 2

3

4 5

6

7 8

9

10

11

12

13

14

15 16

17

18

19

20

21

22

23 24

25 26

27

28

29 .

30

31

32

33

34 35

36

37

38 39

40

41

42 43

44 45

46

47

48 49

50

and fire department members of actions, reports and recommendations made by the commission.

- Establishment, Qualifications, and Restrictions. There is created a civil service (a) commission consisting of five regular members and one nonvoting ex officio member. Each regular member must be a citizen and a resident of the City of Wilmington. No regular member shall be an officer or employee of the city, or be a member of the immediate family of an employee of the city, or a former employee of the police or fire department.
- Appointment, Term, and Removal of Regular Members. The employees of the City of Wilmington Fire Department who are subject to this Article, by a majority vote, shall name one regular member. The employees of the City of Wilmington Police Department who are subject to this Article, by a majority vote, shall name one regular member. The City Council of the City of Wilmington, by a majority vote, shall name one regular member. The New Hanover County Medical Society governing board, by a majority vote, shall name one regular member. The sitting members of the Civil Service Commission, by a majority vote, shall select one member to be confirmed by the City Council as a regular member of the commission.

The regular members of the commission shall serve a term of three years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.

- Vacancy. A vacancy on the commission may be caused by the death, resignation, disqualification, or removal of a regular member. Such vacancy shall be filled by the appointing authority authorized to name the member causing the vacancy. If the appointing agency fails to fill the vacancy within 60 days after notification, the senior resident superior court judge of the judicial district that includes New Hanover County shall be notified and shall immediately fill the vacancy. Regular members appointed to fill a vacancy serve for the remainder of the unexpired term.
- Compensation, Officers, and Quorum. The City Council shall set the compensation for allowances, if any, to be paid the members of the commission. In November of each year, the regular members of the commission shall elect a chairman and may elect other officers. A majority of the regular members of the commission constitutes a quorum. There shall be a minimum of four regular members present to consider the appeal of a dismissal or demotion under this Article. A quorum will be required to consider nondisciplinary matters.
- Secretary. The city clerk shall act as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of commission meetings and hearings, shall be custodian of all papers and records pertaining to the business of the commission, shall notify commission members of meetings, shall administer required oaths, shall be responsible for transmitting to the Superior Court of New Hanover County a complete transcript of all proceedings and papers concerning any commission order appealed to the court, and shall perform other duties as the commission may require.
- Ex Officio Member. The director of human resources shall act as a nonvoting ex (f) officio member of the commission and shall advise the commission on all city and departmental policies, rules, regulations, and procedures. The commission shall, within a reasonable time, supply the director of human resources with notification of any actions, reports, or recommendations made by the commission. The human resources department shall notify affected police and fire department members of actions, reports, and recommendations made by the commission.
- "Sec. 11.2. Jurisdiction. Application of Article. The Civil Service Act has jurisdiction over an employee of the Police Department of the City of Wilmington certified in accordance with Section 11.5 of this act and who is clothed with the full power of arrest and whose primary duty is that of enforcing the criminal laws of the city and State, excluding those employees whose

8

٠9

10

11

12 13

14

15

16

17 18

19 20

21

22 23

24

25

26

27 28

29

30

primary responsibility is that of issuing parking tickets or collecting fees. The chief of the police department is not covered by the Civil Service Act.

The act shall apply to an employee of the Fire Department of the City of Wilmington certified in accordance with Section 11.5 of this act and whose primary function is that of protecting life and property through fire fighting, including those fire officers assigned to supporting services of the fire service. The chief of the fire department is not covered by the Civil Service Act.

- (a) · General Application. The provisions of this Article shall apply only to civil service certified employees of the City of Wilmington police and fire departments as defined in this section.
- (b) Police Department. - An employee of the police department shall be civil service certified only if that employee: (i) is a full-time regular employee of the City of Wilmington: (ii) has successfully completed the probationary period of employment as set forth in Section 11.5 of this Article; (iii) has received certification as a criminal justice officer by the State of North Carolina: and (iv) continues to maintain such State certification while employed by the police department as a criminal justice officer. Other than Section 11.4 of this Article, the provisions of this Article shall not apply to the chief of police. The provisions of this Article shall not apply to any deputy chief or auxiliary police officer appointed to such position after the date of the enactment of this Article.
- Fire Department. An employee of the fire department shall be civil service certified only if that employee: (i) is a full-time regular employee of the City of Wilmington; (ii) has successfully completed the probationary period of employment as set forth in Section 11.5 of this Article; (iii) has received certification as either a firefighter or fire inspector by the State of North Carolina; and (iv) continues to maintain such State certification while employed by the fire department in a primary function of protecting life and property through firefighting, including those fire officer positions assigned to supporting services of the fire service. Other than Section 11.4 of this Article; the provisions of this Article shall not apply to the fire chief. The provisions of this Article shall not apply to any deputy fire chief appointed to such position after the date of the enactment of this Article."

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

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

1

2

3

4

5

6

7

8

9

10

11

12

13

14

SENATE BILL 433*

Short Title: First Craven Sanitary District Validation. (Local)

Sponsors: Senator Preston.

Referred to: State and Local Government.

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. In 2009, and quadrennially thereafter, members of the First Craven Sanitary District Board shall be elected for Seats 1 and 2 for four-year terms. In 2011 and quadrennially thereafter, members of the First Craven Sanitary District Board shall be elected for Seats 3, 4, and 5 for four-year terms.

SECTION 2. The previous elections of the Seat 2 member of the First Craven Sanitary District since January 1, 2003 are hereby validated, notwithstanding any irregularity in the elections for the member of Seat 2. Further, any and all actions of the Seat 2 member of the First Craven Sanitary District since January 1, 2003, are hereby ratified and confirmed, notwithstanding any irregularity in the manner of election.

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



1



SENATE BILL 433: First Craven Sanitary District Validation

2009-2010 General Assembly

House Local Government II Committee:

Date:

June 1, 2009

Introduced by: Sen. Preston First Edition Analysis of:

Prepared by: R. Erika Churchill

Committee Counsel

SUMMARY: House Bill 488 would do the following:

> Re-stagger the terms of the five members of the First Craven Sanitary District, to return those seats to the correct staggering.

> Validate the actions taken by the member elected to the incorrect term in 2003.

[As introduced, this bill was identical to H488, as introduced by Reps. Underhill, Wainwright, which is currently in Senate State and Local Government.]

Sanitary districts created under Article 2 of Chapter 130A are elected to serve for **CURRENT LAW:** four year terms. The elections are non-partisan and held at the same time, and conducted under the same rules, as municipal elections. Vacancies in office are to be filled until the next election for sanitary district board members. G.S. 130A-54.

BILL ANALYSIS:

Section 1 of House Bill 488 would re-stagger the terms of the First Craven Sanitary District, so that two seats are elected for four year terms in 2009, and three seats are elected for four year terms in 2011.

Section 2 of House Bill 488 would validate the actions taken by the member holding Seat 2, as that member has been serving for the incorrect term period:

EFFECTIVE DATE: Effective when it becomes law, but may not be implemented until the session law has received 'preclearance' approval under Section 5 of the Voting Rights of 1965 by the U.S. Department of Justice as the First Craven Sanitary District in located in Craven County, one of the 40 counties in North Carolina subject to Section 5.

BACKGROUND: In 2002, a member of the First Craven Sanitary District board passed away after being elected in 2001. The vacancy was filled for until 2003, the next election for sanitary district board members, at which time an election was held for the remainder of the term. In 2005, when Seat 2 should have been on the ballot for a four year term, it was inadvertently overlooked by the Craven County Board of Elections and the First Craven Sanitary District, and that member continued to serve until 2007. In 2007, Seat 2 was on the ballot for a four year term. The First Craven Sanitary District voted unanimously to support having the staggering returned to the original, meaning Seat 2 will be elected to rve a 4 year term in 2009.

S433-SMST-46(e1) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 433 A BILL TO BE ENTITLED AN ACT TO CHANGE THE YEARS OF
ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST
CRAVEN SANITARY DISTRICT.
With a favorable report. (FOR JOURNAL USE ONLY)
(1 ON TO OLUMB GOD OND 1)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of .

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 453*

Short Title: Use of Funds Received From Parking Meters. (Local)

Sponsors: Senators Stein; and Hunt.

Referred to: Finance.

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF RALEIGH TO ALLOW ACTIVATION OF PARKING

METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE

PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS

AND PROVIDING PARKING FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-301(a) reads as rewritten:

"(a) On-Street Parking. — A city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city. When parking is permitted for a specified period of time at a particular location, a city may install a parking meter at that location and require any person parking a vehicle therein to place the meter in operation for the entire time that the vehicle remains in that location, up to the maximum time allowed for parking there. Parking meters may be activated by eoins or tokens coins, tokens, credit cards, or electronic means. A city may establish parking zones within the city and may require a different monetary amount to activate the meter for different time periods based upon the zone in which the meter is located. Proceeds from the use of parking meters on public streets must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations operating the parking program or providing parking facilities."

SECTION 2. This act applies to the City of Raleigh only. **SECTION 3.** This act is effective when it becomes law.



SENATE BILL 453: Use of Funds Received From Parking Meters

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

June 2, 2009

Finance

Introduced by: Sen. Stein Prepared by: Steven Rose

Analysis of: First Edition

Committee Counsel

SUMMARY: Senate Bill 453 would authorize the City of Raleigh to utilize parking meters capable of being activated by credit cards or electronic means, and to use meter proceeds to defray the cost of operating the parking program or providing parking facilities. The bill would also authorize the City of Raleigh to designate parking zones within the city and to require different monetary amounts for parking meter activation at different time periods based upon the zone in which the meter is located.

[As introduced, this bill was identical to H465, as introduced by Reps. Martin, Ross, Harrell, Blue, which is currently in Senate Finance.]

CURRENT LAW: G.S. 160A-301(a) authorizes a city to regulate parking on public streets, alleys and bridges by the use of parking meters, permits activation of parking meters by coins or tokens only, and permits the use of parking meter proceeds to defray the cost of "enforcing and administering traffic and arking ordinances and regulations." There is no express authorization in the current statute for harging different monetary amounts at different times of day to activate a parking meter, based upon the location of the meter.

BILL ANALYSIS: Senate Bill 453 would authorize the City of Raleigh to operate parking meters that can be activated by credit cards and electronic means. The bill would also authorize Raleigh to establish parking zones in the city and to vary the payment required to activate a parking meter for different time periods based upon the zone in which the meter is located. The bill would eliminate the authority under current law to use parking meter proceeds to defray the cost of enforcing and administering traffic and parking ordinances and regulations, and would permit the use of such funds to defraying the cost of operating the parking program or providing parking facilities.

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

S453-SMRL-80(e1) v1

Bill Patterson, Counsel to House Local Government II Committee, and Judy Collier, Research Assistant for Senate Finance Committee, substantially contributed to this summary.



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Senate Bill 453*

S453-ARL-18 [v.1]		AMENDMENT NO(to be filled in by Principal Clerk)
Comm. Sub. [NO] Amends Title [YES First Edition	Date	Page 1 of 3
Rep.		
	e bill on page 1, line 2, by inserting the THE TOWN OF CHAPEL HILL"; 19, by inserting the following language hapel Hill".	
	•	
SIGNED		
	Amendment Sponsor	
SIGNED		
Commi	ittee Chair if Senate Committee Amend	ment
ADOPTED	FAILED	TABLED



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

1 2

12 13

21

only.

SENATE BILL 453* PROPOSED HOUSE COMMITTEE SUBSTITUTE S453-PCS85241-RLf-42

D

Short Title:	Use of Funds Received From Parking Meters.	· (Local)
Sponsors:		
Referred to:		
	March 9, 2009	
	A BILL TO BE ENTITLED	
	O ALLOW THE CITY OF RALEIGH AND THE TOWN OF CHAI	
	ACTIVATION OF PARKING METERS BY CREDIT CARD	
	RONIC MEANS AND TO USE PROCEEDS COLLECTED FRO S FOR PARKING PROGRAMS AND PROVIDING PARKING FA	
	Assembly of North Carolina enacts:	CIDITIDS.
	SECTION 1. G.S. 160A-301(a) reads as rewritten:	
	On-Street Parking A city may by ordinance regulate, restrict, an	nd prohibit the
	vehicles on the public streets, alleys, and bridges within the city. W	
•	or a specified period of time at a particular location, a city may in	
	at location and require any person parking a vehicle therein to plac	
	or the entire time that the vehicle remains in that location, up to the r	
	parking there. Parking meters may be activated by eoins or tokens	
	or electronic means. A city may establish parking zones within the	
	fferent monetary amount to activate the meter for different time period	
	which the meter is located. Proceeds from the use of parking me	
	t be used to defray the cost of enforcing and administering traffi	
	and regulations operating the parking program or providing parking fa	
Q	SECTION 2 This act annlies to the City of Raleigh and the Town	of Chanel Hill

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



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 453 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH
TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER
ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING
METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.
With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 475 State and Local Government Committee Substitute Adopted 4/21/09

	` <u>·</u>
Sponsors:	
Referred to:	

March 10, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, is amended by adding a new section to read:

"Section 10-2. Providing for the Orderly Installation of Energy-Generating or Energyor Water-Saving Devices.

- (a) The board of aldermen may by ordinance provide for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any further technology designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device. The ordinance may provide for review and approval or denial of homeowners association legal documents, including restrictive covenants, for compliance with the ordinance as a part of granting or denying approval of a subdivision. An ordinance adopted pursuant to this section shall not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association affecting a common area or that is designed to ensure that any such device is installed and maintained in such a manner that it does not pose a risk to the safety of any person. No ordinance adopted pursuant to this section shall apply to any condominium created under Chapter 47A or 47C of the General Statutes.
- (b) An ordinance adopted under this section may provide for enforcement using any of the means authorized by G.S. 160A-175."
- **SECTION 2.** This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.





SENATE BILL 475: Amend Carrboro Charter/Conserve Energy/Water

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Energy and Energy Efficiency

Introduced by: Sen. 1

Sen. Kinnaird

Analysis of: PCS to Second Edition

S475-CSRN-32

Date: June 3, 2009

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: Senate Bill 475 would amend the charter of the town of Carrboro to allow the board of alderman to adopt ordinances for the orderly installation of energy-saving and water-saving devices. The Proposed Committee Substitute clarifies that the town of Carrboro may provide for the orderly installation of solar collectors as provided in the bill (rather than as otherwise provided in the General Statutes).

[As introduced, this bill was identical to H720, as introduced by Rep. Insko, which is currently in House Local Government II, if favorable, Judiciary I.]

CURRENT LAW: In 2007, the General Assembly enacted S.L. 2007-279. The law provided that city ordinances, county ordinances, and deed restrictions cannot have the effect of prohibiting the installation of solar collectors not facing public access or common areas on detached single family residences.

- .S. 160A-201 provides that "no city ordinance shall prohibit, or have the effect of prohibiting, the stallation of a solar collector." The following exceptions apply:
 - Does not prohibit an ordinance which regulates the location of solar collectors provided that the ordinance does not have the effect of preventing the use of a solar collector for a detached single family home.
 - Does not prohibit an ordinance that would prohibit the location of solar collectors that are visible by a person on the ground.

G.S. 22B-20 declares void any deed restriction, covenant, or similar binding agreement running with the land that would prohibit the installation of solar collectors. The following exceptions apply:

- Does not apply to binding agreements that do not have the effect of preventing the reasonable use of a solar collector for a detached single family residence.
- Does not prohibit a binding agreement that would prohibit the location of solar collectors that are visible by a person on the ground.

The statute became effective October 1, 2007, and applied only to deed restrictions, etc., recorded on or after that date.

BILL ANALYSIS: The PCS for Senate Bill 475 does all of the following:

- Allows the board of alderman, by ordinance, to provide for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or other technology to generate or conserve energy or to capture or reuse water.
 - O The installation must be done by or on behalf of a person who otherwise has a property right to install such a device.

Senate Bill 475

Page 2

- The ordinance may provide for review and approval or denial of homeowners association legal documents, including restrictive covenants, for compliance with the ordinance as a part of granting or denying approval of a subdivision.
- An ordinance adopted pursuant to this section does not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association affecting a common area or that is designed to ensure that any such device is installed and maintained in such a manner that it does not pose a risk to the safety of any person.
- No ordinance adopted pursuant to this section shall apply to any condominium.
- The Town may enforce its ordinance using any means provided to a municipality in GS 160A-175, which includes fines and misdemeanor criminal prosecution.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.

BACKGROUND: Because G.S. 160A-201 and G.S. 22B-20 address cities' ability to adopt ordinances related to the installation of solar collectors, there were some concerns regarding how S-475 would correspond with existing law. The PCS clarifies that S-475 permits the town of Carrboro to adopt ordinances related to solar collectors, notwithstanding those other provisions of law dealing with solar collectors. The PCS is intended to ensure that there is no conflict among the laws as they relate to solar collectors.

S475-SMRN-84(CSRN-32) v4

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

D

SENATE BILL 475

State and Local Government Committee Substitute Adopted 4/21/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S475-CSRN-32 [v.2]

6/2/2009 12:35:39 PM

Short Title:	Amend Carrboro Charter/Conserve Energy/Water.	(Local)	
Sponsors:			
Referred to:			

March 10, 2009

1 2 3

4

5

6 7

8

10

11

12

13

14

15

16

17

18 19

20

21 22

23 24

2526

27

28 29

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, is amended by adding a new section to read:

"Section 10-2. Providing for the Orderly Installation of Energy-Generating or Energyor Water-Saving Devices.

(a) Notwithstanding G.S. 160A-201, G.S. 22B-20, and Article 19 of Chapter 160A of the General Statutes, the board of aldermen may by ordinance provide for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any further technology designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device. The ordinance may provide for review and approval or denial of homeowners association legal documents, including restrictive covenants, for compliance with the ordinance as a part of granting or denying approval of a subdivision. An ordinance adopted pursuant to this section shall not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association affecting a common area or that is designed to ensure that any such device is installed and maintained in such a manner that it does not pose a risk to the safety of any person. No ordinance adopted pursuant to this section shall apply to any condominium created under Chapter 47A or 47C of the General Statutes.

(b) An ordinance adopted under this section may provide for enforcement using any of the means authorized by G.S. 160A-175."

SECTION 2. This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

. 14

SENATE BILL 503

Short Title:	Durham MWBE. (Loca
Sponsors:	Senators McKissick; and Atwater.
Referred to:	State and Local Government.
	March 11, 2009
	A BILL TO BE ENTITLED
AN ACT A	MENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT TH
CITY M	ANAGER THE AUTHORITY TO INCLUDE THE CITY'S MINORITY O
WOMEN	I'S BUSINESS ENTERPRISE REQUIREMENTS IN THE SPECIFICATION
FOR CIT	Y CONTRACTS.
The General	Assembly of North Carolina enacts:
S	ECTION 1. Section 84.1 of the Charter of the City of Durham, being Chapter 67
	Session Laws, as amended by Chapter 474 of the 1983 Session Laws, reads a
rewritten:	
"Sec. 84.	.1. Minority or Women's Business Enterprise Requirements. (a) The Cit
•	and the company to and/or complete with minimum with a district and/or company

Council may establish, agree to and/or comply with minimum minority and/or women's business enterprise participation requirements in projects financed by public funds to ensure equal employment opportunities and/or to redress past discrimination, by including such minimum requirements in the specifications for contracts to perform all or part of such projects and awarding bids pursuant to G.S. 143-129 and G.S. 143- 131, if applicable, to the lowest responsible bidder or bidder meeting these and other specifications.

(b) The City Council may, on any terms it deems proper, authorize the City Manager or the City Manager's designee to include minimum minority and/or women's business enterprise participation requirements authorized in subsection (a) of this section in the specifications for contracts to perform all or part of any projects financed by public funds and to award bids to the lowest responsible bidders meeting these and other specifications."

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





SENATE BILL 503: Durham MWBE

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

June 1, 2009

Judiciary III Sen. McKissick Introduced by:

Prepared by: Bill Patterson*

Analysis of:

First Edition

Committee Counsel

SUMMARY: Senate Bill 503 authorizes the Durham City Council to authorize the City Manager to include the city's minority/women's business enterprise requirements in specifications for city contracts.

CURRENT LAW: The Durham City Charter was amended by S.L. 1983-474 to add a new section 84.1. "Minority or Women's Business Enterprise Requirements," authorizing the City Council to establish and include in city contracts minimum participation requirements for minority and/or women's business enterprise (MWBE) in publicly financed projects to ensure equal employment opportunities and/or to redress past discrimination.

BILL ANALYSIS: This bill amends Section 84.1 of the Durham City Charter to permit the City Council to authorize the City Manager to include the city's MWBE participation requirements in the city's contract specifications.

BACKGROUND: Senate Bill 503 and the charter section that it amends may be subject to challenge under Article II, Section 24(1)(j) of the North Carolina Constitution, which prohibits enactment of "any local, private, or special act or resolution . . . [r]egulating labor, trade, mining, or manufacturing." The General Assembly has passed several local bills authorizing local governments to establish MWBE requirements for their contracts. To date, there is no case law involving challenges to any of these local acts.

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

*Staff Counsel Steve Rose and Bill Gilkeson substantially contributed to this summary. S503-SMTG-64(e1) v1

See, e.g., S.L. 1983-474 (Durham); S.L. 1985-632 (Winston-Salem); S.L. 1987-344 (Charlotte); S.L. 1987-418 (Durham County); and S.L. 1989-617 (Wilmington).

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

	•		
	EDITION No.		
Program ',	H. B. No	DATE	
•	S. B. No. 503		Amendment No.
	COMMITTEE SUBSTITUTE	•	(to be filled in by Principal Clerk)
	()	/	· molpai olerky
	Rep.)	26	
	Sen.)	•	
4	marrae to amound the hill on many	/	17-19
1 2	moves to amend the bill on page () WHICH CHANGES THE TITLE		, line
3		writing	Those line to read
4	11/11		
5	(0) The (1)	Ty Counci	I may de legate
6	to the Cit	Munag	
1800 17.	designe		there to
į.	Carryo		irements established
restr.		2 (//	1
9	<u>un det</u>	Sap olivi	sion subsection
10	(a) \circ $($	This Si	ec/102
11	and To	T award	bids in the
12	Speciti	cations	ter"
13	· · · · · · · · · · · · · · · · · · ·		
14			
19			
	•	SIGNE	D_SOW
ellan ≜rkaa. ⊸	ADOPTED	FAILED	TABLED

PRINCIPAL CLERK'S OFFICE

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 503 PROPOSED HOUSE COMMITTEE SUBSTITUTE S503-PCS55423-TG-24

D

Short Title:	Durham MWBE.	(Local)
Sponsors:		
Referred to:	,	
	March 1	1, 2009
	•	•
•	A BILL TO BI	
		THE CITY OF DURHAM TO GRANT THE
		O INCLUDE THE CITY'S MINORITY OR
		QUIREMENTS IN THE SPECIFICATIONS
	Y CONTRACTS.	
	Assembly of North Carolina enacts	•
		arter of the City of Durham, being Chapter 671
	dession Laws, as amended by Cha	apter 474 of the 1983 Session Laws, reads as
rewritten:		
	. Minority or Women's Business	
		ree to and/or comply with minimum minority
		n requirements in projects financed by public
		ies and/or to redress past discrimination, by
_	- · · · · · · · · · · · · · · · · · · ·	ecifications for contracts to perform all or part
		G.S. 143-129 and G.S. 143-131, if applicable,
	esponsible bidder or bidder meetin	•
	·•···	the City Manager or his or her designee the
•		d under subsection (a) of this section in the
enecitications	tor contracts to perform all or par	t of any projects financed by public funds and

to award bids to the lowest responsible bidders meeting these and other specifications."

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 503 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE
CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE
THE CITY'S MINORITY OR WOMEN'S BUSINESS ENTERPRISE REQUIREMENTS IN
THE SPECIFICATIONS FOR CITY CONTRACTS.
THE STEEM TONITIONS FOR CITE CONTINUES.
With a favorable report as to the House committee substitute bill, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on JUDICIARY III.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S.

SENATE BILL 504

Short Title:	Durham Anti-Sweatshop Requirements. (Local)
Sponsors:	Senators McKissick; and Atwater.
Referred to:	State and Local Government.
	March 11, 2009
CITY MAREQUIRE The General A of the 1975 S "Section S to, and com specifications G.S. 143-129	or employment of children; and The disclosure of: a. The locations and ownership of the manufacturing company where the apparel or textiles are made, finished, packed, or otherwise processed; b. Compensation to workers; and
	c. Any other information necessary and proper for the enforcement of other anti-sweatshop requirements and not in violation of any other State law.
(a1) <u>Th</u>	ne City Council may, on any terms it deems proper, authorize the City Manager or

- (a1) The City Council may, on any terms it deems proper, authorize the City Manager or the City Manager's designee to include anti-sweatshop requirements authorized in subsection (a) of this section in the specifications for contracts to purchase or rent apparel or textiles and to award bids to the lowest responsible bidders meeting these and other specifications.
- (b) The authority granted by this section is in addition to, and not in derogation of, any other authority granted by this Charter or any other law."

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





SENATE BILL 504: Durham Anti-Sweatshop Requirements

2009-2010 General Assembly

Analysis of:

Committee: . House Local Government II, if favorable, Date:

June 1, 2009 ·

Judiciary III

Sen. McKissick Introduced by: First Edition

Prepared by: Bill Patterson*

Committee Counsel

SUMMARY: Senate Bill 504 authorizes the Durham City Council to authorize the City Manager to include the city's anti-sweatshop requirements in specifications for city contracts.

CURRENT LAW: S.L. 2000-47 added Section 84.4 to the Charter of the City of Durham, allowing the City Council to include anti-sweatshop requirements in specifications for contracts to purchase or rent apparel or textiles.

BILL ANALYSIS: This bill authorizes the Durham City Council to permit the City Manager or the City Manager's designee to include anti-sweatshop requirements in specifications for contracts to purchase or rent apparel or textiles and to award bids to the lowest responsible bidders meeting these and other specifications.

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

BACKGROUND: Senate Bill 504 and the charter section that it amends may be subject to challenge under Article II, Section 24(1)(j) of the North Carolina Constitution, which prohibits enactment of "any local, private, or special act or resolution . . . [r]egulating labor, trade, mining, or manufacturing." To date, there is no case law involving constitutional challenges to this Charter provision.

Steve Rose, Staff Counsel, and Kelly Quick, Research Assistant, substantially contributed to this summary. S504-SMTG-63(e1) v3 .

¹ Under the Durham City Charter, anti-sweatshop requirements may include:

Prohibitions against violations of applicable law or regulation, forced labor, or employment of children; and

The disclosure of:

The locations and ownership of the manufacturing company where the apparel or textiles are made, finished, packed, or otherwise processed;

Compensation to workers; and

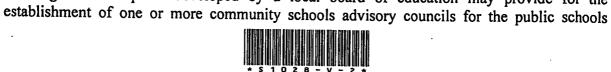
Any other information necessary and proper for the enforcement of other anti-sweatshop requirements and not in violation of any other State law.

S

SENATE BILL 1028

Education/Higher Education Committee Substitute Adopted 5/13/09

Short Title.	Volunteers to Support Acad. Success in School. (Pu	iblic)
Sponsors:		
Referred to:		
	March 31, 2009	
•	A BILL TO BE ENTITLED	
COMMUNI COMMUNI RESOURCH ACADEMIC VOLUNTED DEVELOP SUPPORT S The General Ass	RECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE ACADEMIC BOOSTER ORGANIZATIONS, KNOWN TY ACHIEVEMENT NETWORK – DEVELOPING OUR EDUCATION ES (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDY ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE ER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND POLICES TO MAKE INFORMATION ON TUTORING AND ACADE SERVICES AVAILABLE TO PARENTS AND STUDENTS.	AS NAL ENT OF TO
	TION 1. G.S. 115C-207 reads as rewritten:	
"§ 115C-207. A Every local Article shall:	board of education that uses State funds to implement programs under	this
(1)	Develop programs and plans for increased community involvement in public schools based upon policies and guidelines adopted by the Board of Education.	the State
<u>(1a)</u>	Develop policies and programs designed to encourage the use of community based academic booster organizations, known as Community Achiever Network — Developing Our Educational Resources (CAN DO organizations, to provide tutoring and other appropriate services encourage and support student academic achievement.	ment (ER)
<u>(1b)</u>	Develop policies and/or procedures for approving the use of volur organizations and for approving the use of individual volunteers.	<u>iteer</u>
<u>(1c)</u>	Develop policies and/or procedures designed to make information avail to parents and students about what tutoring and other academic sup services are available to students in the community or through solunteers or other community organizations.	port
(2)	Develop programs and plans for increased community use of public scifacilities based upon policies and guidelines adopted by the State Boar Education.	hool d of
(3)	Establish rules governing the implementation of such programs and plar its public schools and submit these rules along with adopted programs plans to the State Board of Education for approval by the State Board Education.	and
Programs and	d plans developed by a local board of education may provide for	the



under the board's jurisdiction and for the employment of one or more community schools coordinators. The local board of education shall establish the terms and conditions of employment for the community schools coordinators.

Every local board of education using State funds to implement a community schools program under this Article may enter into agreements with other local boards of education, agencies and institutions for the joint development of plans and programs and the joint expenditure of these State funds."

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



SENATE BILL 1028: Volunteers to Support Acad. Success in School

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

June 2, 2009

Education

Introduced by: Sen. Albertson

Prepared by: Steven Rose

Analysis of:

Second Edition

Committee Counsel

SUMMARY: SB 1028 would require local boards of education to develop:

- Policies and programs to encourage the use of community based academic booster organizations, known as Community Achievement Network - Developing Our Educational Resources (CAN DOER), to provide tutoring and other appropriate service to support student achievement.
- Policies or procedures for approving the use of volunteer organizations and for approving the use of individual volunteers.
- Policies or procedures to make information available to parents and students about tutoring and other academic support services available to students.

CURRENT LAW: G.S. 115C-207 requires local boards of education that use State funds to implement programs under the Community Schools Act to use State Board guidelines to develop programs and plans for ased community involvement in the public schools and increased community use of public school ties, and to establish rules governing those programs and submit them to the State Board for approval. The programs may provide for establishment of one or more community school advisory councils and employment of one or more community schools coordinators. Agreements may be entered into with other local boards of education, agencies and institutions for joint development of such programs and joint expenditure of State funds.

BILL ANALYSIS: SB 1028 would require local boards of education to develop the following:

- Policies and programs to encourage the use of community based academic booster organizations, known as Community Achievement Network - Developing Our Educational Resources (CAN DOER) organizations, to provide tutoring and other appropriate service to encourage and support student achievement.
- Policies and/or procedures to approve the use of volunteer organizations and the use of individual volunteers.
- Policies and/or procedures to make information available to parents and students about tutoring and other academic support services available to students in the community or through school volunteers or other community organizations.

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

Kara McCraw, Counsel to the Senate Committee on Education and Higher Education, substantially contributed to this summary. S'000 SMRL-79(e2) v1

VISITOR REGISTRATION SHEET

COMMITTEE ON LOCAL GOVERNMENT II

JUNE 3, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Karnisha R. Wellace	City of Ovolan
Thomas NElorwick	Chy & Roleigl
LANGES BEEN	aty of Wilmington
Jackie Colbert	NC-State Bl.g Education -DR
David Ambur	Electricities of N.C.
Katherin W. Jara	NCASA-
Erin Wynia	NCLM
Henry Jones	Attorney Raling
Motrin Hancin	Don & Assic
V .	

House Pages

Local 600 + II Name of Committee Date:	6/3/	09
	•	
1. Name: Chuney Cunningham		
County: WAKE		
Sponsor: Parmon		•
2. Name: Bogers Clary		
County: Bladen	•	
onsor: Basson		
3. Name:		
County:		
Sponsor:		
4. Name:		
County:		
Sponsor:		
5. Name:		
County:		
Sponsor:		
Sgr-At-Arms		
1. Name: MARVIN LEE		
1. Name: TREY RALEY		
3. Name: Sudy TURNER		

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 10, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 504	Durham Anti-Sweatshop Requirements.	Senator McKissick
SB 543	Durham Motor Vehicle Levy.	Senator McKissick
SB 550	Duplin Elections.	Senator Albertson
SB 556	Asheville City Civil Service Board.	Senator Nesbitt, Jr.
SB 560	Greenville Housing Authority.	Senator Davis
SB 570	Indian Trail Charter revised.	Senator Goodall
SB 650	Regulation of Golf Carts by Local	Senator Goss
	Governmts.	
SB 1028	Volunteers to Support Acad. Success in	Senator Albertson
	School.	

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the 13 o'clock on June 05, 2009.	e committee assistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	. •

Barbara Hocutt (Committee Assistant)

Corrected Notice Remove SB 550 and SB556

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 10, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO. SB 504 SB 543	SHORT TITLE Durham Anti-Sweatshop Requirements. Durham Motor Vehicle Levy.	SPONSOR Senator McKissick Senator McKissick
SB 550 SB 556 SB 560 SB 570	Duplin Elections. Asheville City Civil Service Board. Greenville Housing Authority. Indian Trail Charter revised.	Senator Albertson Senator Nesbitt, Jr. Senator Davis Senator Goodall
SB 650	Regulation of Golf Carts by Local Governmts.	Senator Goss
SB 1028	Volunteers to Support Acad. Success in School.	Senator Albertson

Respectfully,
Representative Braxton, Chair

I hereby certify this notice was filed by 9 o'clock on June 09, 2009.	the committee assistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk — House Chamber	

Ada Finch (Committee Assistant)

The Corrected Corrected Notice

Remove SB 550 and SB556 ADD SB 475

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 10, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

Ada Finch (Committee Assistant)

BILL NO. SB 475 SB 504 SB 543	SHORT TITLE Amend Carrboro Charter/Conserve Durham Anti-Sweatshop Requirements. Durham Motor Vehicle Levy.	SPONSOR Senator Kinnaird Senator McKissick Senator McKissick
SB 550 SB 556 SB 560 SB 570	Duplin Elections. Asheville City Civil Service Board. Greenville Housing Authority. Indian Trail Charter revised.	Senator Albertson Senator Nesbitt, Jr. Senator Davis Senator Goodall
SB 650 SB 1028	Regulation of Golf Carts by Local Governmts. Volunteers to Support Acad. Success in School.	Senator Goss Senator Albertson

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee a 9 o'clock on June 09, 2009.	ssistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	

COMMITTEE ON LOCAL GOVERNMENT II JUNE 10, 2009

AGENDA

I.	Call to Orde		
II.	Introductions		
III.	Bills		
	SB 1028	Volunteers To Support Acad. Success in School (If favorable, Education)	Albertson
	SB 504	Durham anti-Sweatshop Requirements (If favorable, Judiciary III)	McKissick
	SB 543	Durham Motor Vehicle (If favorable, Finance)	McKissick
	SB 560	Greenville Housing Authority (If favorable, Judiciary III)	Davis
	SB 570	Indian Trail Charter Revised (If favorable, Finance)	Goodall .
	SB 650	Regulation of Golf Carts by Local Governments (If favorable, Finance)	Goss

THE COMMITTEE ON LOCAL GOVERNMENT II June 10, 2009 Minutes

The meeting of the Committee on Local Government II was called to order by Representative Braxton, Chair, at 11:05 a.m. The Chair introduced the Pages: Caitlin Durr of Crave County sponsored by Representative Underhill, Alex Sugg of Greene County sponsored by Representative Braxton, Lee Mitchell of Craven County sponsored by Representative Underhill, Cooper Lindel of Forsyth County sponsored by Representative Folwell. The Sergeant's-at Arms are Marvin Lee, Bob Rossi and Carlton Adams. The following committee members were present: Representatives Tucker, Samuelson, Wiley, Blackwell, Langdon, Stewart, McElraft, Stam, Floyd, Guice, Warren and Owens.

Due to the absence of Senator Albertson, Senate Bill 504 sponsored by Senator McKissick was taken up out of order. House Bill 504 is "AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S ANTI-SWEATSHOP REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS. Representative Stam said he would not support the bill because it is unconstitutional. Staff averred that there may be grounds for a constitutional challenge. The City Attorney, Patrick Baker, answered several questions from members asking the rationale for the bill. Mr. Baker said it was unclear as to whether the City Manager was delegated this authority. Representative Wiley was excused from voting by the Chair under Rule 24. Representative Tucker moved the bill be reported Without Prejudice and recommended that it be referred to the Committee on Judiciary III. The motion was adopted.

Senator McKissick presented a House Proposed Committee Substitute to Senate Committee Substitute Bill 543, AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS. Representative Tucker moved to hear the House Proposed Committee Substitute for Senate Bill 543. The motion was adopted. The Chair permitted the Transportation Manager, Mark Ahrendsen for the City of Durham, to answer questions on the House PCS. Representative Floyd moved for a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute and recommendation that the House committee substitute bill be re-referred to the Committee on Finance. The motion was adopted.

Senator Albertson presented the House Proposed Committee Substitute to Senate Committee Substitute 1028, AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, KNOW AS COMMUNITY ACHIEVEMENT NETWORK – DEVELOPMING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP POLICES TO MAKE

INFORMATION ON TURORING AND ACADEMIC SUPPORT SERVICE AVAILABLE TO PARENTS AND STUDENTS. Representative Tucker moved to consider the House Proposed Committee Substitute. The motion was adopted. Leanne Winner, representing the NC School Board Association, expressed their support of the bill. Representative Blackwell moved to amend the Proposed Committee Substitute by striking the phase "known as" and substituting "such as" in Line 19, Page 1 and in Line 3 of the title and that these changes are included in the House Proposed Committee Substitute. The motion was adopted. Representative Warren moved a favorable report as to the House committee substitute which changes the title and unfavorable as to the Senate Committee Substitute Bill and recommendation that the House committee substitute bill be re-referred to the Committee on Education. The motion was adopted.

Senator Davis presented Senate Committee Substitute 560, AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS. Senator Davis and Representative Warren said that the respective Boards involved have resolved their differences with this bill. Representative Warren moved a favorable report and a rereferral to the Committee on Judiciary III. The motion was accepted.

Senator Goodall was not present and Senate Bill 570 was deferred until the next meeting of the committee. Senator Goss requested that Senate Bill 650 not be heard.

Representative Stam recognized Autumn Shaw and her parents. Autumn is the winner of a Bible Verse Memorization Contest.

The Chair adjourned the meeting at 11/52 a.m.

Jachera Hocult

Representative R. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

S

SENATE BILL 1028

Education/Higher Education Committee Substitute Adopted 5/13/09

Short Title: V	olunteers to Support Acad. Success in School. (Public)
Sponsors:	
Referred to:	
	March 31, 2009
COMMUNI' COMMUNI' RESOURCE ACADEMIC VOLUNTEE DEVELOP I SUPPORT S The General Ass SEC' "§ 115C-207. A Every local	A BILL TO BE ENTITLED RECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE TY ACADEMIC BOOSTER ORGANIZATIONS, KNOWN AS TY ACHIEVEMENT NETWORK – DEVELOPING OUR EDUCATIONAL S (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT C ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF ER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO POLICES TO MAKE INFORMATION ON TUTORING AND ACADEMIC ERVICES AVAILABLE TO PARENTS AND STUDENTS. THOM 1. G.S. 115C-207 reads as rewritten: uthority and responsibility of local boards of education. board of education that uses State funds to implement programs under this
Article shall: (1)	Develop programs and plans for increased community involvement in the
(1a)	public schools based upon policies and guidelines adopted by the State Board of Education. Develop policies and programs designed to encourage the use of community based academic booster organizations, known as Community Achievement Network — Developing Our Educational Resources (CAN DOER) organizations, to provide tutoring and other appropriate services to encourage and support student academic achievement.
<u>(1b)</u>	Develop policies and/or procedures for approving the use of volunteer organizations and for approving the use of individual volunteers.
(1c)	Develop policies and/or procedures designed to make information available to parents and students about what tutoring and other academic support services are available to students in the community or through school volunteers or other community organizations.
(2)	Develop programs and plans for increased community use of public school facilities based upon policies and guidelines adopted by the State Board of Education.
(3)	Establish rules governing the implementation of such programs and plans in its public schools and submit these rules along with adopted programs and plans to the State Board of Education for approval by the State Board of Education.

Programs and plans developed by a local board of education may provide for the establishment of one or more community schools advisory councils for the public schools



under the board's jurisdiction and for the employment of one or more community schools coordinators. The local board of education shall establish the terms and conditions of employment for the community schools coordinators.

Every local board of education using State funds to implement a community schools program under this Article may enter into agreements with other local boards of education, agencies and institutions for the joint development of plans and programs and the joint expenditure of these State funds."

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



SENATE BILL 1028: Volunteers to Support Acad. Success in School

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

June 2, 2009

Education

Introduced by: Sen. Albertson

Prepared by: Steven Rose

Analysis of:

Second Edition

Committee Counsel

SUMMARY: SB 1028 would require local boards of education to develop:

- Policies and programs to encourage the use of community based academic booster organizations, known as Community Achievement Network - Developing Our Educational Resources (CAN DOER), to provide tutoring and other appropriate service to support student achievement.
- Policies or procedures for approving the use of volunteer organizations and for approving the use of individual volunteers.
- Policies or procedures to make information available to parents and students about tutoring and other academic support services available to students.

CURRENT LAW: G.S. 115C-207 requires local boards of education that use State funds to implement programs under the Community Schools Act to use State Board guidelines to develop programs and plans for ised community involvement in the public schools and increased community use of public school ties, and to establish rules governing those programs and submit them to the State Board for approval. The programs may provide for establishment of one or more community school advisory councils and employment of one or more community schools coordinators. Agreements may be entered into with other local boards of education, agencies and institutions for joint development of such programs and joint expenditure of State funds.

BILL ANALYSIS: SB 1028 would require local boards of education to develop the following:

- Policies and programs to encourage the use of community based academic booster organizations, known as Community Achievement Network - Developing Our Educational Resources (CAN DOER) organizations, to provide tutoring and other appropriate service to encourage and support student achievement.
- Policies and/or procedures to approve the use of volunteer organizations and the use of individual volunteers.
- Policies and/or procedures to make information available to parents and students about tutoring and other academic support services available to students in the community or through school volunteers or other community organizations.

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

Kara McCraw, Counsel to the Senate Committee on Education and Higher Education, substantially contributed to this summary. S1079 SMRL-79(e2) v1

Volunteers to Support Acad. Success in School.

S

Short Title:

SENATE BILL 1028

D

(Public)

Education/Higher Education Committee Substitute Adopted 5/13/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S1028-CSRL-47 [v.1]

6/10/2009 10:41:24 AM

	Sponsors:	
	Referred to:	
		March 31, 2009
1		A DILL TO DE ENTITE ED
2	ANI ACT DID	A BILL TO BE ENTITLED ECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE
3		
4		Y ACADEMIC BOOSTER ORGANIZATIONS, KNOWN AS Y ACHIEVEMENT NETWORK - DEVELOPING OUR EDUCATIONAL
5		S (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT
6	ACADEMIC	ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF
7	VOLUNTEE	R ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO
8	DEVELOP P	OLICES TO MAKE INFORMATION ON TUTORING AND ACADEMIC
9		ERVICES AVAILABLE TO PARENTS AND STUDENTS.
_0		embly of North Carolina enacts:
11		GION 1. G.S. 115C-207 reads as rewritten:
12		uthority and responsibility of local boards of education.
13		poard of education that uses State funds to implement programs under this
14	Article shall:	
15	(1)	Develop programs and plans for increased community involvement in the
16		public schools based upon policies and guidelines adopted by the State
17		Board of Education.
18	<u>(1a)</u>	Develop policies and programs designed to encourage the use of community
19		based academic booster organizations, which may be known as Community
20		Achievement Network - Developing Our Educational Resources (CAN
21		DOER) organizations, to provide tutoring and other appropriate services to
22	(11)	encourage and support student academic achievement.
23	<u>(1b)</u>	Develop policies and/or procedures for approving the use of volunteer
24 25	(10)	organizations and for approving the use of individual volunteers.
26	<u>(1c)</u>	Develop policies and/or procedures designed to make information available
27		to parents and students about what tutoring and other academic support
28		services are available to students in the community or through school volunteers or other community organizations.
29	(2)	Develop programs and plans for increased community use of public school
30	(2)	facilities based upon policies and guidelines adopted by the State Board of
31		Education.
32	(3)	Establish rules governing the implementation of such programs and plans in
33	\- /	its public schools and submit these rules along with adopted programs and



General Assembly of North Carolina

Session 2009

1 3

2

12 13 14 plans to the State Board of Education for approval by the State Board of Education.

Programs and plans developed by a local board of education may provide for the establishment of one or more community schools advisory councils for the public schools under the board's jurisdiction and for the employment of one or more community schools coordinators. The local board of education shall establish the terms and conditions of employment for the community schools coordinators.

Every local board of education using State funds to implement a community schools program under this Article may enter into agreements with other local boards of education, agencies and institutions for the joint development of plans and programs and the joint expenditure of these State funds."

SECTION 2. This act is effective when it becomes law and applies to local boards of education that develop polices pursuant to G.S. 115C-207(1a), (1b), or (1c), as enacted by this act, on or after that date.

S

SENATE BILL 1028

D

Education/Higher Education Committee Substitute Adopted 5/13/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S1028-PCS55432-RL-48

Short little: Vo	olunteers to Support Acad. Success in School. (Public
Sponsors:	
Referred to:	
	March 31, 2009
COMMUNIT ACHIEVEM (CAN DOI	A BILL TO BE ENTITLED EECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE Y ACADEMIC BOOSTER ORGANIZATIONS, SUCH AS COMMUNITY ENT NETWORK – DEVELOPING OUR EDUCATIONAL RESOURCES ER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC
ORGANIZA POLICIES T SERVICES A	ENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER FIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOR OF MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORTAVAILABLE TO PARENTS AND STUDENTS.
	embly of North Carolina enacts: FION 1. G.S. 115C-207 reads as rewritten:
	uthority and responsibility of local boards of education.
Every local	board of education that uses State funds to implement programs under thi
Article shall:	
(1)	Develop programs and plans for increased community involvement in the public schools based upon policies and guidelines adopted by the Stat Board of Education.
<u>(1a)</u>	Develop policies and programs designed to encourage the use of community-based academic booster organizations, which may be known a Community Achievement Network — Developing Our Educational Resources (CAN DOER) organizations, to provide tutoring and other appropriate services to encourage and support student academic achievement.
<u>(1b)</u>	achievement. Develop policies and/or procedures for approving the use of voluntee organizations and for approving the use of individual volunteers.
<u>(1c)</u>	Develop policies and/or procedures designed to make information available to parents and students about what tutoring and other academic support services are available to students in the community or through school volunteers or other community organizations.
(2)	Develop programs and plans for increased community use of public school facilities based upon policies and guidelines adopted by the State Board of



Education.

1 2

3 4

12 13 14

11

15 16 (3) Establish rules governing the implementation of such programs and plans in its public schools and submit these rules along with adopted programs and plans to the State Board of Education for approval by the State Board of Education.

Programs and plans developed by a local board of education may provide for the establishment of one or more community schools advisory councils for the public schools under the board's jurisdiction and for the employment of one or more community schools coordinators. The local board of education shall establish the terms and conditions of employment for the community schools coordinators.

Every local board of education using State funds to implement a community schools program under this Article may enter into agreements with other local boards of education, agencies and institutions for the joint development of plans and programs and the joint expenditure of these State funds."

SECTION 2. This act is effective when it becomes law and applies to local boards of education that develop polices pursuant to G.S. 115C-207(1a), (1b), or (1c), as enacted by this act, on or after that date.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 1028 A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS
OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER
ORGANIZATIONS, KNOWN AS COMMUNITY ACHIEVEMENT NETWORK -
DEVELOPING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATIONS, TO
SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES
APPROVING USE OF VOLUNTEER ORGANIZATIONS AND INDIVIDUAL
VOLUNTEERS, AND TO DEVELOP POLICES TO MAKE INFORMATION ON TUTORING
AND ACADEMIC SUPPORT SERVICES AVAILABLE TO PARENTS AND STUDENTS.
With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on EDUCATION. (FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
·

SENATE BILL 504

GENERAL ASSEMBLY OF NORTH CAROLINA

Short Title:	Durham Anti-Sweatshop Requirements.	(Local)
Sponsors:	Senators McKissick; and Atwater.	
Referred to:	State and Local Government.	
	March 11, 2009	
CITY MAREQUIRI The General A SI of the 1975 S "Section 8 to, and com specifications G.S. 143-129 and other spec	or employment of children; and The disclosure of: a. The locations and ownership of the manufacturing compant the apparel or textiles are made, finished, packed, or oprocessed; b. Compensation to workers; and c. Any other information necessary and proper for the enforce other anti-sweatshop requirements and not in violation of a State law.	apter 671 sh, agree s in the rsuant to ng these ed labor, y where therwise ement of ny other
	ne City Council may, on any terms it deems proper, authorize the City Manager's designee to include anti-sweatshop requirements authorized in su	
	tion in the specifications for contracts to purchase or rent apparel or textile	
	the lowest responsible bidders meeting these and other specifications.	JJ WIIG CO
	ne authority granted by this section is in addition to, and not in derogation	of, any
	ry granted by this Charter or any other law."	



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



SENATE BILL 504: Durham Anti-Sweatshop Requirements

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

June 1, 2009

Judiciary III

Introduced by: Sen. McKissick

Prepared by: Bill Patterson*

Analysis of:

First Edition

Committee Counsel

SUMMARY: Senate Bill 504 authorizes the Durham City Council to authorize the City Manager to include the city's anti-sweatshop requirements in specifications for city contracts.

CURRENT LAW: S.L. 2000-47 added Section 84.4 to the Charter of the City of Durham, allowing the City Council to include anti-sweatshop requirements in specifications for contracts to purchase or rent apparel or textiles.

BILL ANALYSIS: This bill authorizes the Durham City Council to permit the City Manager or the City Manager's designee to include anti-sweatshop requirements in specifications for contracts to purchase or rent apparel or textiles and to award bids to the lowest responsible bidders meeting these and other specifications.

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

BACKGROUND: Senate Bill 504 and the charter section that it amends may be subject to challenge under Article II, Section 24(1)(j) of the North Carolina Constitution, which prohibits enactment of "any local, private, or special act or resolution . . . [r]egulating labor, trade, mining, or manufacturing." To date, there is no case law involving constitutional challenges to this Charter provision.

Steve Rose, Staff Counsel, and Kelly Quick, Research Assistant, substantially contributed to this summary. S504-SMTG-63(e1) v3

¹ Under the Durham City Charter, anti-sweatshop requirements may include:

Prohibitions against violations of applicable law or regulation, forced labor, or employment of children; and

The disclosure of:

o The locations and ownership of the manufacturing company where the apparel or textiles are made, finished, packed, or otherwise processed;

Compensation to workers; and

o Any other information necessary and proper for the enforcement of other anti-sweatshop requirements and not in violation of any other State law.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.			
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.			
Committee Substitute for			
SB 504 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE			
CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE			
THE CITY'S ANTI-SWEATSHOP REQUIREMENTS IN THE SPECIFICATIONS FOR CITY			
CONTRACTS.			
Without prejudice and recommendation that the bill be re-referred to the Committee on			
JUDICIARY III.			
•			
COD TOTTONAL LICE ONLY			
(FOR JOURNAL USE ONLY)			
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on			
Fursuant to Rule 32(a), the bin/resolution is re-referred to the Committee on			
The bill/resolution is re-referred to the Committee on			

S

SENATE BILL 543 Finance Committee Substitute Adopted 4/2/09

Short Title:	Durham Motor Vehicle Levy.	(Local)
Sponsors:		
Referred to:		

March 12, 2009

1 2

9.

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY.

A BILL TO BE ENTITLED

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-329, Section 1 of S.L. 2004-103, and S.L. 2008-31 are repealed. That act authorized the City of Durham to levy up to ten dollars (\$10.00) per year for general purposes. The repeal of this act shall not affect the authority of the City of Durham to levy the General Municipal Vehicle Tax in G.S. 20-97(b) of five dollars (\$5.00).

SECTION 2.(a) Article 3 of the Charter of the City of Durham, being Chapter 671 of the Session Laws of 1975 is repealed, and a new Article is added to read:

"Article 3A. Other Taxes.

"Sec. 46.1. Municipal Vehicle Tax for Public Transportation. The City of Durham may levy a tax of not more than five dollars (\$5.00) upon any vehicle resident in the city. The tax authorized in this section is in addition to the general municipal vehicle tax authorized by G.S. 20-97. The proceeds of the tax may be used only for financing, constructing, operating, and maintaining local public transportation systems. The City of Durham shall use the proceeds of the tax to supplement and not to supplant or replace existing funds or other resources for public transportation systems."

SECTION 2.(b) G.S. 20-97(c) reads as rewritten:

"(c) Municipal Vehicle Tax for Public Transportation. — A city or town that operates a public transportation system as defined in G.S. 105-550 may levy a tax of not more than five dollars (\$5.00) per year upon any vehicle resident in the city or town. The tax authorized by this subsection is in addition to the tax authorized by subsection (b) of this section. A city or town may not levy a tax under this section, however, to the extent the rate of tax, when added to the general motor vehicle taxes levied by the city or town under subsection (b) of this section and under any local legislation, would exceed thirty dollars (\$30.00) per year. The proceeds of the tax may be used only for financing, constructing, operating, and maintaining local public transportation systems. Cities and towns shall use the proceeds of the tax to supplement and not to supplant or replace existing funds or other resources for public transportation systems. This subsection does not apply-to the City of Durham or- to the cities and towns in Gaston County."

SECTION 3. This act only applies to the City of Durham.

SECTION 4. Section 1 of this act is effective when the City of Durham levies a tax under Section 2 of this act. The remainder of this act is effective when it becomes law. This act does not affect the rights or liabilities of the State, a taxpayer, or another person arising under a statute amended or repealed by this act before the effective date of its amendment or repeal; nor



General Assembly Of North Carolina

Session 2009

does it affect the right to any refund or credit of a tax that accrued under the amended or repealed statute before the effective date of its amendment or repeal.



SENATE BILL 543: Durham Motor Vehicle Levy

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

June 10, 2009

Finance

Introduced by: Sen. McKissick

Prepared by:

Brad Krehely

Analysis of:

PCS to Second Edition

Committee Co-Counsel

(919) 733-2578

S543-CSRN-34

SUMMARY: Senate Bill 543 would authorize the City of Durham to levy a \$10 motor vehicle tax for public transportation purposes in addition to the authorization to levy a \$5 motor vehicle tax for any lawful purpose currently allowed under the statutes. The Proposed Committee Substitute makes technical changes only.

As introduced, this bill was identical to H790, as introduced by Reps. Hall, Wilkins, Michaux, Luebke, which is currently in House Local Government II, if favorable, Finance, l

CURRENT LAW: Under general law, counties may not impose a license or privilege tax on motor vehicles and municipalities are limited in the taxes they may impose on motor vehicles to the taxes listed below:

- General Municipal Vehicle Tax, G.S. 20-97(b) A tax not to exceed \$5 a year on a motor vehicle resident in the municipality. The revenue generated by this tax may be used for any lawful purpose. By local acts, the amount of the tax has been increased for several cities and towns. The cities of Henderson, and Oxford and the towns of Ahoskie, Cary, Chapel Hill, Creedmoor, and Hillsborough may levy a tax of up to \$10. The cities of Gastonia, Kinston, and Raleigh may levy a tax up to \$15. The cities of Greenville and Winston-Salem; the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, Murfreesboro, and Pineville; and the municipalities located wholly or partially in Cabarrus County may levy a tax up to \$20. The town of Carrboro may levy a tax of up to \$25. The City of Charlotte and the Town of Matthews may levy a tax up to \$30.2 The vehicle tax is shown on the bill for vehicle taxes sent by the county.
- Local Public Transportation, G.S. 20-97(c). A tax not to exceed \$5 a year on a motor vehicle resident in the municipality. Only municipalities that operate a public transportation system may impose this tax, and the proceeds from the tax may be used only for local public transportation systems. This tax may not be imposed by the City of Durham.⁴
- Tax on Taxicabs. A tax not to exceed \$15 a year on each vehicle operated in the municipality as a taxicab. The proceeds of this tax may be used for any lawful purpose.

O. Walker Reagan, Director

¹ By local acts modifying G.S. 20-97, Alleghany, Caswell, and Pamlico Counties may impose an annual motor vehicle tax. The amounts vary from \$5 to \$15.

² S.L. 2007-109 authorizes the Town of Matthews to use proceeds from the tax for road construction, maintenance, and pair, including sidewalks, or for public mass transit systems and mass transit-related activities.

L. 2007-73 authorizes the Towns of Garner, Holly Springs, Rolesville, and Knightdale to increase the maximum tax from to \$15 and provides that the proceeds of the taxes above \$5 and up are to \$15 are to be used exclusively for transportation-related purposes, including sidewalks. S.L. 2007-108 gives the same authority to the Towns of Morrisville and

⁴ This tax may not be imposed by any cities and towns in Gaston County. Research Division

Senate Bill 543

Page 2

The City of Durham currently has a local modification to G.S. 20-97(b) that authroizes the City to levy a tax of \$10 which may be used for any lawful purpose. This authority will expire June 30, 2009.

BILL ANALYSIS: Senate Bill 543 would authorize the City of Durham to raise its motor vehicle tax from \$10 to \$15. This bill repeals the current local modification allowing a levy of \$10 upon the enactment of the new tax. Of the new \$15 motor vehicle tax, \$5 may be used for any lawful purpose and \$10 must be used for public transportation.

The new tax is authorized in the following way:

- Town Charter: The Town Charter is amended to allow the City to levy of tax of \$5 for any vehicle resident in the City. The proceeds must be used for public transportation. (See Section 2.(a)).
- G.S. 20-97(b): The Town is authorized by this subsection to levy a tax of \$5 for any vehicle resident in the City. The proceeds may be used for any lawful purpose. (See Section 1).
- Local modification of G.S. 20-97(c): This subsection is amended to allow the City of Durham to levy a tax of \$5 for any vehicle resident in the City. The proceeds must be used for public transportation. (See Section 2.(b)).

EFFECTIVE DATE: This act is effective when it becomes law. The repeal of the current tax is effective when the new tax is imposed by the City. This act does not affect the rights or liabilities of the State, a taxpayer, or another person arising under a statute amended or repealed by this act before the effective date of its amendment or repeal; nor does it affect the right to any refund or credit of a tax that accrued under the amended or repealed statute before the effective date of its amendment or repeal.

S543-SMRN-89(CSRN-34) v3

Heather Fennell contributed substantially to the drafting of this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

\mathbf{S}

SENATE BILL 543

Finance Committee Substitute Adopted 4/2/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S543-PCS85244-RN-34

Short Title:	Durham Motor Vehicle Levy.	(Local))
Sponsors:			
Referred to:		•	

March 12, 2009

1 2

A BILL TO BE ENTITLED.

3

5

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-329, Section 1 of S.L. 2004-103, and S.L. 2008-31 are repealed. These acts authorized the City of Durham to levy up to ten dollars (\$10.00) per year for general purposes. The repeal of these acts shall not affect the authority of the City of Durham to levy the General Municipal Vehicle Tax in G.S. 20-97(b) of five dollars (\$5.00).

10 11

SECTION 2.(a) Article 3 of Chapter V of the Charter of the City of Durham, being Chapter 671 of the Session Laws of 1975, is repealed, and a new Article is added to read:

12 13 14

"ARTICLE 3A. Other Taxes.

"Sec. 46.1. Municipal Vehicle Tax for Public Transportation. The City of Durham may levy a tax of not more than five dollars (\$5.00) upon any vehicle resident in the city. The tax authorized in this section is in addition to the general municipal vehicle tax authorized by G.S. 20-97. The proceeds of the tax may be used only for financing, constructing, operating, and maintaining local public transportation systems. The City of Durham shall use the proceeds of the tax to supplement and not to supplant or replace existing funds or other resources for public transportation systems."

20 21

19

SECTION 2.(b) G.S. 20-97(c) reads as rewritten:

2223242526

27 28

29 30

31

32

"(c) Municipal Vehicle Tax for Public Transportation. — A city or town that operates a public transportation system as defined in G.S. 105-550 may levy a tax of not more than five dollars (\$5.00) per year upon any vehicle resident in the city or town. The tax authorized by this subsection is in addition to the tax authorized by subsection (b) of this section. A city or town may not levy a tax under this section, however, to the extent the rate of tax, when added to the general motor vehicle taxes levied by the city or town under subsection (b) of this section and under any local legislation, would exceed thirty dollars (\$30.00) per year. The proceeds of the tax may be used only for financing, constructing, operating, and maintaining local public transportation systems. Cities and towns shall use the proceeds of the tax to supplement and not to supplant or replace existing funds or other resources for public transportation systems. This subsection does not apply to the City of Durham or to the cities and towns in Gaston County."

33

SECTION 3. This act only applies to the City of Durham.



SECTION 4. Section 1 of this act is effective when the City of Durham levies a tax under Section 2 of this act. The remainder of this act is effective when it becomes law. This act does not affect the rights or liabilities of the State, a taxpayer, or another person arising under a statute amended or repealed by this act before the effective date of its amendment or repeal; nor does it affect the right to any refund or credit of a tax that accrued under the amended or repealed statute before the effective date of its amendment or repeal.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

D

SENATE BILL 543

Finance Committee Substitute Adopted 4/2/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S543-CSRN-34 [v.1]

6/8/2009 2:10:22 PM

Short Title:	Durham Motor Vehicle Levy.	(Local)
Sponsors:		
Referred to:		

March 12, 2009

1 2

3 4

5

6

7

8

)

ر. 11

12

13

14

15

16 17

18 19

20

21

22

23

24

25

26

27

28

29

30

33

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2003-329, Section 1 of S.L. 2004-103, and S.L. 2008-31 are repealed. These acts authorized the City of Durham to levy up to ten dollars (\$10.00) per year for general purposes. The repeal of these acts shall not affect the authority of the City of Durham to levy the General Municipal Vehicle Tax in G.S. 20-97(b) of five dollars (\$5.00).

SECTION 2.(a) Article 3 of Chapter V of the Charter of the City of Durham, being Chapter 671 of the Session Laws of 1975 is repealed, and a new Article is added to read:

"ARTICLE 3A. Other Taxes.

"Sec. 46.1. Municipal Vehicle Tax for Public Transportation. The City of Durham may levy a tax of not more than five dollars (\$5.00) upon any vehicle resident in the city. The tax authorized in this section is in addition to the general municipal vehicle tax authorized by G.S. 20-97. The proceeds of the tax may be used only for financing, constructing, operating, and maintaining local public transportation systems. The City of Durham shall use the proceeds of the tax to supplement and not to supplant or replace existing funds or other resources for public transportation systems."

SECTION 2.(b) G.S. 20-97(c) reads as rewritten:

"(c) Municipal Vehicle Tax for Public Transportation. — A city or town that operates a public transportation system as defined in G.S. 105-550 may levy a tax of not more than five dollars (\$5.00) per year upon any vehicle resident in the city or town. The tax authorized by this subsection is in addition to the tax authorized by subsection (b) of this section. A city or town may not levy a tax under this section, however, to the extent the rate of tax, when added to the general motor vehicle taxes levied by the city or town under subsection (b) of this section and under any local legislation, would exceed thirty dollars (\$30.00) per year. The proceeds of the tax may be used only for financing, constructing, operating, and maintaining local public transportation systems. Cities and towns shall use the proceeds of the tax to supplement and not to supplant or replace existing funds or other resources for public transportation systems. This subsection does not apply to the City of Durham or to the cities and towns in Gaston County."

SECTION 3. This act only applies to the City of Durham.



6

SECTION 4. Section 1 of this act is effective when the City of Durham levies a tax under Section 2 of this act. The remainder of this act is effective when it becomes law. This act does not affect the rights or liabilities of the State, a taxpayer, or another person arising under a statute amended or repealed by this act before the effective date of its amendment or repeal; nor does it affect the right to any refund or credit of a tax that accrued under the amended or repealed statute before the effective date of its amendment or repeal.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Sommittee Substitute for SB 543 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY.
With a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be rereferred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 560 State and Local Government Committee Substitute Adopted 5/12/09

Short Title:	Greenville Housing Authority.	(Loc	al)
Sponsors:			
Referred to:			

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 157-5 reads as rewritten:

"§ 157-5. Appointment, qualifications and tenure of commissioners.

(a) An authority shall consist of not less than five nor more than eleven eommissioners appointed by the mayor and the mayor shall designate the first chair commissioners. One commissioner shall be appointed by the mayor, and all other commissioners shall be appointed by the city council. No commissioner may be a city official. At least one of the commissioners appointed shall be a person who is directly assisted by the public housing authority. However, there shall be no requirement to appoint such a person if the authority: (i) operates less than 300 public housing units, (ii) provides reasonable notice to the resident advisory board of the opportunity for at least one person who is directly assisted by the authority to serve as a commissioner, and (iii) within a reasonable time after receipt of the notice by the resident advisory board, has not been notified of the intention of any such person to serve. The mayor city council shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the mayor city council.

21 22 23

24

25

26

27

28

29

30

31

32

33

34 35

36

37

1 2

3 4

5

6

7

8

9

10

11

12

13 14

15

16 17

18

19

20

(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 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-Where the appointment is made by the mayor, 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. Where the appointment is made by the city council, the city council shall adopt a resolution or motion of appointment or reappointment of any commissioner, and the resolution or record of the official act shall be conclusive evidence of the due and proper appointment of the commissioner. Where the appointment is made by the city council, nominations to the city council for the appointment shall be made by city council members on a rotating basis in accordance with a procedure adopted by the city council that provides each city council member, on an equitable basis, an assigned position in the rotation to make a nomination for an appointment when the time for appointment occurs. A commissioner shall



1

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 2. This act applies to the City of Greenville only.

SECTION 3. This act is effective when it becomes law and applies to appointments and reappointments commencing on or after that date.



SENATE BILL 560: Greenville Housing Authority

2009-2010 General Assembly

Committee: House Local Government II, if favorable. Date:

June 9, 2009

Judiciary III Introduced by:

Sen. Davis

Prepared by: Steven Rose

Analysis of:

Second Edition

Committee Counsel

SUMMARY: Senate Bill 560 would authorize the Greenville City Council to make appointments to the board of commissioners of the Greenville Housing Authority.

[As introduced, this bill was identical to H638, as introduced by Reps. E. Warren, McLawhorn, Williams, which is currently in House Local Government II, if favorable, Judiciary III.]

CURRENT LAW: Currently, G.S. 157-5 provides that the board of commissioners of a city housing authority shall be appointed by the mayor.

BILL ANALYSIS: SB 560 would change the uniform method of appointment for housing authority commissioners for Greenville only. It would provide that the mayor of Greenville would appoint one commissioner and the city council would appoint the rest of them. The city council would be required to adopt an equitable rotation method for allowing each council member to nominate someone for each of the council's appointments.

FFECTIVE DATE: When it becomes law.

rr illiam Gilkeson, Counsel to the Senate State and Local Government Committee, substantially contributed to this summary. S560-SMRL-87(e2) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 560 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL
OF THE CITY OF GREENVILLE TO APPOINT SOME OF THE CITY'S HOUSING
AUTHORITY COMMISSIONERS.
With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY III.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

1 2

SENATE BILL 570 Second Edition Engrossed 4/1/09

Short Title: Indian Trail Charter Revised. (Local)

Sponsors: Senator Goodall.

Referred to: Finance.

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Indian Trail is revised and consolidated to read:

"CHARTER OF THE TOWN OF INDIAN TRAIL.

. "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The Town of Indian Trail shall continue to be a body politic and corporate under the name and style of "Town of Indian Trail" and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Indian Trail shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina.

"Section 1.4. Form of Government. The form of government of the Town of Indian Trail shall be known as the "Council-Manager Form of Government," as set forth in Part 2 of Article 7 of Chapter 160A of the General Statutes subject to the modifications of this Charter. Nothing contained in this Charter shall be construed to prevent the form of government of the Town of Indian Trail from being changed as by law provided.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Indian Trail shall be those existing at the time of the ratification of this Charter and as the same may be altered from time to time in accordance with law. The Town Planning Director shall



11

12 13

14 15

16

17 18

19

20 21

22

23 24

25

26

27

28

29

30

31 32

33

34 35

36

37

38 39

40

41

42 43

44

45

46

47

48 49

50

51

prepare a map to be designated "Map of the Town of Indian Trail Limits" showing the corporate limits as the same may exist as of the effective date of this Charter. The Town

Planning Director may also prepare a written description of the corporate limits as shown on said map to be designated "Description of the Town of Indian Trail Corporate Limits." Said map and description shall be retained permanently in the Office of the Town Clerk as the official map and description of the corporate limits of the Town. Immediately upon alteration of the corporate limits made pursuant to law from time to time, the Town Planning Director shall indicate such alteration by making appropriate changes and/or additions to said official map and description. Photographic or other types of copies of said official map or description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description.

"Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by general law.

"ARTICLE III. MAYOR AND TOWN COUNCIL.

Government Duties. The government of the Town and the general management and control of all its affairs shall be vested in a Mayor and Town Council, which shall be elected and shall exercise its powers in the manner hereinafter provided, except that the Town Manager shall have the authority hereinafter specified.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his own vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinance of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Section 3.3. Town Council. The Town Council shall consist of five members elected in the manner provided in Article IV.

"Section 3.4. Terms; Qualifications; Vacancies.

- Beginning with the regular action in 1971, the Mayor and the members of the Town Council shall serve for terms of four years beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter, provided they shall serve until their successors are elected and qualify.
- No person shall be eligible to be a candidate or be elected as Mayor or as members of the Town Council or to serve in such capacity, unless he is a resident and a qualified voter of the Town.
- If any elected Mayor or Councilman shall refuse to qualify, or if there shall be a vacancy in the office of Mayor or Councilman, after election and qualification, the vacancy shall be filled pursuant to the General Statutes. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.
- "Section 3.5. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Town Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Council may establish a salary for its members that may be increased or reduced, but no reduction shall be made to take effect as to any Councilman during the respective term of office that he is serving at the time the reduction is voted.

"Section 3.6. Organization of Council; Oaths of Office. The Town Council shall meet and organize for the transaction of business at a time established by ordinance, following each

7 8 9

14

29

30

36 37 38

39

40 41 42

44 45 46

47

43

48 49 50

51

biennial election and prior to December 15. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of on which I am about to enter, according to my best skill and ability; so help me, God."

"Section 3.7. Meetings of Council. The Town Council shall fix suitable times for its regular meetings, which shall be held at least once monthly. Special and emergency meetings may be held as provided by the Rules of Procedure for the Town Council of Indian Trail.

"Section 3.8. Quorum; Votes.

- A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.
- The affirmative vote of a majority of the members of the Town Council shall be necessary to adopt any ordinance or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and
- "Section 3.9. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clauses of all ordinances shall be: "Be it ordained by the Town Council of the Town of Indian Trail." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.
- "Section 3.10. Appointments by Council. The Town Council shall appoint a Town Manager and a Town Attorney, who shall hold office at the pleasure of the Council and receive such compensation as the Council may provide.

"Section 3.11. Powers of Town Manager.

- The Town Council shall appoint a Town Manager, who shall be the administrative head of the Town government and shall be responsible for the administration of all departments. The Manager shall be appointed with regard to executive and administrative abilities only. The Manager shall hold office at the pleasure of the Town Council and shall receive such compensation as determined by the Town Council. Neither the Mayor nor the Town Council nor any of its committees or members shall take part in the appointment or removal of officers, department heads, and employees in the administrative service of the Town, except as provided by this Charter.
 - (b) The Town Manager shall:
 - Be the administrative head of the Town government. (1)
 - See that within the Town the laws of the State and the ordinances, (2) resolutions, and regulations of the Council are faithfully executed.
 - (3) Attend all meetings of the Town Council, and recommend items for adoption as he shall deem expedient.
 - Make reports to the Town Council from time to time upon the affairs of the (4) Town and keep the Town Council fully advised of the Town's financial condition and its future financial needs.
 - (5) Appoint, suspend, and remove all nonelected officers, department heads, and employees of the Town, except the Town Attorney, who shall be appointed and serve at the pleasure of the Town Council.

"Section 3.12. Town Attorney. The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town Officials, be present at all meetings of the Town Council, and perform other

duties as required by law or as the Council may prescribe. The Town Attorney shall serve at the pleasure of the Council and shall receive compensation as the Council shall determine.

"Section 3.13. **Town Clerk.** The Town Manager shall appoint a Town Clerk who shall be the Clerk to the Town Council, keep all records concerning Council actions, exercise those powers and duties conferred by law, and perform such duties as may be specified by the Council. The Clerk will be appointed with regard to merit only.

"Section 3.14. Finance Officer. The Town Manager shall appoint a Finance Officer to perform the duties as required by the General Statutes.

"Section 3.15. Tax Collector. The Town Manager shall appoint a Tax Collector to collect all taxes, licenses, fees, and other monies belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosures of taxes by municipalities. Notwithstanding the contrary provisions of G.S. 105-349, the Town Manager may appoint the Tax Collector and one or more deputies.

"Section 3.16. Consolidation of Functions. The Town Manager may, in his discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Manager may also, in his discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 3.17. Other Administrative Officers and Employees. The Town Council may authorize other positions to be filled by appointment by the Town Manager and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"ARTICLE IV. ELECTION PROCEDURE.

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the laws of North Carolina. In the regular 1973 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Councilmen to serve for terms of four years. In the regular 1975 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large a Mayor and three Councilmen to serve for terms of four years. In case of a tie between opposing candidates, the election shall be determined pursuant to general law.

"Section 4.2. **Voting.** In the regular 1973 election and quadrennially thereafter, each voter shall be entitled to vote for two candidates for Councilman. In the regular 1975 election and quadrennially thereafter, each voter shall be entitled to vote for one candidate for Mayor and for three candidates for Councilman.

"Section 4.3. Regulation of Elections. The method of election of the Mayor and Town Council shall be the nonpartisan election and runoff method to be conducted as provided in G.S. 163-293.

"ARTICLE V. STREET, SIDEWALK, AND LIGHTING IMPROVEMENTS.

"Section 5.1. Street Improvements; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Town Council may make street improvements and assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

"Section 5.2. When Petition Unnecessary. The Town Council may order street improvements and assess the cost thereof, exclusive of the cost incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

- (1) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or
- (2) That it is in the public interest to connect two streets, or portions of a street already improved, or

8 9

30

31

24

37

38

45 46

44

48 49

47

50 51 (1)

- That it is in the public interest to widen a street, or part thereof, that is (3) already improved, provided that assessments for widening any street or portions of a street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan for the particular street, or part thereof, to be widened and improved under the authority granted by this Article.
- "Section 5.3. Street Improvement Defined. For the purpose of this Article, the term 'Street Improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaying, the acquisition of right-of-way, and the construction or reconstruction of curb, gutters, and street drainage facilities.

"Section 5.4. Sidewalks: Assessment of Cost. In addition to any authority which is now or may hereafter be granted by the General Statutes to the Town for making sidewalk improvements, the Town Council may order to be made or to make sidewalk improvements or repairs without petition according to standards and specifications of the Town and assess the total cost thereof against abutting property owners.

If a sidewalk is constructed on only one side of a street, the cost thereof may be assessed against a property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which has been assessed against the abutting property.

"Section 5.5. Street Lighting; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by the General Statutes to the Town for making street lighting improvements, the Town Council may order to be made or to make street lighting improvements or repairs without petition according to standards and specifications of the Town and assess the total cost thereof against abutting property owners.

If street lighting is constructed on only one side of a street, the cost thereof may be assessed against a property abutting on both sides of the street, unless there already exists street lighting on the other side of the street, the total cost of which has been assessed against the abutting property.

- "Section 5.6. Assessment Procedure. In ordering street, sidewalk, and lighting improvements without a petition and assessing the cost thereof under authority of this Article, the Town Council shall comply with the procedure provided in the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.
- "Section 5.7. Effect of Assessment. The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if assessed where levied under the authority of general law."

SECTION 2. The purpose of this act is to revise the Charter of the Town of Indian Trail and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

SECTION 3. This act shall not be deemed to repeal, modify, nor in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts or amendments are expressly set forth herein:

- Any acts concerning the property, affairs, or government of public schools in (1) the Town of Indian Trail.
- (2) Any acts of validating, confirming, approving, or legalizing official proceedings, actions, contracts or obligations of any kind.

SECTION 4. The following acts or portions of acts, having served their purposes for which enacted, or having been consolidated into this act, are hereby repealed:

Chapter 825, Session Laws of 1969.

(2) S.L. 2004-9.

SECTION 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests whether public or private:

 (1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

 (2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

 SECTION 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

 (2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

SECTION 7. All existing ordinances and resolutions of the Town of Indian Trail, and all existing rules or regulations of departments or agencies of the Town of Indian Trail, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

SECTION 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Indian Trail or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

SECTION 9. The Mayor and Town Council members serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified.

SECTION 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. All laws and clauses of laws in conflict with this act are hereby repealed.

SECTION 12. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

SECTION 13. All personal pronouns used in this document, whether used in the masculine, feminine, or neuter gender, shall include all other genders. The singular shall include the plural and vice versa.

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

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

S

SENATE BILL 650 State and Local Government Committee Substitute Adopted 4/21/09

Short little:	Regulation of Golf Carts by Local Governmts.	(Public)
Sponsors:		
Referred to:		
	March 19, 2009	
	A BILL TO BE ENTITLED	
AN ACT TO CARTS.	ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULA	TE GOLF
The General	Assembly of North Carolina enacts:	
	ECTION 1. Chapter 153A of the General Statutes is amended by add	ling a new
section to rea		
	. Regulation of golf carts on streets, roads, and highways.	
	otwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a county	
ordinance, re	gulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on	any public
	or highway where the speed limit is 35 miles per hour or less within the c	
is located in	any unincorporated areas of the county or on any property owned or lea	sed by the
county.		
	y ordinance, a county may require the registration of golf carts, charge	
the registrati	on, specify who is authorized to operate golf carts, and specify the	e required
	oad limits, and the hours and methods of operation of golf carts. No p	person less
	of age may operate a golf cart on a public street or highway."	
	ECTION 2. G.S. 160A-300.5 is repealed.	
SI	ECTION 3. Chapter 160A of the General Statutes is amended by add	ling a new
section to rea	d:	
" <u>§ 160A-300.</u>	.6. Regulation of golf carts on streets, roads, and highways.	
<u>(a) No</u>	otwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city	may, by
	gulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on a	
street, road, o	or highway where the speed limit is 35 miles per hour or less within its	municipal
limits or on a	ny property owned or leased by the city.	

of age may operate a golf cart on a public street or highway." SECTION 4. Section 6 of S.L. 2001-356 is repealed.

SECTION 5. Section 1 of S.L. 2003-124, as amended by S.L. 2004-58, S.L. 2007-204, and S.L. 2007-259, reads as rewritten:

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. No person less than 16 years

By ordinance, a city may require the registration of golf carts, charge a fee for the

"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, and the City of Conover may, by ordinance, regulate the operation of golf earts 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 earts 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 6. Section 1 of S.L. 2005-11, as amended by S.L. 2007-18, is repealed.

SECTION 7. Section 3 of S.L. 2005-11, as amended by S.L. 2006-149, S.L. 2006-152, and S.L. 2007-18, reads as rewritten:

"SECTION 3. Section 1 of this act applies only to the Towns of Benson, Bladenboro, Chadbourn, Clarkton, Elizabethtown, Four Oaks, Rose Hill and Tabor City. Section 2 of this This act applies only to Moore County."

SECTION 8. Section 9.4 of the Charter for the Town of Cary, as enacted by Section 1 of S.L. 2005-117, is repealed.

SECTION 9. S.L. 2006-27, S.L. 2006-149, S.L. 2006-152, S.L. 2007-18, S.L. 2007-72, S.L. 2007-336, and S.L. 2008-71 are repealed.

SECTION 10. Section 5.2 of the Charter for the Town of Whispering Pines, as enacted by Section 1 of S.L. 2008-105, is repealed.

SECTION 11. This act becomes effective October 1, 2009. A county may adopt an ordinance under G.S. 153A-245, and a city may adopt an ordinance under G.S. 160A-300.6 when this act becomes law, but the ordinances may not become effective prior to October 1, 2009. The repeal herein of any act does not affect the rights or liabilities of a local government that arose during the time the act was in effect, or under an ordinance adopted under such an act. If any county or city had adopted an ordinance under any act repealed by this act, and the ordinance would be permitted under G.S. 153A-245 or G.S. 160A-300.6 as enacted by this act, that ordinance shall remain in effect until amended or repealed by that county or city.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 570 Second Edition Engrossed 4/1/09

Short Title: Indian Trail Charter Revised. (Local)

Sponsors: Senator Goodall.

Referred to: Finance.

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Indian Trail is revised and consolidated to read:

"CHARTER OF THE TOWN OF INDIAN TRAIL.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The Town of Indian Trail shall continue to be a body politic and corporate under the name and style of "Town of Indian Trail" and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Indian Trail shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina.

"Section 1.4. Form of Government. The form of government of the Town of Indian Trail shall be known as the "Council-Manager Form of Government," as set forth in Part 2 of Article 7 of Chapter 160A of the General Statutes subject to the modifications of this Charter. Nothing contained in this Charter shall be construed to prevent the form of government of the Town of Indian Trail from being changed as by law provided.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Indian Trail shall be those existing at the time of the ratification of this Charter and as the same may be altered from time to time in accordance with law. The Town Planning Director shall



prepare a map to be designated "Map of the Town of Indian Trail Limits" showing the corporate limits as the same may exist as of the effective date of this Charter. The Town Planning Director may also prepare a written description of the corporate limits as shown on said map to be designated "Description of the Town of Indian Trail Corporate Limits." Said map and description shall be retained permanently in the Office of the Town Clerk as the official map and description of the corporate limits of the Town. Immediately upon alteration of the corporate limits made pursuant to law from time to time, the Town Planning Director shall indicate such alteration by making appropriate changes and/or additions to said official map and description. Photographic or other types of copies of said official map or description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description.

"Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by general law.

"ARTICLE III. MAYOR AND TOWN COUNCIL.

"Section 3.1. Government Duties. The government of the Town and the general management and control of all its affairs shall be vested in a Mayor and Town Council, which shall be elected and shall exercise its powers in the manner hereinafter provided, except that the Town Manager shall have the authority hereinafter specified.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his own vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinance of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Section 3.3. Town Council. The Town Council shall consist of five members elected in the manner provided in Article IV.

"Section 3.4. Terms; Qualifications; Vacancies.

- (a) Beginning with the regular action in 1971, the Mayor and the members of the Town Council shall serve for terms of four years beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter, provided they shall serve until their successors are elected and qualify.
- (b) No person shall be eligible to be a candidate or be elected as Mayor or as members of the Town Council or to serve in such capacity, unless he is a resident and a qualified voter of the Town.
- (c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be a vacancy in the office of Mayor or Councilman, after election and qualification, the vacancy shall be filled pursuant to the General Statutes. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.
- "Section 3.5. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Town Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Council may establish a salary for its members that may be increased or reduced, but no reduction shall be made to take effect as to any Councilman during the respective term of office that he is serving at the time the reduction is voted.

"Section 3.6. Organization of Council; Oaths of Office. The Town Council shall meet and organize for the transaction of business at a time established by ordinance, following each

7 8

10 11

12

29

30

23

41 42 43

40

45 46 47

44

48 49 50

51

biennial election and prior to December 15. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of on which I am about to enter, according to my best skill and ability; so help me, God."

"Section 3.7. Meetings of Council. The Town Council shall fix suitable times for its regular meetings, which shall be held at least once monthly. Special and emergency meetings may be held as provided by the Rules of Procedure for the Town Council of Indian Trail.

"Section 3.8. Quorum; Votes.

- A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.
- The affirmative vote of a majority of the members of the Town Council shall be necessary to adopt any ordinance or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and
- "Section 3.9. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clauses of all ordinances shall be: "Be it ordained by the Town Council of the Town of Indian Trail." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.
- "Section 3.10. Appointments by Council. The Town Council shall appoint a Town Manager and a Town Attorney, who shall hold office at the pleasure of the Council and receive such compensation as the Council may provide.

"Section 3.11. Powers of Town Manager.

- The Town Council shall appoint a Town Manager, who shall be the administrative head of the Town government and shall be responsible for the administration of all departments. The Manager shall be appointed with regard to executive and administrative abilities only. The Manager shall hold office at the pleasure of the Town Council and shall receive such compensation as determined by the Town Council. Neither the Mayor nor the Town Council nor any of its committees or members shall take part in the appointment or removal of officers, department heads, and employees in the administrative service of the Town, except as provided by this Charter.
 - (b) The Town Manager shall:
 - Be the administrative head of the Town government. (1)
 - See that within the Town the laws of the State and the ordinances, (2) resolutions, and regulations of the Council are faithfully executed.
 - (3) Attend all meetings of the Town Council, and recommend items for adoption as he shall deem expedient.
 - Make reports to the Town Council from time to time upon the affairs of the (4) Town and keep the Town Council fully advised of the Town's financial condition and its future financial needs.
 - Appoint, suspend, and remove all nonelected officers, department heads, and (5) employees of the Town, except the Town Attorney, who shall be appointed and serve at the pleasure of the Town Council.

"Section 3.12. Town Attorney. The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town Officials, be present at all meetings of the Town Council, and perform other

duties as required by law or as the Council may prescribe. The Town Attorney shall serve at the pleasure of the Council and shall receive compensation as the Council shall determine.

"Section 3.13. Town Clerk. The Town Manager shall appoint a Town Clerk who shall be the Clerk to the Town Council, keep all records concerning Council actions, exercise those powers and duties conferred by law, and perform such duties as may be specified by the Council. The Clerk will be appointed with regard to merit only.

"Section 3.14. Finance Officer. The Town Manager shall appoint a Finance Officer to perform the duties as required by the General Statutes.

"Section 3.15. Tax Collector. The Town Manager shall appoint a Tax Collector to collect all taxes, licenses, fees, and other monies belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosures of taxes by municipalities. Notwithstanding the contrary provisions of G.S. 105-349, the Town Manager may appoint the Tax Collector and one or more deputies.

"Section 3.16. Consolidation of Functions. The Town Manager may, in his discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Manager may also, in his discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 3.17. Other Administrative Officers and Employees. The Town Council may authorize other positions to be filled by appointment by the Town Manager and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"ARTICLE IV. ELECTION PROCEDURE.

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the laws of North Carolina. In the regular 1973 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Councilmen to serve for terms of four years. In the regular 1975 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large a Mayor and three Councilmen to serve for terms of four years. In case of a tie between opposing candidates, the election shall be determined pursuant to general law.

"Section 4.2. Voting. In the regular 1973 election and quadrennially thereafter, each voter shall be entitled to vote for two candidates for Councilman. In the regular 1975 election and quadrennially thereafter, each voter shall be entitled to vote for one candidate for Mayor and for three candidates for Councilman.

"Section 4.3. Regulation of Elections. The method of election of the Mayor and Town Council shall be the nonpartisan election and runoff method to be conducted as provided in G.S. 163-293.

"ARTICLE V. STREET, SIDEWALK, AND LIGHTING IMPROVEMENTS.

"Section 5.1. Street Improvements; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Town Council may make street improvements and assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

- "Section 5.2. When Petition Unnecessary. The Town Council may order street improvements and assess the cost thereof, exclusive of the cost incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:
 - (1) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or
 - (2) That it is in the public interest to connect two streets, or portions of a street already improved, or

(3) That it is in the public interest to widen a street, or part thereof, that is already improved, provided that assessments for widening any street or portions of a street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan for the particular street, or part thereof, to be widened and improved under the authority granted by this Article.

"Section 5.3. Street Improvement Defined. For the purpose of this Article, the term 'Street Improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curb, gutters, and street drainage facilities.

"Section 5.4. Sidewalks; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by the General Statutes to the Town for making sidewalk improvements, the Town Council may order to be made or to make sidewalk improvements or repairs without petition according to standards and specifications of the Town and assess the total cost thereof against abutting property owners.

If a sidewalk is constructed on only one side of a street, the cost thereof may be assessed against a property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which has been assessed against the abutting property.

"Section 5.5. Street Lighting; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by the General Statutes to the Town for making street lighting improvements, the Town Council may order to be made or to make street lighting improvements or repairs without petition according to standards and specifications of the Town and assess the total cost thereof against abutting property owners.

If street lighting is constructed on only one side of a street, the cost thereof may be assessed against a property abutting on both sides of the street, unless there already exists street lighting on the other side of the street, the total cost of which has been assessed against the abutting property.

"Section 5.6. Assessment Procedure. In ordering street, sidewalk, and lighting improvements without a petition and assessing the cost thereof under authority of this Article, the Town Council shall comply with the procedure provided in the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Section 5.7. **Effect of Assessment.** The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if assessed where levied under the authority of general law."

SECTION 2. The purpose of this act is to revise the Charter of the Town of Indian Trail and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

SECTION 3. This act shall not be deemed to repeal, modify, nor in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts or amendments are expressly set forth herein:

- (1) Any acts concerning the property, affairs, or government of public schools in the Town of Indian Trail.
- (2) Any acts of validating, confirming, approving, or legalizing official proceedings, actions, contracts or obligations of any kind.

SECTION 4. The following acts or portions of acts, having served their purposes for which enacted, or having been consolidated into this act, are hereby repealed:

(1) Chapter 825, Session Laws of 1969.

33_.

(2) S.L. 2004-9:

SECTION 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests whether public or private:

- (1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.
- (2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

SECTION 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

- (1) The repeal herein of any act repealing such law, or
- (2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

SECTION 7. All existing ordinances and resolutions of the Town of Indian Trail, and all existing rules or regulations of departments or agencies of the Town of Indian Trail, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

SECTION 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Indian Trail or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

SECTION 9. The Mayor and Town Council members serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified.

SECTION 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. All laws and clauses of laws in conflict with this act are hereby repealed.

SECTION 12. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

SECTION 13. All personal pronouns used in this document, whether used in the masculine, feminine, or neuter gender, shall include all other genders. The singular shall include the plural and vice versa.

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

House Pages ___ Date: ___ 1. Name: Caitlin Durr County: Craven Sponsor: Alice Underhill 2. Name: Alex Suga County: Greene onsor: Van Braxton 3. Name: LIZ MITCHELL County: Craver Sponsor: Alle Underhill 4. Name: Cooper Lindel County: forsyth Sponsor: folwell 5. Name: _____ Sponsor:

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

JUNE 10, 2009

Name of Committee

Date -

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME .	FIRM OR AGENCY AND ADDRESS
Ched Bordost	Rep. Stam
Tin Shaw	Rep Stam
Linda Shaw	Lep. Stan
autumn Shaw	Rep. Stam
9 DElle	Rea. Slans
Jakes	Ros Stam
Emily Doyle	NCPAPA
danal fores,	NCHA
Michelle Brooks	UAS
·	

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

JUNE 10, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Leanne Wmin	N<3BA
Steven Waters	Living Streets
Jusi Haurs	
Rick Zechini	NC ASSOC. of REALTORS
Mark Ahrendsen	NC ASSOC. a REALTORS City of Durham, Transp Mgr
Putricle Baker	City of Durham , City Atty
Ashly Vroom	NLASA
Karmirka Wellau	City of Duken
Dona Wimberly RN	President No org of Nurse Leaders & Wayne Hos
Down Lake Ric	CCOrgan of Nurse Leads Learsland

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 17, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 475	Amend Carrboro Charter/Conserve	Senator Kinnaird
	Energy/Water.	
SB 570	Indian Trail Charter revised.	Senator Goodall
SB 653	Excuse Governing Body from Voting.	Senator Rucho
SB 698	City/County/Sanitary District	Senator Boseman
	Fees/Internet.	

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10 o'clock on June 15, 2009.
☐ Principal Clerk ☐ Reading Clerk – House Chamber

Barbara Hocutt (Committee Assistant)

HOUSE COMMITTEE ON LOCAL GOVERNMENT II AGENDA JUNE 17, 2009

I.	CALL TO ORDER		
II.	INTRODUCTIONS		
III.	BILLS		
	SB 475	Amend Carrboro Charter/Conserve Energy Water (If favorable, Energy & Energy Efficien	Kinnaird acy)
	SB 570	Indian Trail Charter Revised (If favorable, Finance)	Goodall
	SB 653	Excuse Governing Body	Rucho
	SB 608	City/County/Sanitary District Face/Internet	Rosemen

COMMITTEE ON LOCAL GOVERNMENT II June 17, 2009 MINUTES

The Committee on Local Government II was convened by Chair, Representative Van Braxton, at 11:05 a.m. He introduced the Pages: Ashton Mackenzie of Pitt County sponsored by Representative McLawhorn, Michael Jensen of Nash County sponsored by Representative Stewart, Louis Duke of Rockingham County sponsored by Representative Nelson Cole and Beverly Bennett of Wake County sponsored by Speaker Hackney. Representative Braxton recognized the Sergeants-at-Arms: Marvin Lee, Bob Rossi and Trey Raley. The following members were present: Representatives Braxton, Spear, Tucker, Floyd, Langdon, McElraft, Guice, Blackwell, Warren, Stewart, Stam and Wiley.

Prior to the committee meeting, Senator Kinnaird requested that Senate Bill 475 be deferred from consideration, Senator Goodall withdrew Senate Bill 570 from consideration and Senator Boseman asked that Senate Bill 698 be heard at the next committee meeting.

Representative Thom Tillis presented Senate Bill 653 sponsored by Senator Rucho, AN ACT TO ALLOW A MEMBER OF THE GOVERNING BODY OF A MUNICIPALITY TO BE EXCUSED FROM VOTING WHEN THE MEMBER HAS A CONFLICT OF INTEREST. The committee members expressed concern over elected official avoiding their elected duty to perform the business of a board or a council should they be able to excuse themselves from voting without direct conflict of interest. Representative Tillis said he would take this input to Senator Rucho and asked that the bill be withdrawn from consideration at this time.

The meeting was adjourned at

Representative R. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

D

SENATE BILL 475

State and Local Government Committee Substitute Adopted 4/21/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE \$475-CSRL-44 [v.4]

6/8/2009 4:04:06 PM

Short Title:	Amend Carrboro Charter/Conserve Energy/Water.	(Local)	
Sponsors:			
Referred to:			

March 10, 2009

1 2

3

4

5

6

7

8 9

10

11

12

13 14

15

16

17

18

.19

20

21

22

23 24

25

26

27

28

29

30 31

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE TOWN TO REGULATE THE ORDERLY INSTALLATION OF ENERGY-GENERATING, ENERGY-SAVING, AND WATER-SAVING DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, is amended by adding a new section to read:

"Section 10-2. Installation of Energy-Generating, Energy-Saving, or Water-Saving Devices.

- No ordinance shall prohibit the orderly installation of solar collectors, clotheslines, (a) rain barrels, garden fences, or any technology designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device. An ordinance adopted pursuant to Article 19 of Chapter 160A of the General Statutes may require a subdivision to permit the installation of solar collectors, clotheslines, rain barrels, garden fences, or any technology designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device, but shall not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association affecting a common area or that is designed to ensure that any such device is installed and maintained in such a manner that it does not pose a risk to the safety of any person. No ordinance adopted pursuant to this section shall apply to any condominium created under Chapter 47A or 47C of the General Statutes.
- (b) If any provision of this section conflicts with the provisions of G.S. 160A-201 or G.S. 22B-20, the provisions of this section shall control.
- (c) An ordinance adopted under this section may provide for enforcement using any of the means authorized by G.S. 160A-175."

SECTION 2. This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.



SENATE BILL 475: Amend Carrboro Charter/Conserve Energy/Water

2009-2010 General Assembly

House Local Government II, if favorable,

Date:

June 3, 2009

Energy and Energy Efficiency

Introduced by: Sen. Kinnaird

Prepared by: Brad Krehely

Analysis of:

Committee:

PCS to Second Edition

Committee Co-Counsel

S475-CSRN-32

SUMMARY: Senate Bill 475 would amend the charter of the town of Carrboro to allow the board of alderman to adopt ordinances for the orderly installation of energy-saving and water-saving devices. The Proposed Committee Substitute clarifies that the town of Carrboro may provide for the orderly installation of solar collectors as provided in the bill (rather than as otherwise provided in the General Statutes).

[As introduced, this bill was identical to H720, as introduced by Rep. Insko, which is currently in House Local Government II, if favorable, Judiciary I.]

CURRENT LAW: In 2007, the General Assembly enacted S.L. 2007-279. The law provided that city ordinances, county ordinances, and deed restrictions cannot have the effect of prohibiting the installation solar collectors not facing public access or common areas on detached single family residences.

u.S. 160A-201 provides that "no city ordinance shall prohibit, or have the effect of prohibiting, the installation of a solar collector." The following exceptions apply:

- Does not prohibit an ordinance which regulates the location of solar collectors provided that the ordinance does not have the effect of preventing the use of a solar collector for a detached single family home.
- Does not prohibit an ordinance that would prohibit the location of solar collectors that are visible by a person on the ground.

G.S. 22B-20 declares void any deed restriction, covenant, or similar binding agreement running with the land that would prohibit the installation of solar collectors. The following exceptions apply:

- Does not apply to binding agreements that do not have the effect of preventing the reasonable use of a solar collector for a detached single family residence.
- Does not prohibit a binding agreement that would prohibit the location of solar collectors that are visible by a person on the ground.

The statute became effective October 1, 2007, and applied only to deed restrictions, etc., recorded on or after that date.

BILL ANALYSIS: The PCS for Senate Bill 475 does all of the following:

- · Allows the board of alderman, by ordinance, to provide for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or other technology to generate or conserve energy or to capture or reuse water.
 - o The installation must be done by or on behalf of a person who otherwise has a property right to install such a device.

Senate Bill 475

Page 2

- The ordinance may provide for review and approval or denial of homeowners association legal documents, including restrictive covenants, for compliance with the ordinance as a part of granting or denying approval of a subdivision.
- An ordinance adopted pursuant to this section does not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association affecting a common area or that is designed to ensure that any such device is installed and maintained in such a manner that it does not pose a risk to the safety of any person.
- No ordinance adopted pursuant to this section shall apply to any condominium.
- The Town may enforce its ordinance using any means provided to a municipality in GS 160A-175, which includes fines and misdemeanor criminal prosecution.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.

BACKGROUND: Because G.S. 160A-201 and G.S. 22B-20 address cities' ability to adopt ordinances related to the installation of solar collectors, there were some concerns regarding how S-475 would correspond with existing law. The PCS clarifies that S-475 permits the town of Carrboro to adopt ordinances related to solar collectors, notwithstanding those other provisions of law dealing with solar collectors. The PCS is intended to ensure that there is no conflict among the laws as they relate to solar collectors.

S475-SMRN-84(CSRN-32) v4

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 475 State and Local Government Committee Substitute Adopted 4/21/09

Short Title:	Amend Carrboro Charter/Conserve Energy/Water.	•	(Local)
Sponsors:			
Referred to:		_	

March 10, 2009

A BILL TO BE ENTITLED
AN ACT TO AMEND THE CHARTER OF THE TOWN OF

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, is amended by adding a new section to read:

"Section 10-2. Providing for the Orderly Installation of Energy-Generating or Energyor Water-Saving Devices.

- (a) The board of aldermen may by ordinance provide for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any further technology designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device. The ordinance may provide for review and approval or denial of homeowners association legal documents, including restrictive covenants, for compliance with the ordinance as a part of granting or denying approval of a subdivision. An ordinance adopted pursuant to this section shall not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association affecting a common area or that is designed to ensure that any such device is installed and maintained in such a manner that it does not pose a risk to the safety of any person. No ordinance adopted pursuant to this section shall apply to any condominium created under Chapter 47A or 47C of the General Statutes.
- (b) An ordinance adopted under this section may provide for enforcement using any of the means authorized by G.S. 160A-175."
- **SECTION 2.** This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 570 Second Edition Engrossed 4/1/09

Short Title: Indian Trail Charter Revised. (Local)

Sponsors: Senator Goodall.

Referred to: Finance.

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Indian Trail is revised and consolidated to read:

"CHARTER OF THE TOWN OF INDIAN TRAIL.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The Town of Indian Trail shall continue to be a body politic and corporate under the name and style of "Town of Indian Trail" and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Indian Trail shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina.

"Section 1.4. Form of Government. The form of government of the Town of Indian Trail shall be known as the "Council-Manager Form of Government," as set forth in Part 2 of Article 7 of Chapter 160A of the General Statutes subject to the modifications of this Charter. Nothing contained in this Charter shall be construed to prevent the form of government of the Town of Indian Trail from being changed as by law provided.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Indian Trail shall be those existing at the time of the ratification of this Charter and as the same may be altered from time to time in accordance with law. The Town Planning Director shall



prepare a map to be designated "Map of the Town of Indian Trail Limits" showing the corporate limits as the same may exist as of the effective date of this Charter. The Town Planning Director may also prepare a written description of the corporate limits as shown on said map to be designated "Description of the Town of Indian Trail Corporate Limits." Said map and description shall be retained permanently in the Office of the Town Clerk as the official map and description of the corporate limits of the Town. Immediately upon alteration of the corporate limits made pursuant to law from time to time, the Town Planning Director shall indicate such alteration by making appropriate changes and/or additions to said official map and description. Photographic or other types of copies of said official map or description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description.

"Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by general law.

"ARTICLE III. MAYOR AND TOWN COUNCIL.

"Section 3.1. Government Duties. The government of the Town and the general management and control of all its affairs shall be vested in a Mayor and Town Council, which shall be elected and shall exercise its powers in the manner hereinafter provided, except that the Town Manager shall have the authority hereinafter specified.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his own vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinance of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Section 3.3. Town Council. The Town Council shall consist of five members elected in the manner provided in Article IV.

"Section 3.4. Terms; Qualifications; Vacancies.

- (a) Beginning with the regular action in 1971, the Mayor and the members of the Town Council shall serve for terms of four years beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter, provided they shall serve until their successors are elected and qualify.
- (b) No person shall be eligible to be a candidate or be elected as Mayor or as members of the Town Council or to serve in such capacity, unless he is a resident and a qualified voter of the Town.
- (c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be a vacancy in the office of Mayor or Councilman, after election and qualification, the vacancy shall be filled pursuant to the General Statutes. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.
- "Section 3.5. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Town Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Council may establish a salary for its members that may be increased or reduced, but no reduction shall be made to take effect as to any Councilman during the respective term of office that he is serving at the time the reduction is voted.

"Section 3.6. Organization of Council; Oaths of Office. The Town Council shall meet and organize for the transaction of business at a time established by ordinance, following each

10 11 12

13

18 19

30

31

25

38 39 40

37

41 42 43

44

45 46 47

48 49 50

51

biennial election and prior to December 15. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of on which I am about to enter, according to my best skill and ability; so help me, God."

"Section 3.7. Meetings of Council. The Town Council shall fix suitable times for its regular meetings, which shall be held at least once monthly. Special and emergency meetings may be held as provided by the Rules of Procedure for the Town Council of Indian Trail.

"Section 3.8. Quorum; Votes.

- A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.
- The affirmative vote of a majority of the members of the Town Council shall be necessary to adopt any ordinance or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.
- "Section 3.9. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clauses of all ordinances shall be: "Be it ordained by the Town Council of the Town of Indian Trail." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.
- "Section 3.10. Appointments by Council. The Town Council shall appoint a Town Manager and a Town Attorney, who shall hold office at the pleasure of the Council and receive such compensation as the Council may provide.

"Section 3.11. Powers of Town Manager.

- The Town Council shall appoint a Town Manager, who shall be the administrative head of the Town government and shall be responsible for the administration of all departments. The Manager shall be appointed with regard to executive and administrative abilities only. The Manager shall hold office at the pleasure of the Town Council and shall receive such compensation as determined by the Town Council. Neither the Mayor nor the Town Council nor any of its committees or members shall take part in the appointment or removal of officers, department heads, and employees in the administrative service of the Town, except as provided by this Charter.
 - (b) The Town Manager shall:
 - Be the administrative head of the Town government. (1)
 - See that within the Town the laws of the State and the ordinances, (2) resolutions, and regulations of the Council are faithfully executed.
 - Attend all meetings of the Town Council, and recommend items for adoption (3) as he shall deem expedient.
 - Make reports to the Town Council from time to time upon the affairs of the (4) Town and keep the Town Council fully advised of the Town's financial condition and its future financial needs.
 - Appoint, suspend, and remove all nonelected officers, department heads, and (5) employees of the Town, except the Town Attorney, who shall be appointed and serve at the pleasure of the Town Council.

"Section 3.12. Town Attorney. The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town Officials, be present at all meetings of the Town Council, and perform other

 duties as required by law or as the Council may prescribe. The Town Attorney shall serve at the pleasure of the Council and shall receive compensation as the Council shall determine.

"Section 3.13. Town Clerk. The Town Manager shall appoint a Town Clerk who shall be the Clerk to the Town Council, keep all records concerning Council actions, exercise those powers and duties conferred by law, and perform such duties as may be specified by the Council. The Clerk will be appointed with regard to merit only.

"Section 3.14. Finance Officer. The Town Manager shall appoint a Finance Officer to perform the duties as required by the General Statutes.

"Section 3.15. Tax Collector. The Town Manager shall appoint a Tax Collector to collect all taxes, licenses, fees, and other monies belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosures of taxes by municipalities. Notwithstanding the contrary provisions of G.S. 105-349, the Town Manager may appoint the Tax Collector and one or more deputies.

"Section 3.16. Consolidation of Functions. The Town Manager may, in his discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Manager may also, in his discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 3.17. Other Administrative Officers and Employees. The Town Council may authorize other positions to be filled by appointment by the Town Manager and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"ARTICLE IV. ELECTION PROCEDURE.

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the laws of North Carolina. In the regular 1973 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Councilmen to serve for terms of four years. In the regular 1975 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large a Mayor and three Councilmen to serve for terms of four years. In case of a tie between opposing candidates, the election shall be determined pursuant to general law.

"Section 4.2. Voting. In the regular 1973 election and quadrennially thereafter, each voter shall be entitled to vote for two candidates for Councilman. In the regular 1975 election and quadrennially thereafter, each voter shall be entitled to vote for one candidate for Mayor and for three candidates for Councilman.

"Section 4.3. Regulation of Elections. The method of election of the Mayor and Town Council shall be the nonpartisan election and runoff method to be conducted as provided in G.S. 163-293.

"ARTICLE V. STREET, SIDEWALK, AND LIGHTING IMPROVEMENTS.

"Section 5.1. Street Improvements; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Town Council may make street improvements and assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

- "Section 5.2. When Petition Unnecessary. The Town Council may order street improvements and assess the cost thereof, exclusive of the cost incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:
 - (1) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or
 - (2) That it is in the public interest to connect two streets, or portions of a street already improved, or

9

14

26

27

39

40

41

42

43 44 45

46 47

48

49 50

51

That it is in the public interest to widen a street, or part thereof, that is (3) already improved, provided that assessments for widening any street or portions of a street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan for the particular street, or part thereof, to be widened and improved under the authority granted by this Article.

"Section 5.3. Street Improvement Defined. For the purpose of this Article, the term 'Street Improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaying, the acquisition of right-of-way, and the construction or reconstruction of curb, gutters, and street drainage facilities.

"Section 5.4. Sidewalks; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by the General Statutes to the Town for making sidewalk improvements, the Town Council may order to be made or to make sidewalk improvements or repairs without petition according to standards and specifications of the Town and assess the total cost thereof against abutting property owners.

If a sidewalk is constructed on only one side of a street, the cost thereof may be assessed against a property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which has been assessed against the abutting property.

"Section 5.5. Street Lighting: Assessment of Cost. In addition to any authority which is now or may hereafter be granted by the General Statutes to the Town for making street lighting improvements, the Town Council may order to be made or to make street lighting improvements or repairs without petition according to standards and specifications of the Town and assess the total cost thereof against abutting property owners.

If street lighting is constructed on only one side of a street, the cost thereof may be assessed against a property abutting on both sides of the street, unless there already exists street lighting on the other side of the street, the total cost of which has been assessed against the abutting property.

"Section 5.6. Assessment Procedure. In ordering street, sidewalk, and lighting improvements without a petition and assessing the cost thereof under authority of this Article, the Town Council shall comply with the procedure provided in the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Section 5.7. Effect of Assessment. The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if assessed where levied under the authority of general law."

SECTION 2. The purpose of this act is to revise the Charter of the Town of Indian Trail and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

SECTION 3. This act shall not be deemed to repeal, modify, nor in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts or amendments are expressly set forth herein:

- Any acts concerning the property, affairs, or government of public schools in (1) the Town of Indian Trail.
- Any acts of validating, confirming, approving, or legalizing official (2) proceedings, actions, contracts or obligations of any kind.

SECTION 4. The following acts or portions of acts, having served their purposes for which enacted, or having been consolidated into this act, are hereby repealed:

> Chapter 825, Session Laws of 1969. (1)

 (2) S.L. 2004-9.

SECTION 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests whether public or private:

 Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

 (2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

SECTION 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

 (2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

SECTION 7. All existing ordinances and resolutions of the Town of Indian Trail, and all existing rules or regulations of departments or agencies of the Town of Indian Trail, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

SECTION 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Indian Trail or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

SECTION 9. The Mayor and Town Council members serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified.

SECTION 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. All laws and clauses of laws in conflict with this act are hereby repealed.

SECTION 12. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

SECTION 13. All personal pronouns used in this document, whether used in the masculine, feminine, or neuter gender, shall include all other genders. The singular shall include the plural and vice versa.

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

S

SENATE BILL 653

Short Title:	Excuse Governing Body from Voting.	(Public)
Sponsors:	Senator Rúcho.	
Referred to:	State and Local Government.	

March 19, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO ALLOW A MEMBER OF THE GOVERNING BODY OF A MUNICIPALITY TO BE EXCUSED FROM VOTING WHEN THE MEMBER HAS A CONFLICT OF INTEREST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-75 reads as rewritten:

"§ 160A-75. Voting.

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official eonduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e1).160A-388(e1), or on matters which the member believes he or she has a conflict of interest even if a conflict of interest does not in fact exist. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council."

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



GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 698 Commerce Committee Substitute Adopted 5/12/09

Short Title:	City/County/Sanitary District Fees/ Internet.	(Public)
Sponsors:		
Referred to:		
	M1-24 2000	

March 24, 2009

1 2

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT CITIES, COUNTIES, AND SANITARY DISTRICTS GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-102.1. Electronic notice of new fees and fee increases.

- (a) If a county has a Web site maintained by one or more of its employees, the county shall provide notice of the imposition of or increase in fees or charges levied in connection with Article 18 of this Chapter on the county's Web site at least seven days prior to the first regular meeting where the imposition or increase of the fees or charges will be discussed.
- (b) Subsection (a) of this section shall not apply if the imposition or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12."
- SECTION 2. Article 1 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-4.1. Electronic notice of new fees and fee increases.

- (a) If a city has a Web site maintained by one or more of its employees, the city shall provide notice of the imposition of or increase in fees or charges levied in connection with Article 19 of this Chapter on the city's Web site at least seven days prior to the first regular meeting where the imposition or increase of the fees or charges will be discussed.
- (b) Subsection (a) of this section shall not apply if the imposition or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12."
- **SECTION 3.** Part 2 of Article 2 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-64.1. Electronic notice of new or increased charges and rates.

- (a) If a sanitary district has a Web site maintained by one or more of its employees, the sanitary district shall provide notice of the imposition of or increase in service charges or rates for any service provided by the sanitary district on the sanitary district's Web site at least seven days prior to the first meeting where the imposition or increase of the charges or rates will be discussed.
- (b) Subsection (a) of this section shall not apply if the imposition or increase in service charges or rates is contained in a budget filed in accordance with the requirements of G.S. 159-12."
 - **SECTION 4.** This act becomes effective July 1, 2009.



HOUSE PAGES

LOCAL GOV'+II	(11)	2/20
NAME OF COMMITTEE	_DATE <u>6///</u>	107
1. Name: Ashton Mockenzie	· · · · · · · · · · · · · · · · · · ·	•
County: YIT		
sponsor: Mclawhorn		
2. Name: MICMEL SPACEA		
County: Nash		•
sponsor: Kundy Stewast		i
3. Name: LOUIS Dulce		
County: Rock ingham		
sponsor: Rep. Welson Cole		
4. Name: Berkeley Berondt	· · · · · · · · · · · · · · · · · · ·	
County: Wall		
sponsor: Speaker of House		
5. Name:		
County:		
Sponsor:		
	·	
SGT-AT-ARM		٠,
1. Name: MARUM LFE		-
2. Name: BOB ROSS 1		-
2. Name: BOB ROSS 1 3. Name: Trev RALEY		_
4. Name:		

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Katnina English	NCCN
Dan Conrad	NCCN
Gesse Hauer	NC Hone Builders
Lisa Martin	
Pane Meyer	NCLM
	·

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS		
Daniel Jum	Elut. Cities of N.C.		
Ched Berefeet	Rep. Stan		
Grey Brookshine	Reg. Stan		
Heather Brockstrice	Rep Stam		
Griffin Brookshire	Rep. Stam		
Dema DeCamilli	UNC. 10G		
	- 4.		
-			
	······································		

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DA	TE: Wednesd	lay, June 24, 2009
----------	-------------	--------------------

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

Barbara Hocutt (Committee Assistant)

SHORT TITLE	SPONSOR
Amend Carrboro Charter/Conserve	Senator Kinnaird
Energy/Water.	
Indian Trail Charter revised.	Senator Goodall
City/County/Sanitary District	Senator Boseman
Fees/Internet.	
	Amend Carrboro Charter/Conserve Energy/Water. Indian Trail Charter revised. City/County/Sanitary District

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices 9 o'clock on June 19, 2009.	at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	

HOUSE COMMITTEE ON LOCAL GOVERNMENT II AGENDA JUNE 24, 2009

I.	CALL TO ORDER		
II.	INTRODUCTIONS		
III.	BILLS		
	SB 475	Amend Carrboro Charter/Conserve Energy Water (If favorable, Energy & Energy Efficien	Kinnairo cy)
	SB 570	Indian Trail Charter Revised (If favorable, Finance)	Goodall
	SB 698	City/County Sanitary District Fees/Internet (If favorable, Judiciary I)	Boseman

HOUSE COMMITTEE ON LOCAL GOVERNMENT II JUNE 24, 2009 MINUTES

Representative Van Braxton, Chair, called the meeting of the Committee on Local Government II to order at 11:05 a.m. He introduced the Pages: Samantha Creasy of Forsyth County sponsored by Representative McGee, Jan MacDonald of Forsyth County sponsored by Representative Barry Brown, Brad McVicker of Orange County sponsored by Representative Verla Insko, Alex Steiner of Orange County sponsored by Representative Insko and Haley Beaman of Greene County sponsored by Representative Braxton. The Sergeants-at-Arms were: Marvin Lee, Bob Rossi and James Worth. The following committee members were present: Representatives Wiley, Stam, Guice, Blackwell, Tucker, Floyd, Langdon, McElraft, Warren, Lucas, Stewart and Samuelson.

Since Senator Kinnaird was not present, Senate Bill 698 was taken out of order.

Senate Bill 698, AN ACT REQUIRING THAT CITIES, COUNTIES, SANITARY DISTRICTS, AND WATER AND SEWER AUTHORITIES GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES AND AN OPPORTUNITY TO BE HEARD WHEN THE IMPOSITION OR INCREASE OF THOSE FEES IS CONSIDERED, was presented by Representative Carolyn Justice for the sponsor, Senator Boseman. Representative Edith Warren moved consideration of the Proposed Committee Substitute which was accepted. There was some discussion regarding reaching those who are not computer literate. Representative Paul Stam moved a favorable report as to the House Committee Substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill and recommended that the House committee substitute bill be re-referred to the Committee on Judiciary I. The motion carried.

Senator Ellie Kinnaird presented Senate Bill 475, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINNCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES. Representative Russell Tucker moved the consideration of the House Proposed Committee which was adopted. Senator Kinnaird said she met with the Homeowner's Association and the bill conformed to their expectations. Rep. Blackwell asked that on page 1, line 10 "provide" be changed to "allow". Senator Kinnaird said that it would be changed at the next assigned committee's consideration of the bill and Senator Blackwell agreed to that stipulation. Representative Stam moved a favorable report as to the Senate Committee Substitute Bill, unfavorable as to the original bill and recommended that the House Committee Substitute Bill be rereferred to the Committee on Energy and Energy Efficiency. The motion was adopted.

Senator Eddie Goodall presented Senate Bill 570, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL. Representative Spear moved the consideration of the House Proposed Committee

Page 2 Loc. Gov II 6-24-09

Senator Eddie Goodall presented Senate Bill 570, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL.

Representative Spear moved the consideration of the House Proposed Committee Substitute which was approved. Representative Stam moved for a favorable report of the House committee substitute bill, unfavorable as to the original bill and recommended that it be re-referred to the Committee on Finance. The motion carried.

The Chair, Representative Braxton, adjourned the meeting at 11:42 a.m.

Representative K. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

Barbara Wocutt

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 475 State and Local Government Committee Substitute Adopted 4/21/09

Short Title:	Amend Carrboro Charter/Conserve Energy/Water.	(Local)
Sponsors:	·	
Referred to:		

March 10, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, is amended by adding a new section to read:

"Section 10-2. Providing for the Orderly Installation of Energy-Generating or Energyor Water-Saving Devices.

- (a) The board of aldermen may by ordinance provide for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any further technology designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device. The ordinance may provide for review and approval or denial of homeowners association legal documents, including restrictive covenants, for compliance with the ordinance as a part of granting or denying approval of a subdivision. An ordinance adopted pursuant to this section shall not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association affecting a common area or that is designed to ensure that any such device is installed and maintained in such a manner that it does not pose a risk to the safety of any person. No ordinance adopted pursuant to this section shall apply to any condominium created under Chapter 47A or 47C of the General Statutes.
- (b) An ordinance adopted under this section may provide for enforcement using any of the means authorized by G.S. 160A-175."

SECTION 2. This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.





SENATE BILL 475: Amend Carrboro Charter/Conserve Energy/Water

2009-2010 General Assembly

Committee: House Local Government II, if favorable.

Energy and Energy Efficiency

Introduced by: Sen. Kinnaird

Analysis of: PCS to Second Edition

S475-CSRN-32

.

Date:

Prepared by: Brad Krehely

Committee Co-Counsel

June 3, 2009

SUMMARY: Senate Bill 475 would amend the charter of the town of Carrboro to allow the board of alderman to adopt ordinances for the orderly installation of energy-saving and water-saving devices. The Proposed Committee Substitute clarifies that the town of Carrboro may provide for the orderly installation of solar collectors as provided in the bill (rather than as otherwise provided in the General Statutes).

[As introduced, this bill was identical to H720, as introduced by Rep. Insko, which is currently in House Local Government II, if favorable, Judiciary I.]

CURRENT LAW: In 2007, the General Assembly enacted S.L. 2007-279. The law provided that city ordinances, county ordinances, and deed restrictions cannot have the effect of prohibiting the installation solar collectors not facing public access or common areas on detached single family residences.

- S. 160A-201 provides that "no city ordinance shall prohibit, or have the effect of prohibiting, the installation of a solar collector." The following exceptions apply:
 - Does not prohibit an ordinance which regulates the location of solar collectors provided that the ordinance does not have the effect of preventing the use of a solar collector for a detached single family home.
 - Does not prohibit an ordinance that would prohibit the location of solar collectors that are visible by a person on the ground.

G.S. 22B-20 declares void any deed restriction, covenant, or similar binding agreement running with the land that would prohibit the installation of solar collectors. The following exceptions apply:

- Does not apply to binding agreements that do not have the effect of preventing the reasonable use of a solar collector for a detached single family residence.
- Does not prohibit a binding agreement that would prohibit the location of solar collectors that are visible by a person on the ground.

The statute became effective October 1, 2007, and applied only to deed restrictions, etc., recorded on or after that date.

BILL ANALYSIS: The PCS for Senate Bill 475 does all of the following:

- Allows the board of alderman, by ordinance, to provide for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or other technology to generate or conserve energy or to capture or reuse water.
 - O The installation must be done by or on behalf of a person who otherwise has a property right to install such a device.

Senate Bill 475

Page 2

- The ordinance may provide for review and approval or denial of homeowners association legal documents, including restrictive covenants, for compliance with the ordinance as a part of granting or denying approval of a subdivision.
- An ordinance adopted pursuant to this section does not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association affecting a common area or that is designed to ensure that any such device is installed and maintained in such a manner that it does not pose a risk to the safety of any person.
- No ordinance adopted pursuant to this section shall apply to any condominium.
- The Town may enforce its ordinance using any means provided to a municipality in GS 160A-175, which includes fines and misdemeanor criminal prosecution.

EFFECTIVE DATE: This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.

BACKGROUND: Because G.S. 160A-201 and G.S. 22B-20 address cities' ability to adopt ordinances related to the installation of solar collectors, there were some concerns regarding how S-475 would correspond with existing law. The PCS clarifies that S-475 permits the town of Carrboro to adopt ordinances related to solar collectors, notwithstanding those other provisions of law dealing with solar collectors. The PCS is intended to ensure that there is no conflict among the laws as they relate to solar collectors.

S475-SMRN-84(CSRN-32) v4

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

_2

SENATE BILL 475

State and Local Government Committee Substitute Adopted 4/21/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S475-CSRN-39 [v.3]

6/23/2009 3:18:37 PM

Short Title: Ar	nend Carrboro Charter/Conserve Energy/Water.	(Local)
Sponsors:		·
Referred to:		
	March 10, 2009	
THE BOARI INSTALLAT The General Asse SECT of the 1987 Sessi "Section 10-2 or Water-Saving (a) The becollectors, clother specifically to general assets.	oard of aldermen may by ordinance provide for the orderly in eslines, rain barrels, garden fences, or any further tech enerate or conserve energy through the use of renewable	THE ORDERLY ICES. Deing Chapter 476 ating or Energy- astallation of solar anology designed by resources or to
capture, store, or who otherwise h review and appro- covenants, for co- subdivision. An enforcement of a	reuse water, so long as such installation is done by or on that a property right to install such device. The ordinance eval or denial of homeowners association legal documents, incompliance with the ordinance as a part of granting or deny ordinance adopted pursuant to this section shall not prohibing deed restriction, covenant, equitable servitude, similar birregulation adopted by a property owners association that	behalf of a person may provide for cluding restrictive ing approval of a it the adoption or inding agreement,
following:	regulation adopted by a property owners association that	aces mily of the
(1) (2)	Affects a common area. That is designed to ensure that any device described in installed and maintained in such a manner that it does not safety of any person.	pose a risk to the
(3)	Regulates the location or screening of any device described provided the deed restriction, covenant, equitable service binding agreement or rule or regulation adopted by association does not have the effect of preventing the reason.	ritude, or similar v a homeowners

No ordinance adopted pursuant to this section shall apply to any condominium created under Chapter 47A or 47C of the General Statutes.

device.

(b) If any provision of this section conflicts with the provisions of G.S. 160A-201 or G.S. 22B-20, the provisions of this section shall control.



General Assembly of North Carolina

Session 2009

2 3

1

An ordinance adopted under this section may provide for enforcement using any of the means authorized by G.S. 160A-175."

4 5

SECTION 2. This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.

S

SENATE BILL 475

D

State and Local Government Committee Substitute Adopted 4/21/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S475-PCS55446-RN-39

Short Title:	Amend Carrboro Charter/Conserve Energy/Water.		(Local)
Sponsors:		<u> </u>	
Referred to:			

March 10, 2009

1 2

A BILL TO BE ENTITLED

 AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, is amended by adding a new section to read:

"Section 10-2. Providing for the Orderly Installation of Energy-Generating or Energy-or Water-Saving Devices.

- (a) The board of aldermen may by ordinance provide for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any further technology designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device. The ordinance may provide for review and approval or denial of homeowners association legal documents, including restrictive covenants, for compliance with the ordinance as a part of granting or denying approval of a subdivision. An ordinance adopted pursuant to this section shall not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association that does any of the following:
 - (1) Affects a common area.
 - (2) That is designed to ensure that any device described in subsection (a) of this section is installed and maintained in such a manner that it does not pose a risk to the safety of any person.
 - (3) Regulates the location or screening of any device described in subsection (a) of this section, provided the deed restriction, covenant, equitable servitude, or similar binding agreement or rule or regulation adopted by a homeowners association does not have the effect of preventing the reasonable use of such device.

No ordinance adopted pursuant to this section shall apply to any condominium created under Chapter 47A or 47C of the General Statutes.

(b) If any provision of this section conflicts with the provisions of G.S. 160A-201 or G.S. 22B-20, the provisions of this section shall control.



- (c) An ordinance adopted under this section may provide for enforcement using any of the means authorized by G.S. 160A-175."
 - **SECTION 2.** This act becomes effective October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
⊠Committee Substitute for
SB 475 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE
TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT
ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND
WATER-SAVING DEVICES.
☑ With a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be rereferred to the Committee on ENERGY AND ENERGY EFFICIENCY.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.
Driv (Joint) resolution 140) is placed on the Unitavolable Calendar.

S

SENATE BILL 570 Second Edition Engrossed 4/1/09

Short Title: Indian Trail Charter Revised. (Local)

Sponsors: Senator Goodall.

Referred to: Finance.

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Indian Trail is revised and consolidated to read:

"CHARTER OF THE TOWN OF INDIAN TRAIL.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The Town of Indian Trail shall continue to be a body politic and corporate under the name and style of "Town of Indian Trail" and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Indian Trail shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina.

"Section 1.4. Form of Government. The form of government of the Town of Indian Trail shall be known as the "Council-Manager Form of Government," as set forth in Part 2 of Article 7 of Chapter 160A of the General Statutes subject to the modifications of this Charter. Nothing contained in this Charter shall be construed to prevent the form of government of the Town of Indian Trail from being changed as by law provided.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Indian Trail shall be those existing at the time of the ratification of this Charter and as the same may be altered from time to time in accordance with law. The Town Planning Director shall



 prepare a map to be designated "Map of the Town of Indian Trail Limits" showing the corporate limits as the same may exist as of the effective date of this Charter. The Town Planning Director may also prepare a written description of the corporate limits as shown on said map to be designated "Description of the Town of Indian Trail Corporate Limits." Said map and description shall be retained permanently in the Office of the Town Clerk as the official map and description of the corporate limits of the Town. Immediately upon alteration of the corporate limits made pursuant to law from time to time, the Town Planning Director shall indicate such alteration by making appropriate changes and/or additions to said official map and description. Photographic or other types of copies of said official map or description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description.

"Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by general law.

"ARTICLE III. MAYOR AND TOWN COUNCIL.

"Section 3.1. Government Duties. The government of the Town and the general management and control of all its affairs shall be vested in a Mayor and Town Council, which shall be elected and shall exercise its powers in the manner hereinafter provided, except that the Town Manager shall have the authority hereinafter specified.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his own vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinance of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Section 3.3. Town Council. The Town Council shall consist of five members elected in the manner provided in Article IV.

"Section 3.4. Terms; Qualifications; Vacancies.

- (a) Beginning with the regular action in 1971, the Mayor and the members of the Town Council shall serve for terms of four years beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter, provided they shall serve until their successors are elected and qualify.
- (b) No person shall be eligible to be a candidate or be elected as Mayor or as members of the Town Council or to serve in such capacity, unless he is a resident and a qualified voter of the Town.
- (c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be a vacancy in the office of Mayor or Councilman, after election and qualification, the vacancy shall be filled pursuant to the General Statutes. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.
- "Section 3.5. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Town Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Council may establish a salary for its members that may be increased or reduced, but no reduction shall be made to take effect as to any Councilman during the respective term of office that he is serving at the time the reduction is voted.

"Section 3.6. Organization of Council; Oaths of Office. The Town Council shall meet and organize for the transaction of business at a time established by ordinance, following each

6 7

8 9 10

11

12

22

31

38 39 40

41

37

42 43 44

46 47

45

biennial election and prior to December 15. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of on which I am about to enter, according to my best skill and ability; so help me, God."

"Section 3.7. Meetings of Council. The Town Council shall fix suitable times for its regular meetings, which shall be held at least once monthly. Special and emergency meetings may be held as provided by the Rules of Procedure for the Town Council of Indian Trail.

"Section 3.8. Quorum; Votes.

- A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.
- The affirmative vote of a majority of the members of the Town Council shall be necessary to adopt any ordinance or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and
- "Section 3.9. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clauses of all ordinances shall be: "Be it ordained by the Town Council of the Town of Indian Trail." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.
- "Section 3.10. Appointments by Council. The Town Council shall appoint a Town Manager and a Town Attorney, who shall hold office at the pleasure of the Council and receive such compensation as the Council may provide.

"Section 3.11. Powers of Town Manager.

- The Town Council shall appoint a Town Manager, who shall be the administrative head of the Town government and shall be responsible for the administration of all departments. The Manager shall be appointed with regard to executive and administrative abilities only. The Manager shall hold office at the pleasure of the Town Council and shall receive such compensation as determined by the Town Council. Neither the Mayor nor the Town Council nor any of its committees or members shall take part in the appointment or removal of officers, department heads, and employees in the administrative service of the Town, except as provided by this Charter.
 - The Town Manager shall: (b)
 - Be the administrative head of the Town government. (1)
 - See that within the Town the laws of the State and the ordinances, (2) resolutions, and regulations of the Council are faithfully executed.
 - Attend all meetings of the Town Council, and recommend items for adoption (3) as he shall deem expedient.
 - Make reports to the Town Council from time to time upon the affairs of the (4) Town and keep the Town Council fully advised of the Town's financial condition and its future financial needs.
 - (5) Appoint, suspend, and remove all nonelected officers, department heads, and employees of the Town, except the Town Attorney, who shall be appointed and serve at the pleasure of the Town Council.

"Section 3.12. Town Attorney. The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town Officials, be present at all meetings of the Town Council, and perform other 1 2 3

 duties as required by law or as the Council may prescribe. The Town Attorney shall serve at the pleasure of the Council and shall receive compensation as the Council shall determine.

"Section 3.13. Town Clerk. The Town Manager shall appoint a Town Clerk who shall be the Clerk to the Town Council, keep all records concerning Council actions, exercise those powers and duties conferred by law, and perform such duties as may be specified by the Council. The Clerk will be appointed with regard to merit only.

"Section 3.14. Finance Officer. The Town Manager shall appoint a Finance Officer to perform the duties as required by the General Statutes.

"Section 3.15. Tax Collector. The Town Manager shall appoint a Tax Collector to collect all taxes, licenses, fees, and other monies belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosures of taxes by municipalities. Notwithstanding the contrary provisions of G.S. 105-349, the Town Manager may appoint the Tax Collector and one or more deputies.

"Section 3.16. Consolidation of Functions. The Town Manager may, in his discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Manager may also, in his discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 3.17. Other Administrative Officers and Employees. The Town Council may authorize other positions to be filled by appointment by the Town Manager and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"ARTICLE IV. ELECTION PROCEDURE.

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the laws of North Carolina. In the regular 1973 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Councilmen to serve for terms of four years. In the regular 1975 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large a Mayor and three Councilmen to serve for terms of four years. In case of a tie between opposing candidates, the election shall be determined pursuant to general law.

"Section 4.2. Voting. In the regular 1973 election and quadrennially thereafter, each voter shall be entitled to vote for two candidates for Councilman. In the regular 1975 election and quadrennially thereafter, each voter shall be entitled to vote for one candidate for Mayor and for three candidates for Councilman.

"Section 4.3. Regulation of Elections. The method of election of the Mayor and Town Council shall be the nonpartisan election and runoff method to be conducted as provided in G.S. 163-293.

"ARTICLE V. STREET, SIDEWALK, AND LIGHTING IMPROVEMENTS.

"Section 5.1. Street Improvements; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Town Council may make street improvements and assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

- "Section 5.2. When Petition Unnecessary. The Town Council may order street improvements and assess the cost thereof, exclusive of the cost incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:
 - (1) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or
 - (2) That it is in the public interest to connect two streets, or portions of a street already improved, or

(3) That it is in the public interest to widen a street, or part thereof, that is already improved, provided that assessments for widening any street or portions of a street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan for the particular street, or part thereof, to be widened and improved under the authority granted by this Article.

"Section 5.3. Street Improvement Defined. For the purpose of this Article, the term 'Street Improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curb, gutters, and street drainage facilities.

"Section 5.4. Sidewalks; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by the General Statutes to the Town for making sidewalk improvements, the Town Council may order to be made or to make sidewalk improvements or repairs without petition according to standards and specifications of the Town and assess the total cost thereof against abutting property owners.

If a sidewalk is constructed on only one side of a street, the cost thereof may be assessed against a property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which has been assessed against the abutting property.

"Section 5.5. Street Lighting; Assessment of Cost. In addition to any authority which is now or may hereafter be granted by the General Statutes to the Town for making street lighting improvements, the Town Council may order to be made or to make street lighting improvements or repairs without petition according to standards and specifications of the Town and assess the total cost thereof against abutting property owners.

If street lighting is constructed on only one side of a street, the cost thereof may be assessed against a property abutting on both sides of the street, unless there already exists street lighting on the other side of the street, the total cost of which has been assessed against the abutting property.

"Section 5.6. Assessment Procedure. In ordering street, sidewalk, and lighting improvements without a petition and assessing the cost thereof under authority of this Article, the Town Council shall comply with the procedure provided in the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Section 5.7. **Effect of Assessment.** The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if assessed where levied under the authority of general law."

SECTION 2. The purpose of this act is to revise the Charter of the Town of Indian Trail and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

SECTION 3. This act shall not be deemed to repeal, modify, nor in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts or amendments are expressly set forth herein:

- (1) Any acts concerning the property, affairs, or government of public schools in the Town of Indian Trail.
- (2) Any acts of validating, confirming, approving, or legalizing official proceedings, actions, contracts or obligations of any kind.

SECTION 4. The following acts or portions of acts, having served their purposes for which enacted, or having been consolidated into this act, are hereby repealed:

(1) Chapter 825, Session Laws of 1969.

(2) S.L. 2004-9.

SECTION 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests whether public or private:

 Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.
 Derived from or which might be sustained or preserved in reliance upon

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

SECTION 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

 (2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

SECTION 7. All existing ordinances and resolutions of the Town of Indian Trail, and all existing rules or regulations of departments or agencies of the Town of Indian Trail, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

SECTION 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Indian Trail or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

SECTION 9. The Mayor and Town Council members serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified.

SECTION 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. All laws and clauses of laws in conflict with this act are hereby repealed.

SECTION 12. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

SECTION 13. All personal pronouns used in this document, whether used in the masculine, feminine, or neuter gender, shall include all other genders. The singular shall include the plural and vice versa.

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

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

10

11

12

13

14

15

16

17

18

19

20

21 22

23

24

25

26

27

28

29

30

1

33

Short Title:

D

(Local)

SENATE BILL 570 Second Edition Engrossed 4/1/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE \$570-CSRLx-54 [v.1]

6/23/2009 9:01:37 PM

	(=====,
Sponsors:	
Referred to:	
March 12, 2009	
A BILL TO BE ENTI AN ACT TO REVISE AND CONSOLIDATE THE CI TRAIL.	
The General Assembly of North Carolina enacts: SECTION 1. The Charter of the Town of Interest:	dian Trail is revised and consolidated to

"CHARTER OF THE TOWN OF INDIAN TRAIL.

7 8 "ARTICLE I. INCORPORATION AND CORPORATE POWERS. 9

Indian Trail Charter Revised.

"Section 1.1. Incorporation and General Powers. The Town of Indian Trail shall continue to be a body politic and corporate under the name and style of "Town of Indian Trail" and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Indian Trail shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina.

"Section 1.4. Form of Government. The form of government of the Town of Indian Trail shall be known as the "Council-Manager Form of Government," as set forth in Part 2 of Article 7 of Chapter 160A of the General Statutes subject to the modifications of this Charter. Nothing contained in this Charter shall be construed to prevent the form of government of the Town of Indian Trail from being changed as by law provided.

"ARTICLE II. CORPORATE BOUNDARIES.



1

2

3

17 18 19

26

27

28

34

40

"Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Indian Trail shall be those existing at the time of the ratification of this Charter and as the same may be altered from time to time in accordance with law. The Town Planning Director shall prepare a map to be designated "Map of the Town of Indian Trail Limits" showing the corporate limits as the same may exist as of the effective date of this Charter. The Town Planning Director may also prepare a written description of the corporate limits as shown on said map to be designated "Description of the Town of Indian Trail Corporate Limits." Said map and description shall be retained permanently in the Office of the Town Clerk as the official map and description of the corporate limits of the Town. Immediately upon alteration of the corporate limits made pursuant to law from time to time, the Town Planning Director shall indicate such alteration by making appropriate changes and/or additions to said official map and description. Photographic or other types of copies of said official map or description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description.

"Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by general law.

"ARTICLE III. MAYOR AND TOWN COUNCIL.

"Section 3.1. Government Duties. The government of the Town and the general management and control of all its affairs shall be vested in a Mayor and Town Council, which shall be elected and shall exercise its powers in the manner hereinafter provided, except that the Town Manager shall have the authority hereinafter specified.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his own vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinance of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Section 3.3. Town Council. The Town Council shall consist of five members elected in the manner provided in Article IV.

"Section 3.4. Terms; Qualifications; Vacancies.

- Beginning with the regular election in 1971, the Mayor and the members of the Town Council shall serve for terms of four years beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter, provided they shall serve until their successors are elected and qualify.
- No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Town Council or to serve in such capacity, unless he is a resident and a qualified voter of the Town.
- (c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be a vacancy in the office of Mayor or Councilman, after election and qualification, the vacancy shall be filled pursuant to the General Statutes. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

"Section 3.5. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Town Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Council may establish a salary for its members that may be increased or reduced, but no reduction shall be made to take effect as

43 .

to any Councilman during the respective term of office that he is serving at the time the reduction is voted.

"Section 3.6. Organization of Council; Oaths of Office. The Town Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to December 15. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, ______, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of _____, on which I am about to enter, according to my best skill and ability; so help me, God."

"Section 3.7. Meetings of Council. The Town Council shall fix suitable times for its regular meetings, which shall be held at least once monthly. Special and emergency meetings may be held as provided by the Rules of Procedure for the Town Council of Indian Trail.

"Section 3.8. Quorum; Votes.

- (a) A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.
- (b) Except as otherwise provided by the General Statutes, the affirmative vote of a majority of the members of the Town Council shall be necessary to adopt any ordinance or any resolution or motion having the effect of an ordinance. Except as otherwise provided by the General Statutes, all other matters to be voted upon shall be decided by a majority vote of those present and voting.
- "Section 3.9. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clauses of all ordinances shall be: "Be it ordained by the Town Council of the Town of Indian Trail." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"Section 3.10. Appointments by Council. The Town Council shall appoint a Town Manager and a Town Attorney, who shall hold office at the pleasure of the Council and receive such compensation as the Council may provide.

"Section 3.11. Powers of Town Manager.

- (a) The Town Council shall appoint a Town Manager, who shall be the administrative head of the Town government and shall be responsible for the administration of all departments. The Manager shall be appointed with regard to executive and administrative abilities only. The Manager shall hold office at the pleasure of the Town Council and shall receive such compensation as determined by the Town Council. Neither the Mayor nor the Town Council nor any of its committees or members shall take part in the appointment or removal of officers, department heads, and employees in the administrative service of the Town, except as provided by this Charter.
 - (b) The Town Manager shall:
 - (1) Be the administrative head of the Town government.
 - (2) See that within the Town the laws of the State and the ordinances, resolutions, and regulations of the Council are faithfully executed.
 - (3) Attend all meetings of the Town Council, and recommend items for adoption as he shall deem expedient.
 - (4) Make reports to the Town Council from time to time upon the affairs of the Town and keep the Town Council fully advised of the Town's financial condition and its future financial needs.

+)

(5) Appoint, suspend, and remove all nonelected officers, department heads, and employees of the Town, except the Town Attorney, who shall be appointed and serve at the pleasure of the Town Council.

"Section 3.12. **Town Attorney.** The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town Officials, be present at all meetings of the Town Council, and perform other duties as required by law or as the Council may prescribe. The Town Attorney shall serve at the pleasure of the Council and shall receive compensation as the Council shall determine.

"Section 3.13. **Town Clerk.** The Town Manager shall appoint a Town Clerk who shall be the Clerk to the Town Council, keep all records concerning Council actions, exercise those powers and duties conferred by law, and perform such duties as may be specified by the Council. The Clerk will be appointed with regard to merit only.

"Section 3.14. Finance Officer. The Town Manager shall appoint a Finance Officer to perform the duties as required by the General Statutes.

"Section 3.15. **Tax Collector.** The Town Manager shall appoint a Tax Collector to collect all taxes, licenses, fees, and other monies belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosures of taxes by municipalities. Notwithstanding the contrary provisions of G.S. 105-349, the Town Manager may appoint the Tax Collector and one or more deputies.

"Section 3.16. Consolidation of Functions. The Town Manager may, in his discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Manager may also, in his discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 3.17. Other Administrative Officers and Employees. The Town Council may authorize other positions to be filled by appointment by the Town Manager and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"ARTICLE IV. ELECTION PROCEDURE.

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the laws of North Carolina. In the regular 1973 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Councilmen to serve for terms of four years. In the regular 1975 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large a Mayor and three Councilmen to serve for terms of four years. In case of a tie between opposing candidates, the election shall be determined pursuant to general law.

"Section 4.2. Voting. In the regular 1973 election and quadrennially thereafter, each voter shall be entitled to vote for two candidates for Councilman. In the regular 1975 election and quadrennially thereafter, each voter shall be entitled to vote for one candidate for Mayor and for three candidates for Councilman.

"Section 4.3. Regulation of Elections. The method of election of the Mayor and Town Council shall be the plurality method to be conducted as provided in G.S. 163-292."

SECTION 2. The purpose of this act is to revise the Charter of the Town of Indian Trail and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

SECTION 3. This act shall not be deemed to repeal, modify, nor in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts or amendments are expressly set forth herein:

Page 4 Senate Bill 570 S570-CSRLx-54 [v.1]

(1) Any acts concerning the property, affairs, or government of public schools in the Town of Indian Trail.

3

4

Any acts of validating, confirming, approving, or legalizing official (2) proceedings, actions, contracts or obligations of any kind.

5 6

SECTION 4. The following acts or portions of acts, having served their purposes for which enacted, or having been consolidated into this act, are hereby repealed:

7

(1) Chapter 825, Session Laws of 1969. (2) S.L. 2004-9.

8 9

SECTION 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests whether public or private:

10 11 12

(1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

13 14

(2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

15 16 17

SECTION 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

18 19

The repeal herein of any act repealing such law, or (1)

20

Any provision of this act that disclaims an intention to repeal or affect (2) enumerated or designated laws.

21 22 23

24

SECTION 7. All existing ordinances and resolutions of the Town of Indian Trail, and all existing rules or regulations of departments or agencies of the Town of Indian Trail, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

SECTION 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Indian Trail or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

29 30 31

SECTION 9. The Mayor and Town Council members serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified.

SECTION 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

36 37 38

SECTION 11. All laws and clauses of laws in conflict with this act are hereby repealed.

SECTION 12. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

44 45

43

SECTION 13. All personal pronouns used in this document, whether used in the masculine, feminine, or neuter gender, shall include all other genders. The singular shall include the plural and vice versa.

46 47

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



SENATE BILL 570: Indian Trail Charter Revised

2009-2010 General Assembly

Committee:

House Local Government II, if favorable,

Date:

June 23, 2009

Introduced by: Sen. Goodall

Finance

Prepared by: Steven Rose

Analysis of:

PCS to Second Edition

Committee Counsel

S570-CSRLx-54

SUMMARY: Senate Bill 570 would revise and consolidate the Charter of the Town of Indian Trail. The act would become effective when it becomes law.

The PCS corrects a typographical error, as well as a drafting error that would have made certain provisions of the General Statutes requiring a super-majority of a town council in certain situations invalid as applied to Indian Trail. The PCS also removes provisions authorizing assessment of abutting property owners for street, sidewalk, and streetlight improvements by a method different than the method provided in the General Statutes.

CURRENT LAW: The present Charter was enacted by the Legislature in 1969 [S.L. 1969-825], and was amended in 2004 [S.L. 2004-9].

BILL ANALYSIS: Senate Bill 570 would revise and consolidate the Charter of the Town of Indian Trail. It specifies the council-manager form of government and plurality method of election. The General Statutes permit these to be changed by action of the city council.

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

S570-SMRL-98(CSRLx-54) v1

S

SENATE BILL 570 Second Edition Engrossed 4/1/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S570-PCS35347-RLx-54

Short Title:	Indian Trail Charter Revised.	(Local)
Sponsors:	•	
Referred to:		

March 12, 2009

1 2

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Indian Trail is revised and consolidated to read:

rea

"CHARTER OF THE TOWN OF INDIAN TRAIL.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The Town of Indian Trail shall continue to be a body politic and corporate under the name and style of "Town of Indian Trail" and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Indian Trail shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina.

"Section 1.4. Form of Government. The form of government of the Town of Indian Trail shall be known as the "Council-Manager Form of Government," as set forth in Part 2 of Article 7 of Chapter 160A of the General Statutes subject to the modifications of this Charter. Nothing contained in this Charter shall be construed to prevent the form of government of the Town of Indian Trail from being changed as by law provided.

"ARTICLE II. CORPORATE BOUNDARIES.



D

"Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Indian Trail shall be those existing at the time of the ratification of this Charter and as the same may be altered from time to time in accordance with law. The Town Planning Director shall prepare a map to be designated "Map of the Town of Indian Trail Limits" showing the corporate limits as the same may exist as of the effective date of this Charter. The Town Planning Director may also prepare a written description of the corporate limits as shown on said map to be designated "Description of the Town of Indian Trail Corporate Limits." Said map and description shall be retained permanently in the Office of the Town Clerk as the official map and description of the corporate limits of the Town. Immediately upon alteration of the corporate limits made pursuant to law from time to time, the Town Planning Director shall indicate such alteration by making appropriate changes and/or additions to said official map and description. Photographic or other types of copies of said official map or description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description.

"Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by general law.

"ARTICLE III. MAYOR AND TOWN COUNCIL.

"Section 3.1. Government Duties. The government of the Town and the general management and control of all its affairs shall be vested in a Mayor and Town Council, which shall be elected and shall exercise its powers in the manner hereinafter provided, except that the Town Manager shall have the authority hereinafter specified.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV of this Charter. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his own vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinance of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Section 3.3. Town Council. The Town Council shall consist of five members elected in the manner provided in Article IV of this Charter.

"Section 3.4. Terms; Qualifications; Vacancies.

- (a) Beginning with the regular election in 1971, the Mayor and the members of the Town Council shall serve for terms of four years beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter, provided they shall serve until their successors are elected and qualify.
- (b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Town Council or to serve in such capacity, unless he is a resident and a qualified voter of the Town.
- (c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be a vacancy in the office of Mayor or Councilman, after election and qualification, the vacancy shall be filled pursuant to the General Statutes. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

"Section 3.5. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Town Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Council may establish a salary for its members that may be increased or reduced, but no reduction shall be made to take effect as

to any Councilman during the respective term of office that he is serving at the time the reduction is voted.

"Section 3.6. Organization of Council; Oaths of Office. The Town Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to December 15. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, ______, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of _____, on which I am about to enter, according to my best skill and ability; so help me, God."

"Section 3.7. Meetings of Council. The Town Council shall fix suitable times for its regular meetings, which shall be held at least once monthly. Special and emergency meetings may be held as provided by the Rules of Procedure for the Town Council of Indian Trail.

"Section 3.8. Quorum; Votes.

- (a) A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.
- (b) Except as otherwise provided by the General Statutes, the affirmative vote of a majority of the members of the Town Council shall be necessary to adopt any ordinance or any resolution or motion having the effect of an ordinance. Except as otherwise provided by the General Statutes, all other matters to be voted upon shall be decided by a majority vote of those present and voting.

"Section 3.9. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clauses of all ordinances shall be: "Be it ordained by the Town Council of the Town of Indian Trail." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"Section 3.10. Appointments by Council. The Town Council shall appoint a Town Manager and a Town Attorney, who shall hold office at the pleasure of the Council and receive such compensation as the Council may provide.

"Section 3.11. Powers of Town Manager.

- (a) The Town Council shall appoint a Town Manager, who shall be the administrative head of the Town government and shall be responsible for the administration of all departments. The Manager shall be appointed with regard to executive and administrative abilities only. The Manager shall hold office at the pleasure of the Town Council and shall receive such compensation as determined by the Town Council. Neither the Mayor nor the Town Council nor any of its committees or members shall take part in the appointment or removal of officers, department heads, and employees in the administrative service of the Town, except as provided by this Charter.
 - (b) The Town Manager shall:
 - (1) Be the administrative head of the Town government.
 - (2) See that within the Town the laws of the State and the ordinances, resolutions, and regulations of the Council are faithfully executed.
 - (3) Attend all meetings of the Town Council and recommend-items for adoption as he shall deem expedient.
 - (4) Make reports to the Town Council from time to time upon the affairs of the Town and keep the Town Council fully advised of the Town's financial condition and its future financial needs.

S570-PCS35347-RLx-54

Appoint, suspend, and remove all nonelected officers, department heads, and employees of the Town, except the Town Attorney, who shall be appointed and serve at the pleasure of the Town Council.

"Section 3.12. **Town Attorney.** The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town Officials, be present at all meetings of the Town Council, and perform other duties as required by law or as the Council may prescribe. The Town Attorney shall serve at the pleasure of the Council and shall receive compensation as the Council shall determine.

"Section 3.13. **Town Clerk.** The Town Manager shall appoint a Town Clerk who shall be the Clerk to the Town Council, keep all records concerning Council actions, exercise those powers and duties conferred by law, and perform such duties as may be specified by the Council. The Clerk will be appointed with regard to merit only.

"Section 3.14. Finance Officer. The Town Manager shall appoint a Finance Officer to perform the duties as required by the General Statutes.

"Section 3.15. Tax Collector. The Town Manager shall appoint a Tax Collector to collect all taxes, licenses, fees, and other monies belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosures of taxes by municipalities. Notwithstanding the contrary provisions of G.S. 105-349, the Town Manager may appoint the Tax Collector and one or more deputies.

"Section 3.16. Consolidation of Functions. The Town Manager may, in his discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Manager may also, in his discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 3.17. Other Administrative Officers and Employees. The Town Council may authorize other positions to be filled by appointment by the Town Manager and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"ARTICLE IV. ELECTION PROCEDURE.

"Section 4.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the laws of North Carolina. In the regular 1973 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two Councilmen to serve for terms of four years. In the regular 1975 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large a Mayor and three Councilmen to serve for terms of four years. In case of a tie between opposing candidates, the election shall be determined pursuant to general law.

"Section 4.2. **Voting.** In the regular 1973 election and quadrennially thereafter, each voter shall be entitled to vote for two candidates for Councilman. In the regular 1975 election and quadrennially thereafter, each voter shall be entitled to vote for one candidate for Mayor and for three candidates for Councilman.

"Section 4.3. Regulation of Elections. The method of election of the Mayor and Town Council shall be the plurality method to be conducted as provided in G.S. 163-292."

SECTION 2. The purpose of this act is to revise the Charter of the Town of Indian Trail and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

SECTION 3. This act shall not be deemed to repeal, modify, nor in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. All laws and clauses of laws in conflict with this act are hereby repealed.

SECTION 12. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

SECTION 13. All personal pronouns used in this document, whether used in the masculine, feminine, or neuter gender, shall include all other genders. The singular shall include the plural and vice versa.

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

1 2

3

4 5

6

7

8

9

10

11

12 13

14

15

16

17

18

19

20 21

22

23

24 25

26

27 28

29

30

31

32

33

34

35

36

37 38

39

40

41

42 43

44

45

46

47

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 570 A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE
CHARTER OF THE TOWN OF INDIAN TRAIL.
☑ With a favorable report as to the House committee substitute bill, unfavorable as to the
original bill, and recommendation that the House committee substitute bill be re-referred to the
Committee on FINANCE.
Committee on 1 invalves.
•
(FOR JOURNAL USE ONLY)
(FOR JOURNAL OSE ONLI)
D
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
•
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 698 Commerce Committee Substitute Adopted 5/12/09

Short Title:	City/County/Sanitary District Fees/ Internet.	(Public)	
Sponsors:			
Referred to:			
	37 1 24 222		

March 24, 2009

ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND

1 2

A BILL TO BE ENTITLED AN ACT REQUIRING THAT CITIES, COUNTIES, AND SANITARY DISTRICTS GIVE

INCREASES IN CERTAIN EXISTING FEES. The General Assembly of North Carolina enacts:

6 7 **SECTION 1.** Article 5 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-102.1. Electronic notice of new fees and fee increases.

9 10 11

8

(a) If a county has a Web site maintained by one or more of its employees, the county shall provide notice of the imposition of or increase in fees or charges levied in connection with Article 18 of this Chapter on the county's Web site at least seven days prior to the first regular meeting where the imposition or increase of the fees or charges will be discussed.

12 13 14

(b) Subsection (a) of this section shall not apply if the imposition or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12."

15 16 **SECTION 2.** Article 1 of Chapter 160A of the General Statutes is amended by adding a new section to read:

17 18

"§ 160A-4.1. Electronic notice of new fees and fee increases.

19 20 21 (a) If a city has a Web site maintained by one or more of its employees, the city shall provide notice of the imposition of or increase in fees or charges levied in connection with Article 19 of this Chapter on the city's Web site at least seven days prior to the first regular meeting where the imposition or increase of the fees or charges will be discussed.

22 23 (b) Subsection (a) of this section shall not apply if the imposition or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12."

24 25 **SECTION 3.** Part 2 of Article 2 of Chapter 130A of the General Statutes is amended by adding a new section to read:

26 27

"§ 130A-64.1. Electronic notice of new or increased charges and rates.

28 29 30 (a) If a sanitary district has a Web site maintained by one or more of its employees, the sanitary district shall provide notice of the imposition of or increase in service charges or rates for any service provided by the sanitary district on the sanitary district's Web site at least seven days prior to the first meeting where the imposition or increase of the charges or rates will be discussed.

31 32

(b) Subsection (a) of this section shall not apply if the imposition or increase in service charges or rates is contained in a budget filed in accordance with the requirements of G.S. 159-12."

33 34 35

SECTION 4. This act becomes effective July 1, 2009.



S

1

2.

3

4

5 6

7

8

9

0

.1

12

13

14 15

16

17

18 19

20

21 22

23

24

25

26

27

28 29

30

31

2

3

SENATE BILL 698 PROPOSED HOUSE COMMITTEE SUBSTITUTE S698-CSRL-55 [v.1]

Short Title:	City/County/Sanitary District Fees/ Internet.	(Public)
Sponsors:		-
Referred to:	·	
	March 24, 2009	

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT CITIES, COUNTIES, SANITARY DISTRICTS, AND WATER AND SEWER AUTHORITIES GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES AND AN OPPORTUNITY TO BE HEARD WHEN THE IMPOSITION OR INCREASE OF THOSE FEE IS CONSIDERED.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-102.1. Electronic notice of new fees and fee increases; public comment period.

- (a) If a county has a Web site maintained by one or more of its employees, the county shall provide notice of the imposition of or increase in fees or charges levied in connection with Article 18 of this Chapter or public enterprises as defined in G.S. 153A-274(1) and (2) on the county's Web site at least seven days prior to the first regular meeting where the imposition of or increase in the fees or charges will be discussed.
- (b) During the consideration of the imposition of or increase in fees or charges levied in connection with Article 18 of this Chapter or public enterprises as defined in G.S. 153A-274(1) and (2), the governing body of the county shall permit a period of public comment.
- (c) This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12."

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

"§ 160A-4.1. Electronic notice of new fees and fee increases; public comment period.

- (a) If a city has a Web site maintained by one or more of its employees, the city shall provide notice of the imposition of or increase in fees or charges levied in connection with Article 19 of this Chapter or public enterprises as defined in G.S. 160A-311(2) and (3) on the city's Web site at least seven days prior to the first regular meeting where the imposition of or increase in the fees or charges will be discussed.
- (b) During the consideration of the imposition of or increase in fees or charges levied in connection Article 19 of this Chapter or public enterprises as defined in G.S. 160A-311(2) and (3), the governing body of the city shall permit a period of public comment.
- (c) This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12."



D

SECTION 3. Part 2 of Article 2 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-64.1. Electronic notice of new or increased charges and rates; public comment period.

- (a) If a sanitary district has a Web site maintained by one or more of its employees, the sanitary district shall provide notice of the imposition of or increase in service charges or rates for any service provided by the sanitary district on the sanitary district's Web site at least seven days prior to the first meeting where the imposition of or increase in the charges or rates will be discussed.
- (b) During the consideration of the imposition of or increase in service charges or rates, the governing body of the sanitary district shall permit a period of public comment.
- (c) This section shall not apply if the imposition of or increase in service charges or rates is contained in a budget filed in accordance with the requirements of G.S. 159-12."

SECTION 4. G.S. 162A-9 reads as rewritten:

"§ 162A-9. Rates and charges; electronic notice; contracts for water or services; deposits; delinquent charges.

(a) An authority may establish and revise a schedule of rates, fees, and other charges for the use of and for the services furnished or to be furnished by any water system or sewer system or parts thereof owned or operated by the authority. The rates, fees, and charges established under this subsection are not subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision.

Before an authority sets or revises rates, fees, or other charges for stormwater management programs and structural or natural stormwater and drainage system service, the authority shall hold a public hearing on the matter. At least seven days before the hearing, the authority shall publish notice of the public hearing in a newspaper having general circulation in the area. An authority may impose rates, fees, or other charges for stormwater management programs and stormwater and drainage system service on a person even though the person has not entered into a contract to receive the service.

Rates, fees, and charges shall be fixed and revised so that the revenues of the authority, together with any other available funds, will be sufficient at all times:

- (1) To pay the cost of maintaining, repairing, and operating the systems or parts thereof owned or operated by the authority, including reserves for such purposes, and including provision for the payment of principal of and interest on indebtedness of a political subdivision or of political subdivisions which payment shall have been assumed by the authority, and
- (2) To pay the principal of and the interest on all bonds issued by the authority under the provisions of this Article as the same shall become due and payable and to provide reserves therefor.

The fees established under this subsection must be made applicable throughout the service area. Schedules of rates, fees, charges, and penalties for providing stormwater management programs and structural and natural stormwater and drainage system service may vary according to whether the property served is residential, commercial, or industrial property, the property's use, the size of the property, the area of impervious surfaces on the property, the quantity and quality of the runoff from the property, the characteristics of the watershed into which stormwater from the property drains, and other factors that affect the stormwater drainage system. Rates, fees, and charges imposed under this subsection for stormwater management programs and stormwater and drainage system service may not exceed the authority's cost of providing a stormwater management program and a structural and natural stormwater and drainage system includes any costs

5

necessary to assure that all aspects of stormwater quality and quantity are managed in accordance with federal and State laws, regulations, and rules.

No stormwater utility fee may be levied under this subsection whenever two or more units of local government operate separate stormwater management programs or separate structural and natural stormwater and drainage system services in the same area within a county. However, two or more units of local government may allocate among themselves the functions, duties, powers, and responsibilities for jointly operating a stormwater management program and structural and natural stormwater and drainage system service in the same area within a county, provided that only one unit may levy a fee for the service within the joint service area. For purposes of this subsection, a unit of local government shall include a regional authority providing stormwater management programs and structural and natural stormwater and drainage system services.

- (a1) If an authority has a Web site maintained by one or more of its employees, the authority shall provide notice of the imposition of or increase in rates, fees, and charges under subsection (a) of this section on the authority's Web site at least seven days prior to the first meeting where the imposition of or increase in the rates, fees, and charges will be discussed. This subsection shall not apply if the imposition of or increase in rates, fees, and charges is contained in a budget filed in accordance with the requirements of G.S. 159-12.
- (b) Notwithstanding any of the foregoing provisions of this section, the authority may enter into contracts relating to the collection, treatment or disposal of sewage or the purchase or sale of water which shall not be subject to revision except in accordance with their terms.
- (c) In order to insure the payment of such rates, fees and charges as the same shall become due and payable, the authority may do the following in addition to exercising any other remedies which it may have:
 - (1) Require reasonable advance deposits to be made with it to be subject to application to the payment of delinquent rates, fees and charges.
 - At the expiration of 30 days after any rates, fees and charges become delinquent, discontinue supplying water or the services and facilities of any water system or sewer system of the authority.
 - (3) Specify the order in which partial payments are to be applied when a bill covers more than one service."
 - SECTION 5. This act becomes effective August 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

S

.

SENATE BILL 698

Commerce Committee Substitute Adopted 5/12/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S698-PCS35348-RL-55

Short Title: City/County/Sanitary District Fees/Internet. (Pub	dia)
Short Title: City/County/Sanitary District Fees/Internet. (Pub	······
Sponsors:	
Referred to:	
March 24, 2009	
A BILL TO BE ENTITLED	
AN ACT REQUIRING THAT CITIES, COUNTIES, SANITARY DISTRICTS, A	
WATER AND SEWER AUTHORITIES GIVE ELECTRONIC NOTICE OF T	
IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTIFIES AND AN OPPORTUNITY TO BE HEARD WHEN THE IMPOSITION	
INCREASE OF THOSE FEES IS CONSIDERED.	Oic
The General Assembly of North Carolina enacts:	
SECTION 1. Article 5 of Chapter 153A of the General Statutes is amended	by
adding a new section to read:	
"§ 153A-102.1. Electronic notice of new fees and fee increases; public comment period	-
(a) If a county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a Web site maintained by one or more of its employees, the county has a web site maintained by one or more of its employees, the county has a web site maintained by one or more of its employees.	
shall provide notice of the imposition of or increase in fees or charges levied in connection v	
Article 18 of this Chapter or public enterprises as defined in G.S. 153A-274(1) and (2) on	
county's Web site at least seven days prior to the first regular meeting where the imposition	<u>n 01</u>
or increase in the fees or charges will be discussed.	1
(b) During the consideration of the imposition of or increase in fees or charges levie	
connection with Article 18 of this Chapter or public enterprises as defined in G.S. 153A-274	+(1)
and (2), the governing body of the county shall permit a period of public comment.	_ :_
(c) This section shall not apply if the imposition of or increase in fees or charge	<u>S 1S</u>
contained in a budget filed in accordance with the requirements of G.S. 159-12."	1 1
SECTION 2. Article 1 of Chapter 160A of the General Statutes is amended	by
adding a new section to read:	
"§ 160A-4.1. Electronic notice of new fees and fee increases; public comment period.	1 11
(a) If a city has a Web site maintained by one or more of its employees, the city s	
provide notice of the imposition of or increase in fees or charges levied in connection v	
Article 19 of this Chapter or public enterprises as defined in G.S. 160A-311(2) and (3) on	
city's Web site at least seven days prior to the first regular meeting where the imposition of	<u>ı or</u>

- increase in the fees or charges will be discussed.
- During the consideration of the imposition of or increase in fees or charges levied in connection with Article 19 of this Chapter or public enterprises as defined in G.S. 160A-311(2) and (3), the governing body of the city shall permit a period of public comment.
- This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12."



D

SECTION 3. Part 2 of Article 2 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-64.1. Electronic notice of new or increased charges and rates; public comment period.

- (a) If a sanitary district has a Web site maintained by one or more of its employees, the sanitary district shall provide notice of the imposition of or increase in service charges or rates for any service provided by the sanitary district on the sanitary district's Web site at least seven days prior to the first meeting where the imposition of or increase in the charges or rates will be discussed.
- (b) During the consideration of the imposition of or increase in service charges or rates, the governing body of the sanitary district shall permit a period of public comment.
- (c) This section shall not apply if the imposition of or increase in service charges or rates is contained in a budget filed in accordance with the requirements of G.S. 159-12."

SECTION 4. G.S. 162A-9 reads as rewritten:

"§ 162A-9. Rates and charges; electronic notice; contracts for water or services; deposits; delinquent charges.

(a) An authority may establish and revise a schedule of rates, fees, and other charges for the use of and for the services furnished or to be furnished by any water system or sewer system or parts thereof owned or operated by the authority. The rates, fees, and charges established under this subsection are not subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision.

Before an authority sets or revises rates, fees, or other charges for stormwater management programs and structural or natural stormwater and drainage system service, the authority shall hold a public hearing on the matter. At least seven days before the hearing, the authority shall publish notice of the public hearing in a newspaper having general circulation in the area. An authority may impose rates, fees, or other charges for stormwater management programs and stormwater and drainage system service on a person even though the person has not entered into a contract to receive the service.

Rates, fees, and charges shall be fixed and revised so that the revenues of the authority, together with any other available funds, will be sufficient at all times:

- (1) To pay the cost of maintaining, repairing, and operating the systems or parts thereof owned or operated by the authority, including reserves for such purposes, and including provision for the payment of principal of and interest on indebtedness of a political subdivision or of political subdivisions which payment shall have been assumed by the authority, and
- (2) To pay the principal of and the interest on all bonds issued by the authority under the provisions of this Article as the same shall become due and payable and to provide reserves therefor.

The fees established under this subsection must be made applicable throughout the service area. Schedules of rates, fees, charges, and penalties for providing stormwater management programs and structural and natural stormwater and drainage system service may vary according to whether the property served is residential, commercial, or industrial property, the property's use, the size of the property, the area of impervious surfaces on the property, the quantity and quality of the runoff from the property, the characteristics of the watershed into which stormwater from the property drains, and other factors that affect the stormwater drainage system. Rates, fees, and charges imposed under this subsection for stormwater management programs and stormwater and drainage system service may not exceed the authority's cost of providing a stormwater management program and a structural and natural stormwater and drainage system includes any costs

15

16

22 23

28 29 30

> 31 32

necessary to assure that all aspects of stormwater quality and quantity are managed in accordance with federal and State laws, regulations, and rules.

No stormwater utility fee may be levied under this subsection whenever two or more units of local government operate separate stormwater management programs or separate structural and natural stormwater and drainage system services in the same area within a county. However, two or more units of local government may allocate among themselves the functions, duties, powers, and responsibilities for jointly operating a stormwater management program and structural and natural stormwater and drainage system service in the same area within a county, provided that only one unit may levy a fee for the service within the joint service area. For purposes of this subsection, a unit of local government shall include a regional authority providing stormwater management programs and structural and natural stormwater and drainage system services.

- (a1) If an authority has a Web site maintained by one or more of its employees, the authority shall provide notice of the imposition of or increase in rates, fees, and charges under subsection (a) of this section on the authority's Web site at least seven days prior to the first meeting where the imposition of or increase in the rates, fees, and charges will be discussed. This subsection shall not apply if the imposition of or increase in rates, fees, and charges is contained in a budget filed in accordance with the requirements of G.S. 159-12.
- Notwithstanding any of the foregoing provisions of this section, the authority may enter into contracts relating to the collection, treatment or disposal of sewage or the purchase or sale of water which shall not be subject to revision except in accordance with their terms.
- In order to insure the payment of such rates, fees and charges as the same shall become due and payable, the authority may do the following in addition to exercising any other remedies which it may have:
 - Require reasonable advance deposits to be made with it to be subject to (1) application to the payment of delinquent rates, fees and charges.
 - At the expiration of 30 days after any rates, fees and charges become (2) delinquent, discontinue supplying water or the services and facilities of any water system or sewer system of the authority.
 - Specify the order in which partial payments are to be applied when a bill (3) covers more than one service."

SECTION 5. This act becomes effective August 1, 2009.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following teholife) Hol	ii standing committee(s) is/are presented:
By Representative	Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
⊠Committee Substitute fo	r
SB 698 A BILL TO	BE ENTITLED AN ACT REQUIRING THAT CITIES,
COUNTIES, AND SANITA	ARY DISTRICTS GIVE ELECTRONIC NOTICE OF THE
IMPOSITION OF CERTA	IN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES.
unfavorable as to Senate co	as to House committee substitute bill, which changes the title, mmittee substitute bill and recommendation that the House committee I to the Committee on JUDICIARY I.
(FOR JOURNAL USE O	NLY)
Pursuant to Rule	32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule	36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the is placed on the Unfavorable	e Calendar of (The original bill resolution No) e Calendar.
Committee on (The	nmittee substitute bill/(joint) resolution (No) is re-referred to the coriginal bill/resolution) (House/Senate Committee Substitute

VISITOR REGISTRATION SHEET

. '	1
COMMITTEE ON LOCAL GOVERNMENT	JUNE 24, 2009
Name of Committee	Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	'FIRM OR AGENCY A	AND ADDRESS
Fred Bait	- Smith Moon	a leuthavrod
Lisa Martin	N/C Home	Bri. I des
•	NO HBA	
Cameron Moure	13AJE	
Annowardow	NCUM	
Annonowarrow	note	
		(
		/

VISITOR REGISTRATION SHEET

COMMITTEE ON LOCAL GOVERNMENT

JUNE 24, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Crawford	AIA NC
R. Bul Wilms	WGR
Kerin Geomund	NCACC
Cody Thomas.	1 NCAR
Proh Zechni	
Dan Conrad	NCCN
Keuin Davis	TNC
Tom cois	TNS, In A
Fry WHEN	BIII Walhin

HOUSE PAGES

LOCAL GOV4 II	
NAME OF COMMITTEE	DATE 6/2
1. Name: Samantha Creasy	
County: FOTSYTH	······································
Sponsor: Bill Mcbee	
2. Name: Jan Mar Donal d	
County: Forsyth	· · · · · · · · · · · · · · · · · · ·
Sponsor: Barry Brown	
3. Name: Brad McVicker	
County: Orange	
Sponsor: Insko	
4. Name: Alex Steiner	
County: Orgase	
Sponsor: Tosko	
5. Name: Haly Blancar	
County: Orlone	·
Sponsor: BY OXTOY	
SGT-AT-ARM	
1. Name: MARUN LEE	
2. Name: Bob Ross 1	
3. Name: JAMES WORTH	
4. Name:	

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND DILL SPONSOR NOTIFICATION

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government

•	
DAY & DATE: Wednesday, July 22, 2009	

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO. SHORT TITLE
SPONSOR
SB 556 Asheville City Civil Service Board. Senator Nesbitt, Jr.

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9 o'clock on July 17, 2009.

V	Principal Clerk
	Reading Clerk - House Chamber

Barbara Hocutt (Committee Assistant)

- german chocolate cake
 * vegetarian
 ^ lob menu
 << winner's circle

DISCLAIMER * PRIVACY STATEMENT * POLICIES

COMMITTEE ON LOCAL GOVERNMENT II

JULY 22, 2009 AGENDA

I.	Call	-6	Order	
I.	Call	OI (vraer	

II. Bills

SB 556 Asheville City Civil Service Board Senator Nesbitt (If favorable, re-referred to Judiciary II)

III. Adjournment

COMMITTEE ON LOCAL GOVERNMENT II MINUTES July 22, 2009

The meeting of the Committee on Local Government II was called to order at 11:04 a.m. by Representative Braxton, Chair. The following members were present: Representatives Stam, Blackwell, Floyd, Lucas, Langdon, Spear, Tucker, Gibson, Wiley, Samuelson and Braxton.

Representative Braxton introduced the Pages: Tiffany Currin from Vance County sponsored by Representative Crawford, Hannah Bowen of Beaufort County sponsored by Representative Williams, Sarah Biddix of Wake County sponsored by Representative Tolson, Ann Tucker of Wake County sponsored by Representative Stam. Marvin Lee, Toussaint Avent and Young Bae served as Sergeants-at-Arms.

Representative Fisher presented the Proposed Committee Substitute to Senate Substitute Bill 556, AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD, sponsored by Senator Nesbitt. Representative Lucas moved consideration of the House Proposed Committee Substitute which was approved. Representative Goforth of Asheville was present also. Representative Fisher asked staff member Brad Kehely to explain the House Proposed Committee Substitute. It was suggested that in Section 6 the meaning of "majority of the Board" be clarified to ensure that it is understood as a majority of the Board members, not as a majority of members present and voting. Representative Wiley offered an amendment, "by deleting the word 'Chairman' and substituting the word, 'Chair' wherever the term 'Chairman' appears". It was accepted by a majority in a voice vote. Both the clarification and the amendment will be included in the House Proposed Committee Substitute. Representative Tucker moved a favorable report of the House Proposed Committee Substitute and unfavorable as to the Senate Committee Substitute for Senate Bill 556 and that it is re-referred to the Committee on Judiciary I. The motion carried by voice vote.

The meeting was adjourned at 11/30 a.m/by Representative Braxton, Chair.

Representative R. Van Braxton, Chairman

Barbara R. Hocutt, Committee Assistant

Barbara Dowitt

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 556 State and Local Government Committee Substitute Adopted 5/12/09

Short Title:	Asheville City Civil Service Board.	(Local)
Sponsors:		
Referred to:		•

'March 12, 2009

1 2

3

4 5

6

7 8

9

10

11

12

13

14

15

16

17

18

19 20

21

22 23

24

25

26 27

28

29

30

31

32

33 34

35

36

37

A BILL TO BE ENTITLED

AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 2. (a) The Civil Service Board shall consist of five members as follows: (i) two members who shall be chosen by the City Council at a meeting of the Council and they shall serve at the pleasure of the Council; (ii) two members who shall be elected by the members of the classified service of the City, as defined in this Act, at an election held for that purpose and on a normal City workday not less than 10 nor more than 30 days after written notice of the date of the election is provided to each member of the classified service; and (iii) one member who shall be selected by majority vote of the four other members already selected or elected at a meeting held within 30 days after the members elected by the classified service have taken office. If a member is not elected by majority vote of the four other members, the City Council shall appoint a member to the Board. Members of the Board shall serve two-year terms. All members of the Board shall be eligible for successive terms, in the same manner in which they were initially selected or elected and may serve beyond the end of their respective terms until their successors take office. The chair of the Civil Service Board shall be appointed annually by the City Council, or more often as needed, from among the membership of the Board. The members of the Board shall serve without compensation but may be reimbursed for expenses pursuant to policies adopted by the City.

The City Council shall, by ordinance not inconsistent with this act, establish the procedure for the election of the representatives of the employees in the classified service, and provide for meeting the expense for such elections. The members of the Civil Service Board must all be qualified voters of the City of Asheville, not employed by the eity—City or serving on the City Council. In the event of a vacancy on the Board, such vacancy shall be filled by the body or group, choosing the member, a successor to whom is to be chosen, and in the manner herein provided for the selection of such member.

(b) Former employees of the City of Asheville shall be eligible to serve as a member of the Asheville Civil Service Board provided they have been separated from City employment for a period of not less than 10 consecutive years prior to becoming a member of the Board. No person shall be eligible to serve as a Civil Service Board member if such person directly, or indirectly through any corporation, partnership or other entity, or contract, subcontract or otherwise benefits financially from a business relationship with the City, or if such person has an immediate family member or spouse of the immediate family member who directly, or indirectly through any corporation, partnership or other entity, or contract, subcontract or



otherwise benefits financially from a business relationship with the City. No person shall engage or benefit directly or indirectly from any contractual work or employment with the City for a period of not less than two years following the expiration date of that person's term of office as a member of the Civil Service Board. The foregoing restrictions shall not be retroactively applied to anyone currently serving on the Board at the time this subsection is enacted.

- (c) The Asheville Civil Service Board Secretary shall perform all required ministerial functions and duties for the Board including, but not limited to, the electronic recording of and the preparation of minutes of all Civil Service Board meetings and hearings, the custody of all Board records and the posting and issuing of meeting notices to Board members and to the public in accordance with the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes. To assist the Secretary in performing the functions and duties, all Civil Service Board meetings shall be electronically recorded and transcripts thereof made available to the Board members upon request without charge. All other persons shall be entitled to the Civil Service Board's recordings and records upon request made pursuant to the Public Records Act, Chapter 132 of the General Statutes.
- every month at a time and place to be determined by Board members. The deadline for receiving items for the regular monthly Board's meetings shall be seven days prior to the meeting. Special meetings may be called by the chairman and shall be called upon written request signed by two or more Board members and submitted to the Board Secretary not less than seven days prior to the date of the requested special meeting. The notice for all meetings shall contain a meeting agenda which shall include a section for other business to hear and consider any other matters related to the Board's function and duties and which may be addressed by any member of the Board and by any person in attendance.
- (e) No uniform employees of the City of Asheville shall be prohibited, directed, or discouraged in any manner by a supervisor from wearing that employee's uniform while in attendance at any Civil Service Board meeting."

SECTION 2. Section 4 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 2. The Civil Service Board shall make, and may amend <u>substantive</u> rules for promoting efficiency in the classified service of the City as provided in Section 5 of this Act. Such rules and any amendment thereto, shall be submitted to the Council for approval, and shall be open to public inspection, when filed with the Council for approval. The City Council, after giving members of the classified service and citizens of Asheville an opportunity to be heard at a public hearing, shall act upon such proposed rules and amendments, and such rules or amendments, when approved by a majority vote of the Council, shall be in full force and effect. The Civil Service Board shall also make, and may amend, procedural rules for the conduct of its official proceedings and functions as provided for by this act. The Council may, before approval, amend the rules or amendments thereto, submitted to it for approval."

SECTION 3. Section 5 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 5. Such rules, as authorized in Section 4 of this Act, among other things, may provide:

(1) For the standardization and classification of all positions and employment in the classified service of the City. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities, and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions. The City Manager of his or her designee shall consult representative employee in the Police and Fire Departments to establish criteria to be used to fill each position within those

respective departments, including lateral entry positions. If only one respective employee is consulted, he or she shall be a representative chosen by the employees of the respective departments. If a group of two or more employees is established for purposes of this subdivision, at least one-half of the employees shall be chosen by the employees of the respective department. The Civil Service Board shall have the authority to approve any criteria established and the criteria shall apply only to persons promoted or hired after the effective date of the approval. This provision shall not apply to hiring or promotional processes initiated prior to the effective date of this Act.

- (2) For temporary or part-time employment to meet the transitory or seasonal needs of the City, except no temporary or part-time employment may occur or continue in violation of applicable state or federal law.
- (3) For the establishment of a probationary period for new City employees prior to employees becoming members of the classified service, except not probationary period or any extension thereof may exceed one year in the aggregate.
- (4) For suspension for purpose of discipline, with or without pay, for not longer than 90 days.
- (5) For discharge or reduction in rank or compensation after the person to be discharged or reduced has, if he or she so request, been presented by the person responsible for his or her appointment with the reasons therefore specifically stated in writing and has been given an opportunity to be publicly heard in his or her own defense by the Civil Service Board, in accordance with Section 8 of this Act. The written reasons for the discharge or reduction and any reply in writing thereto by any such officer or employee shall be filed with the Department of Civil Service. Secretary of the Civil Service Board for use and consideration by Board members in the performance of their official functions and duties.
- (6) For investigation and keeping a record of the efficiency of officers and employees in the classified service, and for requiring markings and reports relative thereto from appointing authorities."

SECTION 4. Section 7 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 7. The Council, the City Manager, the Chair of the Civil Service Board, or any person designated by any of them, two or more Civil Service Board members may make official investigations concerning the facts in respect to the operation and enforcement of the provisions of this Act and of the rules established thereunder, and concerning the condition of the Civil Service of the City or and branch thereof and may refer such matters to the Civil Service Board for hearing in accordance with Section 8 of this Act, or for further investigation as appropriate. At any person, or persons, making any investigation authorized or required by this section, shall have the power to subpoena and require the attendance of witnesses. Such subpoenas shall be issued by the Clerk of the Superior Court Division of the General Court of Justice for Buncombe County upon the written request of any party authorized hereinabove to make official investigations. A copy of the report of the investigation shall be filed with the City Clerk for transmittal to the City Council of Asheville and be open for public inspection, subject to the provisions of the Personnel Privacy Act or other laws governing the disclosure of records in this State."

SECTION 5. Section 8 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

- "Section 8. (a) Whenever any member of the classified service of the City is discharge, suspended, reduced in rank, transferred against his or her will, or is denied any promotion or raise in pay which he or she would be entitled to, that member shall be entitled to a hearing before the Civil Service Board to determine whether or not the action complained of is justified. The Board may also conduct hearings and render decisions on such matters as may be referred to it pursuant to Section 7 of this act.
- (b) Any member of the classified service of the City who desires a hearing shall file his or her request for hearing with the City Clerk within 10 days after learning of the act or omission of which her or she complains but not before the member shall have exhausted his or her remedy provided by the grievance procedures established by ordinance or policy of the City and the grievance procedure shall be concluded within 30 days. If the grievance procedure is not concluded with 30 days, the member may proceed as provided in this section. Upon receipt of notice as required in this section, the City Clerk shall set the matter for hearing before the Civil Service Board at a date not less than five nor more than fifteen days from the Clerk's receipt of such notice. Except for the time for filing the initial request for hearing with the Board, the Board may extend the time for taking action under this section for cause or by agreement of the parties to the proceeding.
- (c) Any member of the classified service of the City who requests a hearing pursuant to the Act shall be entitled to be represented by its attorney at any such hearing.
- (d) For such hearings, upon the written request of any party, the Board is authorized to issue subpoenas for the attendance of witnesses or the production of documents.
- (d)(e) At such hearing, the burden of proving the justification of the act or omission complained of shall be upon the City and the member requesting the hearing shall be entitled to inspect any copy any records upon which the City plans to rely at the hearing if the records are requested in writing by the member or his or her attorney prior to the day set for the hearing.
- (d)(f) The Civil Service Board shall render its decision in writing within five days after the conclusion of the hearing. If the Board determines that the act or omission complained of is not justified, the Board shall order to rescind whatever action the Board has found to be unjustified and may order the City to take such steps as are necessary for a just conclusion of the matter before the Board. Upon reaching its decision, the Board shall, in writing, immediately inform the City Clerk and the member requesting the hearing of the Board's decision.
- (f)(g) Within ten days of the receipt of notice of the decision of the Board, either party may appeal to the Superior Court Division of the General Court of Justice for Buncombe County for a trial de novo. The appeal shall be effected by filing with the Clerk of the Superior Court of Buncombe County a petition for trial in superior court, setting out the fact upon which the petitioner relies for relief. If the petitioner desires a trial by jury, the petition shall so state. Upon the filing of the petition, the Clerk of the Superior Court shall issue a civil summons as in regular civil action, and the sheriff of Buncombe County shall serve the summons and petition on all parties who did not join in the petition for trial. It shall be sufficient service upon the City for the sheriff to serve the petition and summons upon the clerk of the City. Therefore, the matter shall proceed to trial as any other civil action."

SECTION 6. Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303, is amended by adding a new section to read:

"Section 8.1. By a majority vote of those members present and voting at any of its official meetings, the Asheville Civil Service Board may designate independent legal counsel of its choice to advise or represent the Board, or both, on such occasions and in such matters as the majority of those Board members present and voting deem to be appropriate and necessary. The City shall be responsible for the payment of such professional legal services. In order to avoid the appearance of any possible conflict of interest, the Office of the City Attorney shall serve as legal advisor to or attorney for the Board, or both, only for those matters or

proceedings when specifically requested to do so in a writing that has been signed by no fewer than four members of the Board."

 SECTION 7. Section 10 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303, reads as rewritten:

"Section 10. It shall be the duty of the Civil Service Board to supervise the execution of the foregoing civil service provisions of this Act and of the rules made thereunder, and it shall be the duty of all persons in the service of the City to comply with such rules and to aid in their enforcement. Willful or deliberate violation of the Asheville Civil Service Law (this act) or Civil Service Rules by any person shall constitute a misdemeanor punishable by a fine not to exceed the sum of five hundred dollars (\$500.00). Any City employee or any City official who threatens or intimidates other employees from exercising their rights under the Asheville Civil Service Law (this act) or Civil Service Rules shall be subject to discipline by the City, including dismissal of employment with the City."

 SECTION 8. If any section, subsection, subdivision, sentence, clause, or phrase of this act shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

SECTION 9. All laws, rules, or clauses in conflict with the provisions of this act are hereby superseded or repealed as appropriate.

SECTION 10. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

1

2

4

5

6

7

)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24 25

26

27

28

29

1

32 33 D

SENATE BILL 556

State and Local Government Committee Substitute Adopted 5/12/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S556-CSRN-42 [v.9]

7/21/2009 11:12:23 AM

Short Title:	Asheville City Civil Service Board.	(Local)
Sponsors:		
Referred to:		•
		."

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 1. There is hereby established as a part of government of the City of Asheville, a Civil Service Board which shall have the powers and perform the duties specified in this Act with respect to the classified service of the City of Asheville as defined in this Act. The City Manager shall recommend, and the City Council shall approve, shall provide funding for the operational needs of the Civil Service Board in the City's annual budget."

SECTION 2. Section 2 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 2. (a) The Civil Service Board shall consist of five members as follows: (i) two members who shall be chosen by the City Council at a meeting of the Council and they shall serve at the pleasure of the Council; (ii) two members who shall be elected by the members of the classified service of the City, as defined in this Act, at an election held for that purpose and on a normal City workday not less than 10 nor more than 30 days after written notice of the date of the election is provided to each member of the classified service; and (iii) one member who shall be selected by majority vote of the four other members already selected or elected at a meeting held within 30 days after the members elected by the classified service have taken office. If a member is not elected by majority vote of the four other members, the City Council shall appoint a member to the Board. Members of the Board shall serve two-year terms. All members of the Board shall be eligible for successive terms, in the same manner in which they were initially selected or elected and may serve beyond the end of their respective terms until their successors take office. The chair of the Civil Service Board shall be appointed annually by the City Council, or more often as needed, from among the membership of the Board. The members of the Board shall serve without compensation but may be reimbursed for expenses pursuant to policies adopted by the City.

The City Council shall, by ordinance not inconsistent with this act, establish the procedure for the election of the representatives of the employees in the classified service, and provide for meeting the expense for such elections. The members of the Civil Service Board must all be qualified voters of the City of Asheville, not employed by the eity—City or serving on the City



14.

Council. In the event of a vacancy on the Board, such vacancy shall be filled by the body or group, choosing the member, a successor to whom is to be chosen, and in the manner herein provided for the selection of such member.

- (b) Former employees of the City of Asheville shall be eligible to serve as a member of the Asheville Civil Service Board provided they have been separated from City employment for a period of not less than 7 consecutive years prior to becoming a member of the Board. No person shall be eligible to serve as a Civil Service Board member if such person directly, or indirectly through any corporation, partnership or other entity, or contract, subcontract or otherwise benefits financially from a business relationship with the City, or if such person has an immediate family member or spouse of the immediate family member who directly, or indirectly through any corporation, partnership or other entity, or contract, subcontract or otherwise benefits financially from a business relationship with the City. No person shall engage or benefit directly or indirectly from any contractual work or employment with the City for a period of not less than two years following the expiration date of that person's term of office as a member of the Civil Service Board. The foregoing restrictions shall not be retroactively applied to the current term of anyone currently serving on the Board at the time this subsection is enacted.
- The Asheville City Clerk or the Clerk's designee shall be the Civil Service Board (c) Secretary and shall perform all required ministerial functions and duties for the Board including, but not limited to, the electronic recording of and the preparation of minutes of all Civil Service Board meetings and hearings, the custody of all Board records and the posting and issuing of meeting notices to Board members and to the public in accordance with the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes. The Secretary shall distribute the agenda for regular meetings and the approved minutes for all regular meetings to all City employees. Posting the agenda and minutes on an electronic bulletin board or similar location accessible to all employees shall be sufficient compliance with this requirement. To assist the Secretary in performing the functions and duties, all Civil Service Board meetings shall be electronically recorded and transcripts thereof made available to the Board members upon request without charge. All other persons shall be entitled to the Civil Service Board's recordings and records upon request made pursuant to the Public Records Act, Chapter 132 of the General Statutes, except for those items to which disclosure is prohibited by G.S. 160A-168, the Personnel Privacy Act, or other laws governing the privacy or confidentiality of employee or personnel records.
- The Board shall meet in January of each year to adopt a regular meeting schedule. The deadline for receiving items for the regular Board's meetings shall be seven days prior to the meeting. Special meetings may be called by the chairman and shall be called upon written request signed by two or more Board members and submitted to the Board Secretary not less than seven days prior to the date of the requested special meeting. The notice for all meetings shall contain a meeting agenda which shall include a section for other business to hear and consider any other matters related to the Board's function and duties and which may be addressed by any member of the Board and by any person in attendance. Within a reasonable time after a meeting, the Board shall supply the Director of Human Resources with notification of any actions, reports, or recommendations made by the Board, and the Human Resources Department shall notify affected members of the classified service of actions, reports, and recommendations made by the Board.
- (e) No uniform employees of the City of Asheville shall be prohibited, directed, or discouraged in any manner by a supervisor from wearing that employee's uniform while in attendance at any Civil Service Board meeting."

SECTION 3. Section 3 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

Page 2 Senate Bill 556 S556-CSRN-42 [v.9]

?

4

5

6 7

8

. 9

10

11 12

13

14 15

16 17

18

19 20

21

22

23

24

_5

27

28 29

30 31

32

33

34 35

36 37

38

39

40

41

42

43

44

45

46

49

50

51

7

j

"Section 3. The classified service of the City shall include all officers and employees of the City of Asheville, except officers elected by the people, the city manager, directors of departments, as defined in the city charter, assistant directors of departments, (by whatever title designated) as described in the City's organizational plan, and members of advisory boards appointed by such directors, the city clerk, or any deputy clerk of the City of Asheville, and members of any board or commission appointed by the Council, and employees of independent boards now choosing their own employees."

SECTION 4. Section 4 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 4. The Civil Service Board shall make, and may amend substantive rules for promoting efficiency in the classified service of the City as provided in Section 5 of this Act. Such rules and any amendment thereto, shall be submitted to the Council for approval, and shall be open to public inspection, when filed with the Council for approval. The City Council, after giving members of the classified service and citizens of Asheville an opportunity to be heard at a public hearing, shall act upon such proposed rules and amendments, and such rules or amendments, when approved by a majority vote of the Council, shall be in full force and effect. The Civil Service Board shall also make, and may amend, procedural rules for the conduct of its official proceedings and functions as provided for by this act. The Council may, before approval, amend the rules or amendments thereto, submitted to it for approval."

SECTION 5. Section 5 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 5. Such rules, as authorized in Section 4 of this Act, among other things, may provide:

- (1) For the standardization and classification of all positions and employment in the classified service of the City. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities, and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions. The City Manager of or his or her designee shall consult representative employee in the Police and Fire Departments to establish criteria to be used to fill each position within those respective departments, including lateral entry positions. If only one respective employee is consulted, he or she shall be a representative chosen by the employees of the respective departments. If a group of two or more employees is established for purposes of this subdivision, at least one-half of the employees shall be chosen by the employees of the respective department. The Civil Service Board shall have the authority to approve any criteria established and the criteria shall apply only to persons promoted or hired after the effective date of the approval. This provision shall not apply to hiring or promotional processes initiated prior to the effective date of this Act.
- (2) For temporary or part-time employment to meet the transitory or seasonal needs of the City, except no temporary or part-time employment may occur or continue in violation of applicable state or federal law.
- (3) For the establishment of a probationary period for new City employees prior to employees becoming members of the classified service, except not probationary period or any extension thereof may exceed one year in the aggregate.
- (4) For suspension for purpose of discipline, with or without pay, for not longer than 90 days.
- (5) For discharge or reduction in rank or compensation after the person to be discharged or reduced has, if he or she so request, requests, been presented

S556-CSRN-42 [v.9]

1

7 8

9 10 11

12

13

14

15

16

> 29 30

23

38

49

50

by the person responsible for his or her appointment with the reasons therefore specifically stated in writing and has been given an opportunity to be publicly heard in his or her own defense by the Civil Service Board, in accordance with Section 8 of this Act. The written reasons for the discharge or reduction and any reply in writing thereto by any such officer or employee shall be filed with the Department of Civil Service. Director of Human Resources.

For investigation and keeping a record of the efficiency of officers and (6) employees in the classified service, and for requiring markings and reports relative thereto from appointing authorities."

SECTION 6. Section 7 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 7. The Council by majority vote, the City Manager, the Chair of the Civil Service Board, or any person designated by any of them, or the Civil Service Board by majority vote, may make official investigations concerning the facts in respect to the operation and enforcement of the provisions of this Act and of the rules established thereunder, and concerning the condition of the Civil Service of the City or and branch thereof and may refer such matters to the Civil Service Board for hearing in accordance with Section 8 of this Act, or for further investigation as appropriate. At any Any person, or persons, body making any investigation authorized or required by this section, shall have the power to subpoena and require the attendance of witnesses. A copy of the report of the investigation shall be filed with the City Clerk and be open for public inspection, subject to the provisions of the Personnel Privacy Act or other laws governing the disclosure of records in this State."

SECTION 7. Section 8 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 8. (a) Whenever any member of the classified service of the City is discharge, suspended, reduced in rank, transferred against his or her will, or is denied any promotion or raise in pay which he or she would be entitled to, that member shall be entitled to a hearing before the Civil Service Board to determine whether or not the action complained of is justified. The Board may also conduct hearings on such matters as may be referred to it pursuant to Section 7 of this act.

- Any member of the classified service of the City who desires a hearing shall file his (b) or her request for hearing with the City Clerk within 10 days after learning of the act or omission of which her or she complains but not before the member shall have exhausted his or her remedy provided by the grievance procedures established by ordinance or policy of the City and the grievance procedure shall be concluded within 30 days. If the grievance procedure is not concluded with 30 days, the member may proceed as provided in this section. Upon receipt of notice as required in this section, the City Clerk shall set the matter for hearing before the Civil Service Board at a date not less than five nor more than fifteen days from the Clerk's receipt of such notice. Except for the time for filing the initial request for hearing with the Board, the Board may extend the time for taking action under this section for cause or by agreement of the parties to the proceeding.
- Any member of the classified service of the City who requests a hearing pursuant to the Act shall be entitled to be represented by its attorney at any such hearing.
- For such hearings, the Board is authorized to issue subpoenas for the attendance of witnesses or the production of documents.
- (d)(e) At such hearing, the burden of proving the justification of the act or omission complained of shall be upon the City and the member requesting the hearing shall be entitled to inspect any copy any records upon which the City plans to rely at the hearing if the records are requested in writing by the member or his or her attorney prior to the day set for the hearing.

?: 15678

(d)(f) The Civil Service Board shall render its decision in writing within five ten days after the conclusion of the hearing. If the Board determines that the act or omission complained of is not justified, the Board shall order to rescind whatever action the Board has found to be unjustified and may order the City to take such steps as are necessary for a just conclusion of the matter before the Board. Such decision shall contain findings of fact and conclusions, and shall be based on competent, material, and substantial evidence in the record. Upon reaching its decision, the Board shall, in writing, immediately inform the City Clerk and the member requesting the hearing of the Board's decision.

(f)(g) Within ten days of the receipt of notice of the decision of the Board, either party may appeal to the Superior Court Division of the General Court of Justice for Buncombe County for a trial de novo. The appeal shall be effected by filing with the Clerk of the Superior Court of Buncombe County a petition for trial in superior court, setting out the fact upon which the petitioner relies for relief. If the petitioner desires a trial by jury, the petition shall so state. Upon the filing of the petition, the Clerk of the Superior Court shall issue a civil summons as in regular civil action, and the sheriff of Buncombe County shall serve the summons and petition on all parties who did not join in the petition for trial. It shall be sufficient service upon the City for the sheriff to serve the petition and summons upon the clerk of the City. Therefore, the matter shall proceed to trial as any other civil action."

SECTION 8. Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303, is amended by adding a new section to read:

"Section 8.1. By a majority vote of those members present and voting at any of its official meetings, the Asheville Civil Service Board may designate independent legal counsel of its choice to advise or represent the Board, or both, on such occasions and in such matters as the majority of those Board members present and voting deem to be appropriate and necessary. The Civil Service Board shall establish a roster of attorneys from which it may select counsel for the purpose of advising the Board during or in connection with grievance hearings held pursuant to Section 8. Said list shall be subject to review and approval by the City Attorney as to qualifications and fees. The City shall be responsible for the payment of such professional legal services. The use of independent counsel for matters other than grievance hearings held pursuant to Section 8 shall be limited to 20 hours per year. In order to avoid the appearance of any possible conflict of interest, the Office of the City Attorney shall serve as legal advisor to or attorney for the Board, or both, only for those matters or proceedings when specifically requested to do so in a writing that has been signed by no fewer than four members of the Board."

SECTION 9. Section 10 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303, reads as rewritten:

"Section 10. It shall be the duty of the Civil Service Board to supervise the execution of the foregoing civil service provisions of this Act and of the rules made thereunder, and it shall be the duty of all persons in the service of the City to comply with such rules and to aid in their enforcement. Willful or deliberate violation of the Asheville Civil Service Law (this act) or Civil Service Rules by any person shall result in the City taking appropriate disciplinary action up to and including dismissal. Any City employee or any City official who threatens or intimidates other employees from exercising their rights under the Asheville Civil Service Law (this act) or Civil Service Rules shall be subject to the City taking appropriate disciplinary action up to and including dismissal."

SECTION 10. If any section, subsection, subdivision, sentence, clause, or phrase of this act shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

SECTION 11. All laws, rules, or clauses in conflict with the provisions of this act are hereby superseded or repealed as appropriate.

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



SENATE BILL 556: Asheville City Civil Service Board

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Date:

July 22, 2009

Judiciary II Introduced by: Sen. Nesbitt

Prepared by: Brad Krehely

Analysis of:

PCS to Second Edition

Committee Co-Counsel

S556-CSRN-42

SUMMARY: Senate Bill 556 makes various amendments to the Asheville Civil Service Board. The Proposed Committee Substitute makes the following changes to the 2nd Edition:

- Provides that the City Manager shall recommend and the City Council shall approve funding for the Civil Service Board in the City's annual budget.
- Provides that former Asheville City employees may serve as a member of the Civil Service Board 7 years or more after separation from employment with the city.
- Provides that the Asheville City Clerk or the Clerk's designee is the Board Secretary.
- Clarifies that records of the Board may be obtained by non-Board members under the Public Records Act except where disclosure is prohibited by laws governing personnel records.
- Requires the Board to meet in January of each year to adopt a regular meeting schedule.
- Provides that assistant directors of departments are not covered by the Civil Service law.
- Provides that written reasons for discharge or reduction in compensation must be filed with the Director of Human Resources.
- Provides that the Council by majority vote or the Civil Service Board by majority vote may make official investigations.
- Provides that the Civil Service Board must render a written decision within 10 days and that the decision contain findings of fact and conclusions.
- Clarifies the procedure by which the Board may designate independent legal counsel.
- Provides that violations of the Civil Service Law or Rules shall result in disciplinary action up to and including dismissal.

BILL ANALYSIS: Senate Bill 556 makes the following changes to the Asheville Civil Service law:

Section 1 amends Section 1 of the Civil Service law and provides that the City Manager shall recommend and the City Council shall approve funding for the Board in the City's annual budget.

Section 2 amends Section 2 of the Civil Service law. It provides that:

- Former Asheville city employees may serve as a member of the Board 7 years or more after separation from employment with the city.
- No person may serve if the person directly or indirectly benefits financially from a business relationship with the city.
- No person shall engage or benefit, directly or indirectly, from contract work or employment with the city for 2 years after the expiration of their service on the Board.

Senate Bill 556

Page 2

- The City Clerk or the Clerk's designee is the Board Secretary whose duties include: electronic recording and preparing minutes, custody of Board records, and issuing notices.
- Requires Board meetings to be recorded with transcripts made available to Board members; other persons may obtain recordings/records as provided in the Public Records Act except where disclosure is prohibited by laws governing personnel records.
- Requires the Board to meet in January of each year to adopt a regular meeting schedule.
- Deadline for agenda items is 7 days before the meeting; meeting notices must have an agenda.
- Special meetings may be called by the Chair and shall be called on the written request of 2 or more Board members.
- Uniform employees may wear their uniforms to Board meetings and shall not be discouraged from doing so by a supervisor.

Section 3 provides that assistant directors of departments are not covered by the Civil Service law.

Section 4 provides that the Board may adopt procedural rules and substantive rules.

Section 5 of the bill amends Section 5 of the Civil Service law. It provides for the filing of written reasons for discharge and any response with the Director of Human Resources.

Section 6 of the bill amends Section 7 of the Civil Service law to provide that the Council by majority vote or the Civil Service Board by majority vote may make investigations.

Section 7 of the bill amends Section 8 of the Civil Service act to add authority for the Board to conduct hearings on matters referred to it under Section 7. For these hearings, the Board may issue subpoenas for the attendance of witnesses or the production of documents. The Board must render a written decision within 10 days after the hearing, and the decision must contain findings of fact and conclusions.

Section 8 of the bill adds a new Section 8.1 to the Civil Service law providing authority for the Board, upon a majority vote of members present at an official meeting, to designate independent legal counsel to represent the Board. The Board must establish a roster of attorneys from which it may select counsel for the purpose of advising the Board during or in connection with grievance hearings held pursuant to Section 8. The list is subject to review and approval by the City Attorney as to qualifications and fees. The City is responsible for payment of the legal services. The use of independent counsel for matters other than grievance hearings shall be limited to 20 hours per year. To avoid the appearance of a conflict of interest, the City Attorney shall serve as legal advisor to or attorney for the Board only for those matters when specifically requested in a writing signed by at least 4 members of the Board.

Section 9 of the bill amends Section 10 of the Civil Service law to provide that willful violation of the act or rules shall result in disciplinary action up to and including dismissal. A city employee or city official who threatens or intimidates other employees from exercising their rights under the civil service law or rules is subject to discipline up to and including dismissal.

Section 10 provides that if any portion of the act is held to be invalid or unconstitutional, that decision does not affect the validity of the remainder of the act.

Section 11 provides that laws and rules that conflict with this act are superseded or repealed.

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

S556-SMRN-104(CSRN-42) v4

Barbara Riley contributed to the drafting of this summary.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. PCS to Jna	LEdCSRN 42	
H. B. No	DATE _	July 8, 2009
s. B. No556		Amendment No.
COMMITTEE SUBSTITUTE		(to be filled in by Principal Clerk)
Sen.)	ey	
1 moves to amend the bill on page	·	, line
2 () WHICH CHANGES THE TIT	TLE I'C	
3 by <u>defeting</u>	The word	nairman and Substitut
4 the word	"Chair" When	rever the term
5 "Chairman" af	pears.	hairman" and substitute
6		
7		
3		
9		
10		
11		
12		
13		
14		
15		
17		
18		
19		D Laura y Lew Con
ADOPTED	FAILED	TABLED

D

SENATE BILL 556

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

State and Local Government Committee Substitute Adopted 5/12/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S556-PCS55486-RN-42

Short Title:	itle: Asheville City Civil Service Board.			(Local)	
Sponsors:			,		
Referred to:					
					

March 12, 2009

1 2

3

4

5 6

7

8 9

10

11.

12 13

14

15

16

17 18

19

20

21

22

23 24

25 26

27

28 29

30

31

32

33

A BILL TO BE ENTITLED

AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 1. There is hereby established as a part of government of the City of Asheville, a Civil Service Board which shall have the powers and perform the duties specified in this Act with respect to the classified service of the City of Asheville as defined in this Act. The City Manager shall recommend, and the City Council shall approve, shall provide funding for the operational needs of the Civil Service Board in the City's annual budget."

SECTION 2. Section 2 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 2. (a) The Civil Service Board shall consist of five members as follows: (i) two members who shall be chosen by the City Council at a meeting of the Council and they shall serve at the pleasure of the Council; (ii) two members who shall be elected by the members of the classified service of the City, as defined in this Act, at an election held for that purpose and on a normal City workday not less than 10 nor more than 30 days after written notice of the date of the election is provided to each member of the classified service; and (iii) one member who shall be selected by majority vote of the four other members already selected or elected at a meeting held within 30 days after the members elected by the classified service have taken office. If a member is not elected by majority vote of the four other members, the City Council shall appoint a member to the Board. Members of the Board shall serve two-year terms. All members of the Board shall be eligible for successive terms, in the same manner in which they were initially selected or elected and may serve beyond the end of their respective terms until their successors take office. The chair of the Civil Service Board shall be appointed annually by the City Council, or more often as needed, from among the membership of the Board. The members of the Board shall serve without compensation but may be reimbursed for expenses pursuant to policies adopted by the City.

The City Council shall, by ordinance not inconsistent with this act, establish the procedure for the election of the representatives of the employees in the classified service, and provide for meeting the expense for such elections. The members of the Civil Service Board must all be qualified voters of the City of Asheville, not employed by the eity-City or serving on the City



7 .

Council. In the event of a vacancy on the Board, such vacancy shall be filled by the body or group, choosing the member, a successor to whom is to be chosen, and in the manner herein provided for the selection of such member.

- (b) Former employees of the City of Asheville shall be eligible to serve as a member of the Asheville Civil Service Board provided they have been separated from City employment for a period of not less than seven consecutive years prior to becoming a member of the Board. No person shall be eligible to serve as a Civil Service Board member if such person directly, or indirectly through any corporation, partnership, or other entity, or contract, subcontract, or otherwise benefits financially from a business relationship with the City, or if such person has an immediate family member or spouse of the immediate family member who directly, or indirectly through any corporation, partnership, or other entity, or contract, subcontract, or otherwise benefits financially from a business relationship with the City. No person shall engage or benefit directly or indirectly from any contractual work or employment with the City for a period of not less than two years following the expiration date of that person's term of office as a member of the Civil Service Board. The foregoing restrictions shall not be retroactively applied to the current term of anyone currently serving on the Board at the time this subsection is enacted.
- The Asheville City Clerk or the Clerk's designee shall be the Civil Service Board (c) Secretary and shall perform all required ministerial functions and duties for the Board including, but not limited to, the electronic recording of and the preparation of minutes of all Civil Service Board meetings and hearings, the custody of all Board records and the posting and issuing of meeting notices to Board members and to the public in accordance with the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes. The Secretary shall . distribute the agenda for regular meetings and the approved minutes for all regular meetings to all City employees. Posting the agenda and minutes on an electronic bulletin board or similar location accessible to all employees shall be sufficient compliance with this requirement. To assist the Secretary in performing the functions and duties, all Civil Service Board meetings I shall be electronically recorded and transcripts thereof made available to the Board members upon request without charge. All other persons shall be entitled to the Civil Service Board's recordings and records upon request made pursuant to the Public Records Act, Chapter 132 of the General Statutes, except for those items to which disclosure is prohibited by G.S. 160A-168, the Personnel Privacy Act, or other laws governing the privacy or confidentiality of employee or personnel records.
- The Board shall meet in January of each year to adopt a regular meeting schedule. The deadline for receiving items for the regular Board's meetings shall be seven days prior to the meeting. Special meetings may be called by the chair and shall be called upon written request signed by two or more Board members and submitted to the Board Secretary not less than seven days prior to the date of the requested special meeting. The notice for all meetings shall contain a meeting agenda which shall include a section for other business to hear and consider any other matters related to the Board's function and duties and which may be addressed by any member of the Board and by any person in attendance. Within a reasonable time after a meeting, the Board shall supply the Director of Human Resources with notification of any actions, reports, or recommendations made by the Board, and the Human Resources Department shall notify affected members of the classified service of actions, reports, and recommendations made by the Board.
- (e) No uniform employees of the City of Asheville shall be prohibited, directed, or discouraged in any manner by a supervisor from wearing that employee's uniform while in attendance at any Civil Service Board meeting."
- SECTION 3. Section 3 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:



9 10 11

12

13

14

15

16

21 22 23

24

25

44 45 46

47

43

48 49 50

51

"Section 3. The classified service of the City shall include all officers and employees of the City of Asheville, except officers elected by the people, the city manager, directors of departments, as defined in the city charter, assistant directors of departments, (by whatever title designated) as described in the City's organizational plan, and members of advisory boards appointed by such directors, the city clerk, or any deputy clerk of the City of Asheville, and members of any board or commission appointed by the Council, and employees of independent boards now choosing their own employees."

SECTION 4. Section 4 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 4. The Civil Service Board shall make, and may amend substantive rules for promoting efficiency in the classified service of the City as provided in Section 5 of this Act. Such rules and any amendment thereto, shall be submitted to the Council for approval, and shall be open to public inspection, when filed with the Council for approval. The City Council, after giving members of the classified service and citizens of Asheville an opportunity to be heard at a public hearing, shall act upon such proposed rules and amendments, and such rules or amendments, when approved by a majority vote of the Council, shall be in full force and effect. The Civil Service Board shall also make, and may amend, procedural rules for the conduct of its official proceedings and functions as provided for by this act. The Council may, before approval, amend the rules or amendments thereto, submitted to it for approval."

SECTION 5. Section 5 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 5. Such rules, as authorized in Section 4 of this Act, among other things, may provide:

- (1) For the standardization and classification of all positions and employment in the classified service of the City. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities, and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions. The City Manager of or his or her designee shall consult representative employee in the Police and Fire Departments to establish criteria to be used to fill each position within those respective departments, including lateral entry positions. If only one respective employee is consulted, he or she shall be a representative chosen by the employees of the respective departments. If a group of two or more employees is established for purposes of this subdivision, at least one-half of the employees shall be chosen by the employees of the respective department. The Civil Service Board shall have the authority to approve any criteria established and the criteria shall apply only to persons promoted or hired after the effective date of the approval. This provision shall not apply to hiring or promotional processes initiated prior to the effective date of this Act.
- For temporary or part-time employment to meet the transitory or seasonal (2) needs of the City, except no temporary or part-time employment may occur or continue in violation of applicable state or federal law.
- For the establishment of a probationary period for new City employees prior (3) to employees becoming members of the classified service, except not probationary period or any extension thereof may exceed one year in the aggregate.
- For suspension for purpose of discipline, with or without pay, for not longer (4) than 90 days.
- For discharge or reduction in rank or compensation after the person to be (5) discharged or reduced has, if he or she so request, requests, been presented

7 8

9 10 11

17 18

25

38

39

40

46 47 48

50

51

49

by the person responsible for his or her appointment with the reasons therefore specifically stated in writing and has been given an opportunity to be publicly heard in his or her own defense by the Civil Service Board, in accordance with Section 8 of this Act. The written reasons for the discharge or reduction and any reply in writing thereto by any such officer or employee shall be filed with the Department of Civil-Service. Director of Human Resources.

For investigation and keeping a record of the efficiency of officers and (6) employees in the classified service, and for requiring markings and reports relative thereto from appointing authorities."

SECTION 6. Section 7 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

"Section 7. The Council, Council by majority vote of the total membership of the Council, the City Manager, the Chair of the Civil Service Board, or any person designated by any of them, or the Civil Service Board by majority vote of the total membership of the Board, may make official investigations concerning the facts in respect to the operation and enforcement of the provisions of this Act and of the rules established thereunder, and concerning the condition of the Civil Service of the City or and branch thereof and may refer such matters to the Civil Service Board for hearing in accordance with Section 8 of this Act, or for further investigation as appropriate. Any person, person or persons, body making any investigation authorized or required by this section, shall have the power to subpoena and require the attendance of witnesses. A copy of the report of the investigation shall be filed with the City Clerk and be open for public inspection, subject to the provisions of the Personnel Privacy Act or other laws governing the disclosure of records in this State."

SECTION 7. Section 8 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303 and S.L. 2004-13, reads as rewritten:

- "Section 8. (a) Whenever any member of the classified service of the City is discharge, suspended, reduced in rank, transferred against his or her will, or is denied any promotion or raise in pay which he or she would be entitled to, that member shall be entitled to a hearing before the Civil Service Board to determine whether or not the action complained of is justified. The Board may also conduct hearings on such matters as may be referred to it pursuant to Section 7 of this act.
- Any member of the classified service of the City who desires a hearing shall file his (b) or her request for hearing with the City Clerk within 10 days after learning of the act or omission of which her or she complains but not before the member shall have exhausted his or her remedy provided by the grievance procedures established by ordinance or policy of the City and the grievance procedure shall be concluded within 30 days. If the grievance procedure is not concluded with 30 days, the member may proceed as provided in this section. Upon receipt of notice as required in this section, the City Clerk shall set the matter for hearing before the Civil Service Board at a date not less than five nor more than fifteen days from the Clerk's receipt of such notice. Except for the time for filing the initial request for hearing with the Board, the Board may extend the time for taking action under this section for cause or by agreement of the parties to the proceeding.
- Any member of the classified service of the City who requests a hearing pursuant to the Act shall be entitled to be represented by its attorney at any such hearing.
- For such hearings, the Board is authorized to issue subpoenas for the attendance of witnesses or the production of documents.
- (d)(e) At such hearing, the burden of proving the justification of the act or omission complained of shall be upon the City and the member requesting the hearing shall be entitled to inspect and copy any records upon which the City plans to rely at the hearing if the records are requested in writing by the member or his or her attorney prior to the day set for the hearing.

(e)(f) The Civil Service Board shall render its decision in writing within five ten days after the conclusion of the hearing. If the Board determines that the act or omission complained of is not justified, the Board shall order to rescind whatever action the Board has found to be unjustified and may order the City to take such steps as are necessary for a just conclusion of the matter before the Board. Such decision shall contain findings of fact and conclusions, and shall be based on competent, material, and substantial evidence in the record. Upon reaching its decision, the Board shall, in writing, immediately inform the City Clerk and the member requesting the hearing of the Board's decision.

(f)(g) Within ten days of the receipt of notice of the decision of the Board, either party may appeal to the Superior Court Division of the General Court of Justice for Buncombe County for a trial de novo. The appeal shall be effected by filing with the Clerk of the Superior Court of Buncombe County a petition for trial in superior court, setting out the fact upon which the petitioner relies for relief. If the petitioner desires a trial by jury, the petition shall so state. Upon the filing of the petition, the Clerk of the Superior Court shall issue a civil summons as in regular civil action, and the sheriff of Buncombe County shall serve the summons and petition on all parties who did not join in the petition for trial. It shall be sufficient service upon the City for the sheriff to serve the petition and summons upon the clerk of the City. Therefore, the matter shall proceed to trial as any other civil action."

SECTION 8. Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303, is amended by adding a new section to read:

"Section 8.1. By a majority vote of those members present and voting at any of its official meetings, the Asheville Civil Service Board may designate independent legal counsel of its choice to advise or represent the Board, or both, on such occasions and in such matters as the majority of those Board members present and voting deem to be appropriate and necessary. The Civil Service Board shall establish a roster of attorneys from which it may select counsel for the purpose of advising the Board during or in connection with grievance hearings held pursuant to Section 8. Said list shall be subject to review and approval by the City Attorney as to qualifications and fees. The City shall be responsible for the payment of such professional legal services. The use of independent counsel for matters other than grievance hearings held pursuant to Section 8 shall be limited to 20 hours per year. In order to avoid the appearance of any possible conflict of interest, the Office of the City Attorney shall serve as legal advisor to or attorney for the Board, or both, only for those matters or proceedings when specifically requested to do so in a writing that has been signed by no fewer than four members of the Board."

SECTION 9. Section 10 of Chapter 757 of the 1953 Session Laws, as amended, and as rewritten by S.L. 1999-303, reads as rewritten:

"Section 10. It shall be the duty of the Civil Service Board to supervise the execution of the foregoing civil service provisions of this Act and of the rules made thereunder, and it shall be the duty of all persons in the service of the City to comply with such rules and to aid in their enforcement. Willful or deliberate violation of the Asheville Civil Service Law (this act) or Civil Service Rules by any person shall result in the City taking appropriate disciplinary action up to and including dismissal. Any City employee or any City official who threatens or intimidates other employees from exercising their rights under the Asheville Civil Service Law (this act) or Civil Service Rules shall be subject to the City taking appropriate disciplinary action up to and including dismissal."

SECTION 10. If any section, subsection, subdivision, sentence, clause, or phrase of this act shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

SECTION 11. All laws, rules, or clauses in conflict with the provisions of this act are hereby superseded or repealed as appropriate.

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
⊠Committee Substitute for
SB 556 A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING
TO THE ASHEVILLE CIVIL SERVICE BOARD.
With a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be rereferred to the Committee on JUDICIARY II.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

HOUSE PAGES

LOCAL GOOTH NAME OF COMMITTEE County: VANCE Sponsor: UY 2. Name: Hannah Baula County: MPMILTMA Sponsor: AYHUL WILLIAMS 3. Name: Sarah Biddix County: Wake Sponsor: Joe Tolson 4. Name: Ann in Tucker County: Wahl Sponsor: Yaul Stam 5. Name: Sponsor: SGT-AT-ARM 1. Name: MARUIN LEE 3. Name: Toussaint AUENT 4. Name: Vouna Bae

VISITOR REGISTRATION SHEET

,	• *		·	
LOCAL LOUTI	· .		7-22-09	
Name of Committee		_	Date	

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jon Coley	NC CWA
Curtis Shew	NC CWA-(Asheville)
Bus Ooo	City of towell
O-FFRICHARDSON	City of Asheville
Kelli Kukua	NCLM
Jan Lee	Sen, Nesbitt's Office
<i>, (</i>	
•	

VISITOR REGISTRATION SHEET

local	Gow	11.

7/22/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rull O'S in	PFFPNC
MaryBe McMillan	M AFRECIO
MaryBe McMillan Desva DeCerrillis	UNC-10G
Sell Drug	Fraternal Order of Police
Don't from	Fraternal Order of Police Electricities of the And
7	
8	
9	
10	

CORRECTED Corrected Notice REMOVE HB 476 ADD SB 251 AND ADD SB 653

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the	Committee on Local Government	it II will meet as follows:
----------------------------------	-------------------------------	-----------------------------

DAY & DATE: Wednesday, July 29, 2009

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO. SB 251	SHORT TITLE Winterville/Public Nuisance Ordinance.	SPONSOR Senator Davis
SB 653	B 653 Cities-Do Not Automatically Count Senator Rucho Vote	
	Respectfull Representat	y, ive Braxton, Chair
	this notice was filed by the committee assi July 28, 2009 .	stant at the following offices at
Principal C Reading Cl	lerk erk – House Chamber	
Barbara Hoc	utt (Committee Assistant)	

COMMITTEE ON LOCAL GOVERNMENT II **AGENDA** JULY 29, 2009

т	CATT	$T \cap$	ORDE	n
1.	CALL		UKDE	κ

INTRODUCTIONS II.

III. **BILL**

> SB 251 Winterville/Public Nuisance Ordinance Sen. Davis

Excuse Governing Body From Voting (If favorable, re-refer to Judiciary I) Sen. Rucho SB 653

Adjournment IV.

COMMITTEE ON LOCAL GOVERNMENT II Minutes, July 29, 2009

The Committee on Local Government II was convened on Wednesday, July 29, 2009 at 11:07 a.m. by Chairman Van Braxton. He introduced the following Pages: Lindsay Stephenson of Alamance County sponsored by Representative Bordsen, Alexandra Snow of Forsyth County sponsored by Representative Brown, Alexa Cannon of Wake County sponsored by Rep. McCormick and Nicole Beatty of Wake County sponsored by Joe Hackney. The Sergeants-at-Arms were: Marvin Lee and Trey Raley. Members present were: Representatives Braxton, Samuelson, Guice, Langdon, Spears, Warren, Tucker, Stam, Blackwell, Lucas, Wiley and Floyd. Representative Bell and Representative Bell were present to speak to bills on the agenda.

Senate Bill 251 entitled "AN ACT TO AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE" sponsored by Senator Davis was presented by Representative Tucker. A motion to consider the Proposed Committee Substitute was made by Representative Tucker and seconded by Representative Stam. The motion passed. Representative Bell presented the Proposed Committee Substitute praising the efforts of the parties involved to resolve their differences on the issue. Elmer Flake, Mayor of Faison, thanked the members for their hard work on the Proposed Committee Substitute. Representative Langdon moved a favorable report on the Proposed Committee Substitute and unfavorable as to the original bill. The motion passed.

Although Senator Rucho was not present, Chairman Braxton proceeded with the discussion on the Proposed Committee Substitute drawn up at Senator Rucho's request by Staff member, Ericka Churchill, until Senator Rucho or his proxy arrives. Ms. Churchill explained the changes in the bill at Representative Samuelson's request. Representative Stam moved consideration of the Proposed Committee Substitute, and the motion passed. Jim Blackburn representing the Association of County Commissioner told the committee that the Association will be holding a conference to address the ethical issue involved in the bill. Paul Meyer of the NC League of Municipalities spoke on the issue also. Representative Stam moved a technical change on page 1, line 2 of the Proposed Committee Substitute deleting "to allow". The motion was approved, and the technical change will be rolled into the Proposed Committee Substitute. Representative Lucas moved to give the original bill an unfavorable report and that the Proposed Committee Substitute which changes the title is re-referred to the Committee on Judiciary I without prejudice. The motion was accepted

The meeting was adjourned at 11:25 a.m. by Chairman Braxton with thanks to the members of the committee and staff for their work on the committee since this may well be the last committee meeting this session.

Representative, R. Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

Barbara Cocult

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

S

SENATE BILL 251*

	Short Title:	Winterville/Public Nuisance Ordinance. (Local)
	Sponsors:	Senators Davis and Jenkins.
	Referred to:	State and Local Government.
		February 23, 2009
1	•	A BILL TO BE ENTITLED
2	AN ACT TO	AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NOTICE
3	TO CHRO	ONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.
. 4	The General A	Assembly of North Carolina enacts:
5	SI	ECTION 1. Section 2 of S.L. 2005-44, as amended by S.L. 2007-3, S.L.
6	2007-254, and	d S.L. 2008-23, reads as rewritten:
<u>.</u> 7	"SECTIO	N 2. This act applies to the County of New Hanover, the Cities of Wilmington
8	and Wilson,	and the Towns of Cornelius, Davidson, Matthews, and Morehead City Morehead
9.	City, and Wir	<u>iterville</u> only."
10	. SI	ECTION 2. This act is effective when it becomes law.



1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

D

SENATE BILL 251* PROPOSED HOUSE COMMITTEE SUBSTITUTE S251-CSRN-46 [v.5]

7/28/2009 2:31:58 PM

Short Title:	Faison/ETJ Powers.	-	·	(Local)
Sponsors:			•	
Referred to:				
				

February 23, 2009

1 2

3

4 5

6

7 8

7

)

11

12

13

14

15 16

17 18

19

20

21

22

23

24

25

26

27

28

29

30

31

33

34

A BILL TO BE ENTITLED

AN ACT LIMITING THE TOWN OF FAISON'S AUTHORITY TO EXERCISE THE POWER OF EXTRATERRITORIAL JURISDICTION WITHIN A DEFINED AREA EXTENDING MORE THAN ONE MILE BEYOND THE TOWN'S CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 596 of the 1991 Session Laws reads as rewritten:

"Sec. 2. In addition to the authority provided in G.S. 160A-360, the Town of Faison may exercise the powers granted in Article 19 of Chapter 160A of the General Statutes in an area beginning at the Town corporate limits at State Highway 403 West, extending one-half mile on each side of the center line of State Highway 403, extending in a westerly direction to and stopping at the midpoint of state highway 403, one-half mile west of the Interstate Highway 40 western right-of-way boundary. However, the Town of Faison may not exercise the powers granted in Article 19 of Chapter 160A of the General Statutes in the following described area:

Located in Piney Grove Township, Sampson County, North Carolina: TRACT 1: Bowman Tract:

BEGINNING at a point in the intersection of North Carolina Highway No. 403 with North Carolina Secondary Road No. 1731; witnessed by a stone marker in the Northwestern edge of the right-of-way of said roads; said intersection being located 2.8 miles as measured in a Westwardly direction along North Carolina Highway No. 403 from Faison, North Carolina, and running thence from the aforementioned point, the beginning corner, and with the center of North Carolina Highway No. 403, North 75 degrees 36 min. West 4.45 chs., North 77 degrees 58 min. West 4.19 chs., and North 83 degrees 04 min. West 3.53 chs., to a point in the center of said North Carolina Highway No. 403 witnessed by a stone marker in the Northern edge of the right-of-way; thence leaving the center of said highway and running with the center line of an old tram road, North 38 degrees 20 min. West 72.70 chs. to a stone marker in the center of said tram road; thence leaving the old tram road, South 69 degrees 58 min. East 78.69 chs. to a stone marker in a ditch; thence South 69 degrees 58 minutes East 1.00 chs. to a point in the center of the aforementioned North Carolina Secondary Road No. 1731 witnessed by a stone marker in the Northwestern edge of the right-of-way; thence with the center of said North Carolina Secondary Road No. 1731, South 23 degrees 18 min. West 2.86 chs., and South 29 degrees 33 min. West 33.92 chs. to the beginning, containing 173.5 acres, more or less, and being the same



5

tract of land surveyed for Riegel Paper Corporation in March, 1961 by Charles V. Brooks, III, Registered Surveyor, plat of which survey is on record in Map Book 5 at Page 32 of the Sampson County Registry. And being the same property as was conveyed in a deed from Eleanor I. Bowman and husband, Eugene E. Bowman, to Riegel Paper Corporation dated May 10, 1961, recorded in Book 721 at page 506, Sampson County Registry; LESS AND EXCEPT that certain 17.99 acres conveyed by Federal Paper Board Company, Inc. to the Department of Transportation by instrument recorded September 14, 1992 in Book 1145 at Page 624, Sampson County Registry, but TOGETHER WITH all of Grantor's right, title and interest in and to all access rights retained in said instrument as described therein.

This description is taken from the deed from SP Forests L.L.C. to Sampson County recorded in Sampson County in Book 1720 at page 806."

SECTION 2. Section 1 of this act shall be effective upon the adoption by Sampson County of a zoning ordinance zoning the property exempted by Section 1 of this act from the Town of Faison's extraterritorial jurisdiction. The ordinance must zone the subject property to use for light industrial, distribution, light manufacturing, and commercial purposes and also must be approved by ordinance of the Town of Faison. The approved county zoning ordinance shall not be changed without the further approval by the Town of Faison by ordinance. If approval of an ordinance by the county and city does not occur by July 1, 2010, this act expires.

SECTION 3. This act is effective when it becomes law, subject to the provisions of Section 2 of this act.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
☐ Committee Substitute for SB 251 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE
TOWN'S PUBLIC NUISANCE ORDINANCE.
With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

D

SENATE BILL 653 PROPOSED HOUSE COMMITTEE SUBSTITUTE S653-CSST-61 [v.6]

7/29/2009 9:10:03 AM

Short Title: Cities	(Public)		
Sponsors:			
Referred to:			

March 19, 2009

1 2

3 4

5

6

7

8

)

11

12

13 14

15

16

17

18

19

20

21 22

23

24 25

26

27

28 29

30

A BILL TO BE ENTITLED

AN ACT TO ALLOW TO NOT AUTOMATICALLY RECORD AN AYE VOTE FOR A MEMBER OF A CITY COUNCIL WHEN THAT MEMBER FAILS TO VOTE, SIMILAR TO VOTING BY BOARDS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-75 reads as rewritten:

"§ 160A-75. Voting.

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e1). In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council."

SECTION 2. The North Carolina League of Municipalities, North Carolina Association of County Commissioners and the North Carolina School Boards Association, with the assistance of the School of Government at the University of North Carolina at Chapel Hill, shall study the issue of conflicts of interest for local elected officials and report any recommendations to the 2010 Regular Session of the 2009 General Assembly on or before May 1, 2009.

SECTION 3. This act becomes effective October 1, 2009.



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for SB 653 A BILL TO BE ENTITLED AN ACT TO ALLOW A MEMBER OF THE GOVERNING BODY OF A MUNICIPALITY TO BE EXCUSED FROM VOTING WHEN THE MEMBER HAS A CONFLICT OF INTEREST.
Without prejudice as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY I.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No.	 							
H. B. No		DATE						
S. B. No. <u>653</u>		Amendment No.						
COMMITTEE SUBSTITUTE			(to be filled in Principal Cler	by				
Rep.)	<u>a</u> w							
1 moves to amend the bill on pag	e		line 2					
2 () WHICH CHANGES THE T	ITLE	4						
2 () WHICH CHANGES THE TO 3 by deleting	" TO A	LLOW"						
4								
5								
6			-					
7								
3								
9								
10								
11				· · · · · · · · · · · · · · · · · · ·				
12								
13			· · · · · · · · · · · · · · · · · · ·					
14				····				
15								
16								
17								
18				•				
19								
	,	SIGNED	Stam					
ADOPTED	FAILED		TABLED					

HOUSE PAGES

NAME OF COMMITTEE LOCAL GOVERNATE 7/29/
1. Name: Lindsay Stephenson
County: Alamance
Sponsor: Pep. AUCO BOTASEN
2. Name: Alexandra Snow
County: FOrsyth
Sponsor: LAMY Brown
3. Name: Alexa Cannon
County: Wake
Sponsor: Darrell Mc Cormick
4. Name: Nicole Beatty
County: Wake
Sponsor: Joe Hackned
5. Name:
County:
Sponsor:
SGT-AT-ARM
1. Name: MARUIN LEE
2. Name: TREY RALEY
3. Name:
4. Name:

VISITOR REGISTRATION SHEET

Name of Committee			
LOCAL GOVERNMENT II	- 12	ЛЛГ 29, 2009	

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

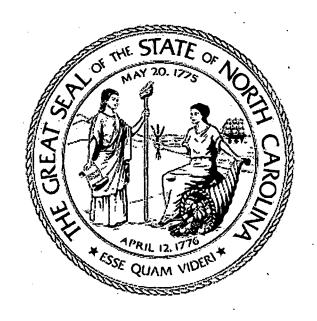
NAME	FIRM OR AGENCY AND ADDRESS
Lisa Martin	Ne Homo Builders
Cessi Hayes	11
Cady Thomas	DE ASSOL BRANTIPES
Leslie Annold	SOG-Dil Bulletin
Pane Neg	Neven
Kentr Leannel	NCACC
Don't fram.	Electricities of N.C. Inc
Rick Zechiwi	M Assor. Deglh

VISITOR REGISTRATION SHEET

JULY 29, 2009

LOCAL GOVERNMENT II

Name of Committee	Date
VISITORS: PLEASE SIG	N IN BELOW AND RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
Bin I GOE	Town OF Faison, Conn
Elmen Flate	11 11 Maxor
Jun Blackbu	M County Commissioners
Ined Bago	l · · · · · · · · · · · · · · · · · · ·
·	



HOUSE LOCAL GOVERNMENT II COMMITTEE

2009-2010 Session

REPRESENTATIVE R. VAN BRAXTON, CHAIRMAN

VOLUME II

BARBARA R. HOCUTT Committee Assistant

HOUSE COMMITTEE ON LOCAL GOVERNMENT II 2010 SESSION MEMBERSHIP

NAME .	OFFICE	PHONE	LEG. ASSISTANT
Rep.Van Braxton, Chair	2219	715-3017	Barbara Hocutt
Rep. James Langdon, Vice Cha	ir 610	733-5849	Jackson Stancil
Rep. Paul Stam, Vice Chair	613	733-2962	Christin Danchi
Rep. Russell Tucker, Vice Chai	r 416B	715-3021	Sally Gillis
Rep. Hugh Blackwell	606	733-5805	Amanda Cheney
Rep. Elmer Floyd	1311	733-5959	Rep. Floyd's office
Rep. Pryor Gibson	419A	715-3007	Susanna Davis
Rep. David Guice	1015	715-4466	Kerry Guice
Rep. Marvin Lucas	417A	733-5775	Thelma Utley
Rep. Pat McElraft	603	733-6275	Nancy Fox
Rep. Bill Owens	635	733-0010	Linda A. Johnson
Rep. Ruth Samuelson	418B	715-3009	Susan Phillips
Rep. Timothy Spear	402	715-3029	Lona Hallissy
Rep. Randy Stewart	1219	733-5802	Ruth Fish
Rep. Edith Warren	416A	715-3028	Martha Hoover
Rep. Laura Wiley	513	733-5877	Edna Pearce



Rep. Van Braxton Chair



Rep. James Landon Vice Chair



Rep. Paul Stam Vice Chair



Rep. Russell Tucker Vice Chair



Rep. Hugh Blackwell



Rep. Elmer Floyd



Rep. Pryor Gibson



Rep. David Guice



Rep. Marvin Lucas



Rep. Pat McElraft



Rep. Bill Owens



Rep. Ruth Samuelson



Rep. Timothy Spear



Rep. Randy Stewart



Rep. Edith Warren



Rep. Laura Wiley

ATTENDANCE

LOCAL GOVERNMENT II COMMITTEE

(Name of Committee)

	T	Γ	Γ		<u> </u>			Γ_	1	Ι	Ι -				
DATES	5-24-10	8	3/1	3	9	9									
	5-24	8-9	6-16-10	6-23-10	6-30-10	2-6-									
Rep. Van Braxton, Chair	al	V	1	1	/	/									
Rep. James Langdon, Vice Chair	1	1	1	1	/	1	-				-				
Rep. Paul Stam, Vice Chair	1	/	1	1	1	ol									
Rep. Russell Tucker, Vice Chair	1	1	1	ar	al	V									
Rep. Hugh Blackwell	1	1	V	/	/	/									
Rep. Elmer Floyd	1	1	√	1	1	/									
Rep. Pryor Gibson	W	√	av	1	~	سلق								-	
Rep. David Guice	V	V	✓	/	1	/							-		
Rep. Marvin Lucas	/	/	1	1	1	V									
Rep. Pat McElraft	/	\	1	✓	er	V									
Rep. Bill Owens	مله	>	al	N	al	øΥ			-						•
Rep. Ruth Samuelson	/	ab	V	✓	/	al									
Rep. Timothy Spear	W	al	al	✓	V	1									
Rep. Randy Stewart	/	√	✓	V	wł	/									
Rep. Edith Warren	/	✓	V	W	οV	al,									
Rep. Laura Wiley	V	V	√	1	/	/									
	<u> </u>											_			
			·												
								-							

North Carolina General Assembly

Selected Bill Tracking Time: 13:11 Grouping Title: LOCAL GOVERNMENT II INDEX OF BILLSPage: 001 of 001

Date: 07/12/2010

2009-2010 Biennium Leg. Dav: H-151/S-148 GOVERNMENTS. 34= BREVARD CHARTER AMENDMENT. HR 06-24-2010 Ch. SL 2010-18 56 DAVIE SCHOOL BOARD. *HR 07-01-2010 Ch. SL 2010-42 H1667 DAVIE COUNTY OMNIBUS OCCUPANCY *H 06-02-2010 Re-ref Com On Finance H1671= RED OAK DEANNEXATION. H 05-26-2010 Re-ref Com On Finance H1696 WATAUGA/SUNDAY BOW HUNTING *SF 07-06-2010 Reptd Unfav EXEMPTION. H1723= CABARRUS FIRE DISTRICT BOUNDARY *H 05-27-2010 Re-ref Com On Finance. VALIDATION. H1728= CARTERET SCHOOLS MAY ADMINISTER *S 06-30-2010 Ref To Com On State and Local Government H1772= CHEROKEE SCHOOL BOARD TERMS. *HR 07-01-2010 Ch. SL 2010-45 H1778= CHARTER SCHOOL/RETIREMENT SHP *H 07-08-2010 Failed concur in S/Com Sub ELECTION. H1856 COLUMBUS COUNTY/FIRE DISTRICT H 05-20-2010 Ref to the Com on Local. SUPPORT FEES. Government II, if favorable, Finance H1920 BRUNSWICK CO. ECONOMIC DEV. *HR 07-08-2010 Ch. SL 2010-65 COMM. MEMBERSHIP. H1941= INCREASE WILKESBORO FIREMEN'S H 06-16-2010 Re-ref Com On Pensions and PENSION. Retirement HR 07-08-2010 Ch. SL 2010-77 H1944 BERMUDA RUN DEBT COLLECTION/GATES & FENCES. H1953 DELINQUENT TAX DENY PERMITS/SET *HR 06-30-2010 Ch. SL 2010-30 TAX DISCOUNT. H1956 MARSHVILLE TOWN MANAGER. HR 06-24-2010 Ch. SL 2010-21 *H 06-24-2010 Re-ref Com On Rules, Calendar, H1960= GRAHAM DEANNEXATION. and Operations of the House VISITOR CENTER/DUPLIN COUNTY *H 06-09-2010 Re-ref Com On Transportation TOURISM AUTH. WINGATE MINIMUM COMMERCIAL CODE. *H 06-10-2010 Re-ref Com On Judiciary III H2056= RUTHERFORD COUNTY CORONER. *HR 07-01-2010 Ch. SL 2010-48 H2069= DURHAM STORMWATER FACILITIES H 05-27-2010 Ref to the Com on Local ASSESSMENTS. Government II, if favorable, Finance S 430= WILMINGTON CIVIL *SR 07-08-2010 Ch. SL 2010-73 SERVICE/AMENDMENTS. S 650= CHATHAM SCHOOL VALIDATION. *SR 07-07-2010 Ch. SL 2010-56 S1114= LOCAL ENERGY *SR 07-07-2010 Ch. SL 2010-57 EFFICIENCY/RENEWABLE. S1115= CARTERET SCHOOLS MAY ADMINISTER *SR 07-08-2010 Ch. SL 2010-74 OATH. S1136= REGULATE TOWING FROM PRIVATE *S 07-08-2010 Pres. To Gov. 7/8/2010 LOTS. S1238= RUTHERFORD COUNTY CORONER. *H 07-01-2010 Re-ref Com On Rules, Calendar, and Operations of the House *SR 07-09-2010 Ch. SL 2010-79 AUTHORITY. S1421= FOREST CITY/CONVEY PROPERTY. *SR 07-06-2010 Ch. SL 2010-54 S1444= KANNAPOLIS/CONCORD DOUGHNUT HOLE *SR 07-10-2010 Ch. SL 2010-86

'\$' indicates the bill is an appropriations bill. A bold line indicates the bill is an appropriations bill. ndicates that the text of the original bill was changed by some action. '=' indicates that the original bill is identical to another bill.

ANNEXATIONS.

North Carolina General Assembly Pending Hous ___mmittee on Local Gov ___ent II

Date: 07/12/2010 Time: ^^:14

Page: 1 of 003 Leg. Day: 151/S-148

0000 001		Local Go	, v	2116 11	T
2009-2010 Bill	O nium Introducer	Short Title		Date	Latest Action
	McLawhorn	WINTERVILLE/PUBLIC NUISANCE ORDINANCE.	Н	02-19-2009	Ref To Com On Local Government
н 326	Wiley	HIGH POINT ELECTRONIC NOTICE.	Н	03-02-2009	Ref to the Com on Local Government II, if favorable, Judiciary I
н 476	Bell .	FAISON/ETJ POWERS.	Н.	03-09-2009	Ref to the Com on Local Government II, if favorable, Finance
н 483=	Haire	SCHOOL CALENDAR FLEXIBILITY/SOME LEAS.	Н	03-09-2009	Ref to the Com on Local Government II, if favorable, Education
н 499=	Goforth	SCHOOL CALENDAR FLEXIBILITY/2 LEAS.	Н	03-09-2009	Ref to the Com on Local Government II, if favorable, Education
н 507=	Samuelson	INCREASE MECKLENBURG FORCE ACCOUNT LIMIT.	Н	03-09-2009	Ref to the Com on Local Government II, if favorable, Judiciary II
н 561=	Johnson	CABARRUS COUNTY LOCAL OPTION SALES TAX.	Н	03-12-2009	Ref to the Com on Local Government II, if favorable, Finance
н 567	Gibson, III	MONROE MAYOR'S TERM.	Н	03-16-2009	Ref to the Com on Local Government II, if favorable, Election Law and Campaign Finance Reform
н 638=	Warren	GREENVILLE HOUSING AUTHORITY.	Н	03-18-2009	Ref to the Com on Local Government II, if favorable, Judiciary III
н 660	Dockham	LIMIT LATE FEES BY SANITARY DISTRICT BOARDS.	Н	03-19-2009	Ref to the Com on Local Government II, if favorable, Finance
н 720=	Insko	AMEND CARRBORO CHARTER/CONSERVE ENERGY/WATER.	Н	03-23-2009	Ref to the Com on Local Government II, if favorable, Judiciary I
н 729=	Justice	WILMINGTON CIVIL SERVICE REWRITE.	H	03-23-2009	Ref to the Com on Local Government II, if favorable, Judiciary I
н 790=	Hall	DURHAM MOTOR VEHICLE TAX.	Н	03-26-2009	Ref to the Com on Local Government II, if favorable, Finance
н 834	Insko	CHAPEL HILL POLICE DISCIPLINE BOARD.	Н	03-30-2009	Ref to the Com on Local Government II, if favorable, Judiciary I

^{&#}x27;\$' indicates the bill is an appropriations bill.

A bold line indicates the bill is an appropriations bill.

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

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

North Carolina General Assembly Pending Hous ammittee on Local Governt II

Date: 07/12/2010 Time: 114

Page: 2 of 003 Leg. Day: 151/S-148

	2009-201	O nium	. Local G	O V	enc 11	Le
	Bill	Introducer	Short Title		Date	Latest Action
•	Н 850	Faison	LOCAL CONTROL OF SCHOOL CALENDAR/2 COUNTIES.	Н	03-30-2009	Ref to the Com on Local Government II, if favorable, Education
	н 865	Wray	WARRENTON OVERGROWN VEGETATION ORDINANCE.	Н	03-30-2009	Ref to the Com on Local Government II, if favorable, Finance
	н 953	Owens, Jr.	EXPAND CURRITUCK BOARD OF ADJUSTMENT.	Н	04-01-2009	Ref To Com On Local Government II
	н 966	Hughes	WILMINGTON/ACQUIRE SUBSTANDARD DWELLINGS.	Н	04-02-2009	Ref to the Com on Local Government II, if favorable, Judiciary II
	н 981	Gibson, III	UNION COUNTY COMMISSIONERS.	H	04-02-2009	Ref to the Com on Local Government II, if favorable, Election Law and Campaign Finance Reform
	н1001	Burr	MODIFY SCHOOL CALENDAR LAW/3 COUNTY LEAS.	Н	04-02-2009	Ref to the Com on Local Government II, if favorable, Education
	Н1008	England, M.D.	RUTHERFORD COUNTY TO REGULATE GOLF CARTS.	Н	04-02-2009	Ref to the Com on Local Government II, if favorable, Finance
	H1157=	Martin	ALLOW MUNICIPALITIES TO REGULATE GOLF CARTS.	Н	04-08-2009	Ref to the Com on Local Government II, if favorable, Finance
	н1263	Mackey	KEEP RECORDINGS OF CLOSED SESSIONS.	H	04-09-2009	Ref to the Com on Local Government II, if favorable, Judiciary I
	н1856	Hill	COLUMBUS COUNTY/FIRE DISTRICT SUPPORT FEES.	Н	05-20-2010	Ref to the Com on Local Government II, if favorable, Finance
	H1866=	Carney	REGULATE TOWING FROM PRIVATE LOTS.	Н	05-20-2010	Ref to the Com on Local Government II, if favorable, Finance
	H1887=	Insko	CARRBORO ENERGY EFFICIENCY/RENEWABLE.	Н	05-20-2010	Ref to the Com on Local Government II, if favorable, Energy and Energy Efficiency
	H1888=	Insko	CHAPEL HILL ENERGY EFFICIENCY/RENEWABLE.	. Н	05-20-2010	Ref to the Com on Local Government II, if favorable, Energy and Energy Efficiency
	H1894=	Sutton	TOWN OF PEMBROKE OCCUPANCY TAX.	Н	05-20-2010	Ref to the Com on Local Government II, if favorable, Finance

^{&#}x27;\$' indicates the bill is an appropriations bill.

A bold line indicates the bill is an appropriations bill.

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

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

North Carolina General Assembly Pending House Committee on Local Gov ent II

Time: 17:14 Page: 3 of 003 Leq. Day: 151/S-148

Date: 07/12/2010

		HOCAT O	01	enc II	• _ •
2009-2010					Leg.
<u>Bill</u>	Introducer	Short Title		Date	Latest Action
$\overline{H1977} =$	McComas	NEW HANOVER ABC BOARD MEMBERSHIP.	H	05-26-2010	Ref to the Com on Local
					Government II, if favorable,
					Alcoholic Beverage Control
H2040=	Samuelson	MECKLENBURG ENERGY	н	05-26-2010	Ref to the Com on Local
		EFFICIENCY/RENEWABLE.			Government II, if favorable,
					Finance
H2041=	Samuelson	INCREASE PROPERTY TAX APPEALS	н	05-26-2010	Ref to the Com on Local
112041	Damacison	EFFICIENCY.	**	05 20 2010	Government II, if favorable,
		EFFICIENCI.			Finance
u2060-	Barnhart	EXPAND CABARRUS COUNTY TOURISM	£1	OE 27 2010	Ref To Com On Local Government
H2000=	Ballinall		п	05-27-2010	
"2061	B 1	AUTHORITY.		05 07 0010	II
H2U61=	Barnhart	KANNAPOLIS DOUGHNUT HOLE	н	05-27-2010	Ref to the Com on Local
		ANNEXATIONS.			Government II, if favorable,
					Finance
H2062	Barnhart	KANNAPOLIS SUBDIVISION	Н	05-27-2010	Ref to the Com on Local
	_	ORDINANCES.			Government II, if favorable,
	•				Finance
H2069=	Hall	DURHAM STORMWATER FACILITIES	Ĥ	05-27-2010	Ref to the Com on Local
		ASSESSMENTS.	•		Government II, if favorable,
					Finance
S 207	Albertson	DUPLIN CHAIR VOTE ONLY IF TIE.	Н	03-05-2009	Ref to the Com on Local
					Government II, if favorable,
					Judiciary III
S 294=	Jenkins	WILLIAMSTON/OVERGROWN VEGETATION	Н	03-09-2009	Ref to the Com on Local
		ORDINANCE.			Government II, if favorable,
					Finance
s 339	Goodall	STALLINGS OCCUPANCY TAX.	Н	04-09-2009	Ref to the Com on Local
					Government II, if favorable,
					Finance
.S 528=	Clary	FOREST CITY/LAKE LURE ABC	* H	06-02-2009	Re-ref Com On Local Government
	0101	DISTRIBUTIONS.	••	00 02 2005	II
S 550	Albertson	DUPLIN ELECTIONS.	* H	03-31-2009	Ref to the Com on Local
5 550.	AIDELESON	DOIDIN DDDC110NO:	11	05 51 2005	Government II, if favorable,
	•				Election Law and Campaign
					Finance Reform
01420-	Boseman	NEW HANGUED AND DOADS MEMBERSHIP	411	06 14 2010	
51438=	boseman	NEW HANOVER ABC BOARD MEMBERSHIP.	^ H	00-14-2010	
					Government II, if favorable,
		•			Alcoholic Beverage Control

^{&#}x27;\$' indicates the bill is an appropriations bill.

A bold line indicates the bill is an appropriations bill.

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

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

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, May 26, 2010

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1664	Brevard Charter Amendment.	Representative Guice
HB 1666	Davie School Board.	Representative Howard
HB 1667	Davie County Omnibus Occupancy	Representative Howard
	Tax.	,
HB 1671	Red Oak Deannexation.	Representative Stewart
HB 1696	Watauga/Sunday Bow Hunting	Representative Tarleton
	Exemption.	-
HB 1723	Cabarrus Fire District Boundary	Representative Barnhart
	Validation.	Representative Johnson

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the 13 o'clock on May 20, 2009.	following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	
Barbara Hocutt (Committee Assistant)	*

COMMITTEE ON LOCAL GOVERNMENT II

MAY 26, 2010

AGENDA

- I. Welcome
- II. Introductions

III. Bills

BILL NO. HB 1664 HB 1666 HB 1667	SHORT TITLE Brevard Charter Amendment. Davie School Board. Davie County Omnibus Occupancy Tax.	SPONSOR Representative Guice Representative Howard Representative Howard	Fixance (C)
HB 1671 HB 1696	Red Oak Deannexation. Watauga/Sunday Bow Hunting	Representative Stewart Representative Tarleton	discourse it
HB 1723	Exemption. Cabarrus Fire District Boundary Validation.	Representative Barnhart Representative Johnson	Inance PCC.

COMMITTEE ON LOCAL GOVERNMENT II Meeting May 26, 2010

The meeting of the Committee on Local Government II was called to order by Representative Russell Tucker of the Chair, Representative Van Braxton. Representative Tucker introduced the Pages: Erin Doran of Forsyth County sponsored by Representative Brown, Park Inglefield of Catawba County sponsored by Representative Joe Hackney. The Sergeants are Marvin Lee and Bob Rossi. Those members present are Representatives Tucker, Stam, Langdon, Blackwell, Floyd, Guice, Lucas, McElraft, Samuelson, Stewart, Warren and Willey. Absent are: Representatives Braxton, Gibson, Owens and Spear.

Representative Guice presented his bill, House Bill 1664, which is "AN ACT TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BREVARD TO AUTHORIZE THE CITY MANAGER TO APPOINT THE CITY CLERK". Representative Floyd moved a favorable report and the motion was seconded and passed.

Representative Howard presented a Proposed Committee Substitute to HB 1666, 'AN ACT TO CHANGE THE NUMBER OF MEMBERS OF THE DAVIE COUNTY BOARD OF EDUCATION FROM SIX TO SEVEN AND CHANGE THE TERMS OF OFFICE FROM SIX YEARS TO FOUR YEARS". Representative Lucas moved the consideration of the Proposed Committee Substitute for HB 1666 and motion was seconded and it passed. Representative Lucas moved a favorable report as to the Proposed Committee Substitute and unfavorable as to the original bill and that it be referred to the Committee on Election Law and Campaign Finance Reform. The motion was seconded and it passed.

House Bill 1667, "AN ACT TO AUTHORIZE THE CERTAIN UNITS OF LOCAL GOVERNMENT LOCATED WITHIN DAVIE COUNTY TO LEVY A ROOM OCCUPANCY TAX." Representative Floyd moved consideration of the Proposed Committee Substitute. The motion was seconded, and it passed. After discussion, Representative Stam moved a favorable report for the Proposed Committee Substitute and unfavorable report for the original bill. The motion was seconded and passed.

House Bill 1671, "AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED OAK", was presented to the committee by Representative Stewart. He assured the committee that this was a consensus bill the interested parties were in agreement. It was moved by Representative Floyd that the bill be given a favorable report and referred to the Finance Committee. The motion was seconded and passed.

Representative Tarleton presented a Proposed Committee Substitute to House Bill 1696, "AN ACT TO AUTHORIZE WATAUGA COUNTY TO CONDUCT A REFERENDUM TO OPT OUT OF THE SUNDAY BOW HUNTING". Representative Lucas moved consideration of the Proposed Committee Substitute. It was seconded, and

Page 2 Local Government II May 26, 2010

the motion passed. There were several questions about private property rights in reference to this bill. Gordon Myers of the Wildlife Commission answered questions about how this would be implemented. He introduced other members of the Wildlife Commission who are in attendance: David R. Hoyle, Jr., Steve Windham and John Clark. Representative Floyd moved a favorable report as to the Proposed Committee Substitute and unfavorable as to the original bill and that it be referred to the Committee on Wildlife Resources. The motion was seconded and passed.

Representative Barnhart presented House Bill 1723, "AN ACT TO VALIDATE CERTAIN CABARRUS COUNTY FIRE DISTRICT BOUNDARIES CHANGES DONE BY MOTION RATHER THAN ORDINANCE". Representative Langdon presented a technical correction amendment. He moved to amend the bill on page 1, Line 8 by inserting between the words "of" and "ordinance", the word "an". The amendment was seconded and passed. Representative Warren moved adoption of House Bill 1723 as amended. The motion was seconded and passed. The amendment will be rolled into a Proposed Committee Substitute according to the Staff, which will be referred to the Finance Committee.

There being no further business, the meeting was adjourned by Vice Chair Tucker at 11:40 a.m.

Representative Russell Tucker, Vice Chair

Barbara R. Hocutt, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

1

2

3

5

6

7

9

10 11

.12

HOUSE BILL 1664*

Short Title: Brevard Charter Amendment. (Local) Sponsors: Representative Guice. Referred to: Local Government II. May 13, 2010 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF BREVARD TO AUTHORIZE THE CITY MANAGER TO APPOINT THE CITY CLERK. The General Assembly of North Carolina enacts: SECTION 1. Section 4.4 of the Charter of the City of Brevard, being Chapter 415 of the 1981 Session Laws, reads as rewritten: "Sec. 4.4. City Clerk. The City CouncilCity Manager shall appoint a City Clerk to keep a journal of the proceedings of the Council, to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the City CouncilCity Manager may direct. The City Clerk shall receive such compensation as the Council-City Manager shall determine."

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



1



HOUSE BILL 1664: Brevard Charter Amendment

2009-2010 General Assembly

Committee:

1

House Local Government II

Introduced by: Analysis of:

Rep. Guice First Edition Date:

May 25, 2010

Prepared by: Denise Huntley Adams

Committee Staff Erika Churchill

Committee Co-counsel

SUMMARY: This bill amends the Charter of the City of Brevard to authorize the City Manager to appoint the City Clerk.

[As introduced, this bill was identical to S1263, as introduced by Sen. Snow, which is currently in Senate State and Local Government.]

CURRENT LAW: G.S. 160A-171 requires that each municipality shall have a City Clerk who shall give notice of City Council meetings, serve as custodian of City records and perform other duties as needed. Under the current Charter of the City of Brevard, the City Council appoints a City Manager who serves as the administrative head of the City government. The City Council also appoints a City Clerk to keep a journal of the proceedings of the Council, maintain a safe place to store the City of Brevard's records and documents, and to perform other duties required by law or as directed by the City Council. The City Council also determines the compensation received by the City Clerk.

BILL ANALYSIS: House Bill 1664 amends the Charter of the City of Brevard to authorize the City Manager, rather than the City Council, to appoint and determine the compensation of the City Clerk. The bill would also give the City Manager, rather than the City Council, the authority to direct the City Clerk to perform duties in addition to the duties required by the law or the City Charter.

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

H1664-SMTB-8(e1) v2

2010 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1664 A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER
OF THE CITY OF BREVARD TO AUTHORIZE THE CITY MANAGER TO APPOINT THE
CITY CLERK.
(POR JOURNAL USE ONE!)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of
I distant to Rule 50(0), the offinesolution is placed on the Calendar of

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

of Education."

HOUSE BILL 1666

		• .		
_	Short Title:	Davie School Board.	(Local)	
	Sponsors:	Representative Howar	d.	
_	Referred to:	Local Government II,	if favorable, Election Law and Campaign Finance Reform.	
	May 13, 2010			
		. A F	BILL TO BE ENTITLED	
	AN ACT TO	CHANGE THE NUME	BER OF MEMBERS OF THE DAVIE COUNTY BOARD	
	OF EDUC	X YEARS TO FOUR Y	TO SEVEN AND CHANGE THE TERMS OF OFFICE	
		Assembly of North Card		
			of Chapter 1242 of the 1967 Session Laws reads as	
	rewritten:		of olimpion 12/12 of the 1707 bession baws reads as	
	"Section 1	. The Board of Educati	on of Davie County shall, on and after the first Monday in	
	April, 1969,	July, 2012, consist of	six-seven members who shall be elected in the manner	
	hereinafter pro	ovided."		
	SE	CTION 2. Section 2	2 of Chapter 1242 of the 1967 Session Laws reads as	
	rewritten:	N A 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		
	"Sec. 2. (a) At the same time to	he primary election for county officers is held in Davie	
	members of the	os, and diennially therea	after, there shall be held a nonpartisan election to elect two	
	members of the Board of Education of Davie County, to serve for six year terms. County. (b) In 2012, three members of the Davie County Board of Education shall be elected.			
(b) In 2012, three members of the Davie County Board of Education shall be elected. The person receiving the highest number of votes is elected to a six-year term. The two persons are considered to a six-year term.			ther of votes is elected to a six-year term. The two persons	
	receiving the	next highest numbers of	f votes are elected to four-year terms.	
			of the Davie County Board of Education are elected to	
	four-year term	IS.		
	<u>(d) In</u>	2016 and quadrennially	y thereafter, four members of the Davie County Board of	
		elected to four-year ter		
	(e) <u>In</u>	2018 and quadrennially	thereafter, three members of the Davie County Board of	
	Education are	elected to four-year ter	<u>ms.</u> "	
	rewritten:	CHON 3. Section :	3 of Chapter 1242 of the 1967 Session Laws reads as	
		ach candidate shall fil	e his candidacy, without reference to any political party	
	affiliation, wit	th the Chairman of the	County Board of Elections within the time now provided	
	for the filing of	of candidates for any ot	her county office. A filing fee of five dollars (\$5.00) shall	
	be paid by ea	ch candidate. There sh	all be a separate ballot provided by the County Board of	
	Elections with	the names of the cand	dates printed thereon with appropriate instructions for use	
	in the election	of members of the Boa	ard of Education, and no political party affiliation shall be	
	shown on said	ballot. The two candic	lates receiving the highest number of votes in the election	
	of 1968, and l	piennially thereafter, sh	all be certified as the duly elected members of the Board	



SECTION 4. Section 4 of Chapter 1242 of the 1967 Session Laws, as amended by Chapter 5 of the 1979 Session Laws and Chapter 307 of the 1995 Session Laws, reads as rewritten:

"Sec. 4. The two members of the Reard of Education of Davis County elected in 1968 and

"Sec. 4. The two members of the Board of Education of Davie County elected in 1968 and biennially thereafter shall be inducted into and take the oath of office on the first Monday in July following their election, and shall serve for terms of six years and until their successors are elected and qualified. All members of the Board of Education of Davie County who are in office and acting as such members prior to the first Monday in April, 1969, shall complete their respective terms of office. The said Board of Education shall consist of six members serving six year terms with two vacancies occurring every two years."

SECTION 5. This act is effective upon ratification. It does not affect the terms of office of persons elected in 2006, 2008, or 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

D

HOUSE BILL 1666 PROPOSED COMMITTEE SUBSTITUTE H1666-CSST-84 [v.1]

5/25/2010 5:42:48 PM

Short Title: Davie School Board.	(Local)
Sponsors:	•
Referred to:	
May 13, 2010	
, ,	
A BILL TO BE ENTITLED	
AN ACT TO CHANGE THE NUMBER OF MEMBERS OF THE DAY	IE COUNTY BOARD
OF EDUCATION FROM SIX TO SEVEN AND CHANGE THE	TERMS OF OFFICE
FROM SIX YEARS TO FOUR YEARS.	
The General Assembly of North Carolina enacts:	
SECTION 1. Section 1 of Chapter 1242 of the 1967 S	Session Laws reads as
rewritten:	
"Section 1. The Board of Education of Davie County shall, on and a	fter the first Monday in
April, 1969, July, 2012, consist of six seven members who shall be	elected in the manner
hereinafter provided."	`
SECTION 2. Section 2 of Chapter 1242 of the 1967 S	Session Laws reads as
rewritten:	
"Sec. 2. (a) At the same time the primary election for county of	
County in 1968, and biennially thereafter, there shall be held a nonpartis	
members of the Board of Education of Davie County, to serve for six-ye	
(b) In 2012, three members of the Davie County Board of Edu	
The person receiving the highest number of votes is elected to a six-year	term. The two persons
receiving the next highest numbers of votes are elected to four-year term	
(c) In 2014, two members of the Davie County Board of Ed	lucation are elected to
four-year terms.	
(d) In 2016 and quadrennially thereafter, four members of the I	Davie County Board of
Education are elected to four-year terms.	
(e) In 2018 and quadrennially thereafter, three members of the	Davie County Board of
Education are elected to four-year terms."	
SECTION 3. Section 3 of Chapter 1242 of the 1967 S	Session Laws reads as
rewritten:	
"Sec. 3. Each candidate shall file his candidacy, without reference	
affiliation, with the Chairman of the County Board of Elections within	
for the filing of candidates for any other county office. A filing fee of fi	
be paid by each candidate. There shall be a separate ballot provided b	y the County Board of
Elections with the names of the candidates printed thereon with appropr	iate instructions for use
in the election of members of the Board of Education, and no political r	party affiliation shall be
shown on said ballot. The two candidates receiving the highest number	of votes in the election



of Education."

4

5 7

10 11

13

14

Chapter 5 of the 1979 Session Laws and Chapter 307 of the 1995 Session Laws, reads as rewritten: "Sec. 4. The two members of the Board of Education of Davie County elected in 1968 and biennially thereafter shall be inducted into and take the oath of office on the first Monday in

of 1968, and biennially thereafter, shall be certified as the duly elected members of the Board

SECTION 4. Section 4 of Chapter 1242 of the 1967 Session Laws, as amended by

July following their election, and shall serve for terms of six years and until their successors are elected and qualified. All members of the Board of Education of Davie County who are in office and acting as such members prior to the first Monday in April, 1969, shall complete their respective terms of office. The said Board of Education shall consist of six members serving six-year terms with two vacancies occurring every two years."

SECTION 5. This act is effective upon ratification. It does not affect the terms of office of persons elected, or appointed to fill terms elected, in 2006, 2008, or 2010.



HOUSE BILL 1666: Davie School Board

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

Election Law and Campaign Finance Reform

Introduced by: Rep. Howard

Analysis of: PCS to First Edition

H1666-CSST-84v1

ate: May 25, 2010

Prepared by: Denise Huntley Adams

Committee Staff Erika Churchill

Committee Co-counsel

SUMMARY: House Bill 1666 changes the number of members and terms of office of the Davie County Board of Education.

CURRENT LAW: S.L. 1967-1242, as amended by S.L. 1979-5 and S.L. 1995-307, establishes the structure and election procedure of the Davie County Board of Education (Board). Currently, the Board is composed of 6 members who are elected on a non-partisan basis on a staggered cycle for 6 year terms.

BILL ANALYSIS: House Bill 1666 amends S.L. 1967-1242, as amended by S.L. 1979-5 and S.L. 1995-307, as follows:

- House Bill 1666 would increase the size of the Board from 6 members to 7 members.
- Beginning with the 2012 election, elected Board members would serve staggered 4-year terms on the following schedule:

Election	Number Elected	Length of Term	Term Ending
2006	2	6 years	2012
2008	2	6 years	2014
2010	2	6 years	2016
2012	3	The person with the highest number of votes will be elected to a 6 year term; the two people with the next highest number of votes will be elected to a 4 year term	Person with highest number of votes: 2018* Two people with the next highest number of votes: 2016
2014	2	4 years	2018
2016	4	4 years	2020
2018	3	4 years	2022

^{*}Last elected member to serve a 6 year term on Board.

EFFECTIVE DATE: This act is effective upon ratification. This act does not affect the terms of office of persons elected, or appointed to fill seats elected, in 2006, 2008, or 2010.

H1666-SMTB-9(e1) v2

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for A BILL TO BE ENTITLED AN ACT TO CHANGE THE NUMBER
OF MEMBERS OF THE DAVIE COUNTY BOARD OF EDUCATION FROM SIX TO SEVEN AND CHANGE THE TERMS OF OFFICE FROM SIX YEARS TO FOUR YEARS.
☑ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on ELECTION LAW AND CAMPAIGN FINANCE REFORM.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

H

HOUSE BILL 1667

Short Title:	Davie County Omnibus Occupancy Tax.	,	(Local)
Sponsors:	Representative Howard.		
Referred to:	Local Government II, if favorable, Finance.		

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CERTAIN UNITS OF LOCAL GOVERNMENT LOCATED WITHIN DAVIE COUNTY TO LEVY A ROOM OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

PART I: MOCKSVILLE OCCUPANCY TAX

SECTION 1.1. Occupancy tax. – (a) Authorization and Scope. – The Board of Commissioners of the Town of Mocksville may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.1.(c) Distribution and Use of Tax Revenue. — The Town of Mocksville shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Mocksville Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Mocksville and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. Expenditures that, in the judgment of the Mocksville Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.



ŀ

ľ

ì

SECTION 1.2. 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 the Mocksville Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Mocksville shall be the ex officio finance officer of the Authority.

SECTION 1.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in Section 1.1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 1.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Board of Commissioners of the Town of Mocksville on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board of Commissioners may require.

PART II: BERMUDA RUN OCCUPANCY TAX

SECTION 2.1. Occupancy tax. – (a) Authorization and Scope. – The Bermuda Run Town Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 2.1.(c) Distribution and Use of Tax Revenue. – The Town of Bermuda Run shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Bermuda Run Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Bermuda Run and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.

1

11

12

28

29

23

37

48

49

50

43

(3) Tourism-related expenditures. - Expenditures that, in the judgment of the Bermuda Run Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 2.2. Tourism Development Authority. - (a) Appointment and Membership. – When the Town Council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Bermuda Run Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Town Council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Bermuda Run shall be the ex officio finance officer of the Authority.

SECTION 2.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in Section 2.1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 2.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Bermuda Run Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the Town Council may require.

PART III: COOLEEMEE OCCUPANCY TAX

SECTION 3.1. Occupancy tax. – (a) Authorization and Scope. – The Board of Commissioners of the Town of Cooleemee may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 3.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 3.1.(c) Distribution and Use of Tax Revenue. - The Town of Cooleemee shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Cooleemee Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Cooleemee and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

(1) Net proceeds. - Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.

11 12 13

14 15

16

21 22 23

32 33 34

35

(2) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.

Tourism-related expenditures. - Expenditures that, in the judgment of the (3) Cooleemee Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

Tourism Development Authority. - (a) Appointment and SECTION 3.2. Membership. - When the Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Cooleemee Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Cooleemee shall be the ex officio finance officer of the Authority.

SECTION 3.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in Section 3.1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 3.2.(c) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the Cooleemee Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board of Commissioners may require.

PART IV: EFFECTIVE DATE

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

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

34 .

(3)

D

HOUSE BILL 1667 PROPOSED COMMITTEE SUBSTITUTE H1667-CSTGx-40 [v.1]

5/24/2010 3:24:11 PM

Short Title: Davie County Omnibus Occupancy Tax.	(Local)
Sponsors:	
Referred to:	
May 13, 2010	
A BILL TO BE ENTITLED ·	
AN ACT TO AUTHORIZE THE CERTAIN UNITS OF LOCAL	
LOCATED WITHIN DAVIE COUNTY TO LEVY A ROOM OCCUPA	NCY TAX.
The General Assembly of North Carolina enacts: PART I: MOCKSVILLE OCCUPANCY TAX	
	a The Decoder
SECTION 1.1. Occupancy tax. – (a) Authorization and Scop Commissioners of the Town of Mocksville may levy a room occupancy	tay of up to three
percent (3%) of the gross receipts derived from the rental of any	
accommodation furnished by a hotel, motel, inn, tourist camp, or similar pla	ice within the town
that is subject to sales tax imposed by the State under G.S. 105-164.4(a)	(3). This tax is in
addition to any State or local sales tax. This tax does not apply to accommod	ations furnished by
nonprofit charitable, educational, or religious organizations when furnished	d in furtherance of
their nonprofit purpose.	
SECTION 1.1.(b) Administration. — A tax levied under this sect	
administered, collected, and repealed as provided in G.S. 160A-215. The pe	nalties provided in
G.S. 160A-215 apply to a tax levied under this section. SECTION 1.1.(c) Distribution and Use of Tax Revenue.	Тът т
Mocksville shall, on a quarterly basis, remit the net proceeds of the occ	
Mocksville Tourism Development Authority. The Authority shall use at least	st two-thirds of the
funds remitted to it under this subsection to promote travel and tourism	n in the Town of
Mocksville and shall use the remainder for tourism-related expenditures.	in the rown or
The following definitions apply in this subsection:	
(1) Net proceeds Gross proceeds less the cost to the tow	n of administering
and collecting the tax, as determined by the finance offi	icer, not to exceed
three percent (3%) of the first five hundred thousand do	
gross proceeds collected each year and one percent (1%) of the remaining
gross proceeds collected each year. (2) Promote travel and tourism. – To advertise or market a	
(2) Promote travel and tourism. – To advertise or market a publish and distribute pamphlets and other materials	n area or activity, , conduct market

incurred in engaging in the listed activities.

research, or engage in similar promotional activities that attract tourists or

business travelers to the area; the term includes administrative expenses

Tourism-related expenditures. - Expenditures that, in the judgment of the

Mocksville Tourism Development Authority, are designed to increase the

 use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 1.2. 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 the Mocksville Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Mocksville shall be the ex officio finance officer of the Authority.

SECTION 1.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in Section 1.1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 1.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Board of Commissioners of the Town of Mocksville on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board of Commissioners may require.

PART II: BERMUDA RUN OCCUPANCY TAX

SECTION 2.1. Occupancy tax. – (a) Authorization and Scope. – The Bermuda Run Town Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 2.1.(c) Distribution and Use of Tax Revenue. – The Town of Bermuda Run shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Bermuda Run Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Bermuda Run and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) Net proceeds. Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or

.1.2.3

.9

business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.

(3) Tourism-related expenditures. – Expenditures that, in the judgment of the Bermuda Run Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 2.2. Tourism Development Authority. — (a) Appointment and Membership. — When the Town Council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Bermuda Run Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Town Council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Bermuda Run shall be the ex officio finance officer of the Authority.

SECTION 2.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in Section 2.1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 2.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Bermuda Run Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the Town Council may require.

PART III: COOLEEMEE OCCUPANCY TAX

SECTION 3.1. Occupancy tax. – (a) Authorization and Scope. – The Board of Commissioners of the Town of Cooleemee may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 3.1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 3.1.(c) Distribution and Use of Tax Revenue. — The Town of Cooleemee shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Cooleemee Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Cooleemee and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

(1) Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of

4 5

> 7 8 9

6

11 12 13

14

15 16

17

18

19

20

10

25

31

36

41 42

43 44 45

47 48

46

49 50

51

PART V: EFFECTIVE DATE

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

gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.

- (2) Promote travel and tourism. - To advertise or market an area or activity. publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. - Expenditures that, in the judgment of the Cooleemee Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

Tourism Development Authority. - (a) Appointment and SECTION 3.2. Membership. - When the Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Cooleemee Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Cooleemee shall be the ex officio finance officer of the Authority.

SECTION 3.2.(b) Duties. - The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in Section 3.1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 3.2.(c) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the Cooleemee Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board of Commissioners may require.

PART IV. ADMINISTRATIVE PROVISIONS

SECTION 4. G.S. 160A-215(g) reads as rewritten:

This section applies only to Beech Mountain District W, to the Cities of Belmont, Conover, Eden, Elizabeth City, Gastonia, Goldsboro, Greensboro, Hickory, High Point, Jacksonville, Kings Mountain, Lenoir, Lexington, Lincolnton, Lowell, Lumberton, Monroe, Mount Airy, Mount Holly, Reidsville, Roanoke Rapids, Salisbury, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Bermuda Run, Blowing Rock, Boiling Springs, Boone, Burgaw, Carolina Beach, Carrboro, Cooleemee, Cramerton, Dallas, Dobson, Elkin, Franklin, Jonesville, Kenly, Kure Beach, Leland, McAdenville, Mocksville, Mooresville, Murfreesboro, North Topsail Beach, Pilot Mountain, Ranlo, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and Brunswick Counties."



HOUSE BILL 1667: Davie County Omnibus Occupancy Tax

2009-2010 General Assembly

Analysis of:

House Local Government II, if favorable, Committee:

Date:

May 24, 2010

Finance

Introduced by: Rep. Howard First Edition

Prepared by: · Bill Patterson

Committee Counsel

SUMMARY: House Bill 1667 authorizes the Towns of Mocksville, Bermuda Run, and Cooleemee in Davie County to levy a 3% room occupancy tax. In each town, at least two-thirds of the proceeds would be used to promote travel and tourism and the remainder would be used for tourism-related expenditures.

CURRENT LAW: The Towns of Mocksville, Bermuda Run, and Cooleemee, which lie in Davie County, do not have the authority to levy an occupancy tax. Davie County does, however, have the authority to levy an occupancy tax of up to 3%, under legislation originally enacted in 1990 and amended in 1998, which permits Davie County to use two-thirds of the net proceeds of the occupancy tax for any lawful purpose. The county must deposit the other one-third of the net proceeds into a special account to be used only to promote travel and tourism in Davie County. Any funds not appropriated from the special account within three years of their deposit must be remitted to the general fund and may be used by the county for any lawful purpose.

BILL ANALYSIS: House Bill 1667 authorizes each of the Towns of Mocksville, Bermuda Run, and Cooleemee to levy a room occupancy tax of up to three percent (3%). Once levied, the total occupancy tax rate for each town would be up to six percent (6%) when the county tax is included. The proceeds of the tax levied by each town must be remitted to a Tourism Development Authority (TDA), to be created by each town's governing body when the tax is first levied, and which must use at least two-thirds of the proceeds to promote travel and tourism and the remainder for tourism-related expenditures. These administrative and use provisions conform to the uniform guidelines recognized by the House Finance Committee and set out in the chart below.

UNIFORM OCCUPANCY TAX PROVISIONS

Rate - The county tax rate cannot exceed 6% and the city tax rate, when combined with the county rate, cannot exceed 6%.

Use - Two-thirds of the proceeds must be used to promote travel and tourism and the remainder must be used for tourism related expenditures.

Definitions The term "net proceeds", "promote travel and tourism", and "tourism related expenditures" are defined terms.

Administration - The net revenues must be administered by a local tourism development authority that has the authority to determine how the tax proceeds will be used, is created by a local ordinance, and at least ½ of the members must be currently active in the promotion of travel and tourism in the county and 1/3 of the members must be affiliated with organizations that collect the tax.

Costs of Collection - The taxing authority may retain from the revenues its actual costs of collection. not to exceed 3% of the first \$500,000 collected each year plus 1% of the remainder collected each year.

PROPOSED COMMITTEE SUBSTITUTE: The PCS adds a new Part IV amending G.S. 160A-215(g) to add the Towns of Mocksville, Bermuda Run, and Cooleemee to the list of municipalities to which G.S. 160A-215 applies, and renumbers the bill's original Part IV as Part V.

House Bill 1667

Page 2

EFFECTIVE DATE: House Bill 1667 would become effective when it becomes law.

BACKGROUND: Since 1983, the General Assembly has authorized many units of local government to levy a room occupancy tax. In several instances, the General Assembly has authorized both a county and a city within that county to impose an occupancy tax. The rate of tax, the use of the tax proceeds, the administration of the tax, and the body with the authority to determine how the tax proceeds will be spent vary considerably. Over the past several years, there has been a greater effort to make the occupancy taxes uniform. In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax legislation – G.S. 153A-155 and G.S. 160A-215. These provisions provide uniformity in the areas of levy, administration, collection, repeal, and penalties.

The North Carolina Travel and Tourism Coalition has a policy statement for legislation authorizing local occupancy taxes. Many of the principles contained in its statement are similar to the ones established by the House Finance subcommittee on Occupancy Taxes in 1993.

Trina Griffin, counsel to the House Finance Committee, substantially contributed to this summary. H1667-SMTG-75(e1) v2

D

SESSION 2009

HOUSE BILL 1667 PROPOSED COMMITTEE SUBSTITUTE H1667-PCS11129-TGx-40

GENERAL ASSEMBLY OF NORTH CAROLINA

Short Title:	Davie County Omnibus Occupancy Tax.	(Local)	
Sponsors:			
Referred to:			
	37 10 0010		

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CERTAIN UNITS OF LOCAL GOVERNMENT LOCATED WITHIN DAVIE COUNTY TO LEVY A ROOM OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

PART I: MOCKSVILLE OCCUPANCY TAX

SECTION 1.1. Occupancy tax. – (a) Authorization and Scope. – The Board of Commissioners of the Town of Mocksville may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.1.(b) Administration. — A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.1.(c) Distribution and Use of Tax Revenue. — The Town of Mocksville shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Mocksville Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Mocksville and shall use the remainder for tourism-related expenditures.

The following definitions apply in this section:

- (1) Net proceeds. Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. Expenditures that, in the judgment of the Mocksville Tourism Development Authority, are designed to increase the



H

10

16

26 27 28

29

30

31

25

41

42

47 48 49

50 51

use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

Tourism Development Authority. - (a) Appointment and SECTION 1.2. Membership. - When the Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Mocksville Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Mocksville shall be the ex officio finance officer of the Authority.

SECTION 1.2.(b) Duties. - The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in Section 1.1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 1.2.(c) Reports. - The Authority shall report quarterly and at the close of the fiscal year to the Board of Commissioners of the Town of Mocksville on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board of Commissioners may require.

PART II: BERMUDA RUN OCCUPANCY TAX

SECTION 2.1. Occupancy tax. - (a) Authorization and Scope. - The Bermuda Run Town Council may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 2.1.(b) Administration. - A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 2.1.(c) Distribution and Use of Tax Revenue. - The Town of Bermuda Run shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Bermuda Run Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Bermuda Run and shall use the remainder for tourism-related expenditures.

The following definitions apply in this section:

- Net proceeds. Gross proceeds less the cost to the town of administering (1) and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.
- Promote travel and tourism. To advertise or market an area or activity, (2) publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or

business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.

Tourism-related expenditures. – Expenditures that, in the judgment of the Bermuda Run Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

SECTION 2.2. Tourism Development Authority. — (a) Appointment and Membership. — When the Town Council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Bermuda Run Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Town Council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Bermuda Run shall be the ex officio finance officer of the Authority.

SECTION 2.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in Section 2.1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 2.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Bermuda Run Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the Town Council may require.

PART III: COOLEEMEE OCCUPANCY TAX

SECTION 3.1. Occupancy tax. – (a) Authorization and Scope. – The Board of Commissioners of the Town of Cooleemee may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 3.1.(b) Administration. — A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 3.1.(c) Distribution and Use of Tax Revenue. — The Town of Cooleemee shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Cooleemee Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Cooleemee and shall use the remainder for tourism-related expenditures.

The following definitions apply in this section:

Net proceeds. – Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of

gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.

- Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. Expenditures that, in the judgment of the Cooleemee Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.

Membership. — When the Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Cooleemee Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Cooleemee shall be the ex officio finance officer of the Authority.

SECTION 3.2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in Section 3.1 of this act. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 3.2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Cooleemee Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board of Commissioners may require.

PART IV: ADMINISTRATIVE PROVISIONS

SECTION 4. G.S. 160A-215(g) reads as rewritten:

"(g) This section applies only to Beech Mountain District W, to the Cities of Belmont, Conover, Eden, Elizabeth City, Gastonia, Goldsboro, Greensboro, Hickory, High Point, Jacksonville, Kings Mountain, Lenoir, Lexington, Lincolnton, Lowell, Lumberton, Monroe, Mount Airy, Mount Holly, Reidsville, Roanoke Rapids, Salisbury, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Bermuda Run, Blowing Rock, Boiling Springs, Boone, Burgaw, Carolina Beach, Carrboro, Cooleemee, Cramerton, Dallas, Dobson, Elkin, Franklin, Jonesville, Kenly, Kure Beach, Leland, McAdenville, Mocksville, Mooresville, Murfreesboro, North Topsail Beach, Pilot Mountain, Ranlo, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and Brunswick Counties."

PART V: EFFECTIVE DATE

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing	ig committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for	
HB 1667 A BILL TO	BE ENTITLED AN ACT TO AUTHORIZE THE
CERTAIN UNITS OF LOCAL GOV	VERNMENT LOCATED WITHIN DAVIE COUNTY TO
LEVY A ROOM OCCUPANCY TA	
With a favorable report as to the and recommendation that the commi FINANCE.	committee substitute bill, unfavorable as to the original bill, ttee substitute bill be re-referred to the Committee on
(FOR JOURNAL USE ONLY)	
Pursuant to Rule 32(a), the	e bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the	e (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calenda	r of (The original bill resolution No)
is placed on the Unfavorable Calenda	
The (House) committee su Committee on (The original Bill/(Joint) resolution No.) is pla	ubstitute bill/(joint) resolution (No) is re-referred to the bill/resolution) (House/Senate Committee Substitute aced on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 1671*

Short Title: Red Oak Deannexation. (Local)

Sponsors: Representative Stewart.

Referred to: Local Government II, if favorable, Finance.

May 13, 2010

1 · 2

3

4

5

6

7

8

9

10 11

12 13

14 15

16

17

18

19

20

21

22

23

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED OAK.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the Town of Red Oak:

BEGINNING at a point located in the western right-of-way line of SR 1646 (Northern Nash Road) being the southeast property corner of Lot 8 of Richwood Subdivision and the northwest corner of Lot 1 of Northern Estates Subdivision thence from said beginning point along the property line of Lot 8 of Richwood Subdivision with Lots 1, 2, 3 and 4 of Northern Estates Subdivision south 87 degrees 31 minutes 09 seconds west 400.00 feet to an iron stake cornering, thence along the property line of Lots 7, 8, and 9 of Richwood Subdivision north 01 degrees 17 minutes 26 seconds west 213.62 feet to an iron stake corner of Lots 6 and 7 in the line of Lot 9 Richwood Subdivision cornering, thence along the line of lots 6 and 7 of Richwood Subdivision north 87 degrees 56 minutes 58 seconds East 400.20 feet to an iron stake corner of Lots 6 and 7 Richwood Subdivision located in the western right-of-way of SR 1646 (Northern Nash Road) cornering, thence along the western right-of-way line of SR 1646 (Northern Nash Road) south 01 degrees 13 minutes 18 seconds east 210.62 feet to the point of beginning, containing 1.94 acres and being Lots 7 and 8 as shown on final plat of Phase 2 of Richwood Subdivision, Red Oak Township, Nash County, North Carolina, dated August 22, 1991 and revised October 3, 1991 and October 28, 1991, by Joyner-Keeny & Associates and recorded in Plat Book 20 page 184, Nash County Registry.

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



1



HOUSE BILL 1671: Red Oak Deannexation

2009-2010 General Assembly

Analysis of:

Committee: House Local Government II, if favorable,

Date: May

May 26, 2010

Finance

First Edition

Introduced by: Rep. Stewart

Prepared by: Brad Krehely

Committee Counsel

SUMMARY: House Bill 1671 is a local bill that would deannex 1.94 acres from the corporate limits of the Town of Red Oak, as requested by the Town and evidenced by a resolution adopted by the Town Council on January 4, 2010.

[As introduced, this bill was identical to S1135, as introduced by Sen. Swindell, which is currently in Senate Finance.]

CURRENT LAW: Additions to the jurisdiction of a city are made by annexation. The procedure by which a city annexes property and thereby expands its corporate limits is set out in the General Statutes and does not require an act of the General Assembly. Deannexation, the removal of property from a city's jurisdiction, requires a specific act of the General Assembly.

BILL ANALYSIS: House Bill 1671 would remove certain described property from the corporate limits of the Town of Red Oak, as requested by the Town Council of Red Oak.

The property described in the bill is owned by the Sacred Heart Church. The Church owns several intiguous parcels of property. Most of the property is in an unincorporated area of Nash County surrounded by the corporate limits of the Town of Red Oak. The Church owns two parcels that are included in the corporate limits of the Town of Red Oak.

Sacred Heart Church plans to build a fellowship hall and church on the two parcels of property incorporated in the Town of Red Oak. The Church has requested sewer service from the City of Rocky Mount. The City Council of Rocky Mount has agreed to allow the Church to extend the sewer main to its property provided the property is de-annexed from the Town of Red Oak. The City of Rocky Mount provides sewer service to the Town of Red Oak as a wholesale customer and it does not want to infringe in Red Oak's sewer service area. The Town Council of Red Oak adopted a resolution requesting the General Assembly to de-annex the two parcels of land owned by the Church on January 4, 2010.

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

H1671-SMRN-113(e1) v2

Cindy Avrette, Counsel to Senate Finance, contributed to the drafting of this summary.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:				
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.				
Committee Substitute for				
HB 1671 A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN				
DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED				
OAK.				
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.				
(FOR JOURNAL USE ONLY)				
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on				
The bill/resolution is re-referred to the Committee on				

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 1696

Short Title: Watauga/Sunday Bow Hunting Exemption. (Local)

Sponsors: Representative Tarleton.

Referred to: Local Government II, if favorable, Wildlife Resources.

May 13, 2010

1 2 AN ACT

3

4 5

6

7

8

10 11

12

13

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE WATAUGA COUNTY TO CONDUCT A REFERENDUM TO OPT OUT OF SUNDAY BOW HUNTING.

The General Assembly of North Carolina enacts:

SECTION 1. If State law, by statute or rule, authorizes bow hunting on Sunday, then the board of commissioners of Watauga County may direct the Watauga County Board of Elections to conduct an election on the date of the general election in November 2010 for the purpose of submission to the qualified voters of the county the question of whether Watauga County shall be exempted from allowing bow hunting on Sunday. If a majority of the qualified voters of the county vote in the affirmative, then the statute or rule authorizing bow hunting on Sundays shall not apply in Watauga County.

SECTION 2. This act applies only to Watauga County.

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



1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1696 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATAUGA
COUNTY TO CONDUCT A REFERENDUM TO OPT OUT OF SUNDAY BOW HUNTING.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on WILDLIFE RESOURCES.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

7 8 9

10 11 12

13

HOUSE BILL 1696 PROPOSED COMMITTEE SUBSTITUTE H1696-PCS11125-RL-66

Short Title:	watauga/Sunday Bow Hunting Exemption.	(Local)
Sponsors:		
Referred to:		
,	May 13, 2010	
	A BILL TO BE ENTITLED	
AN ACT TO	O AUTHORIZE WATAUGA COUNTY TO CONDUCT A REFER	ENDUM TO
OPT OUT	JT OF SUNDAY BOW HUNTING.	•
The General A	Assembly of North Carolina enacts:	
SI	SECTION 1. If State law, by statute or rule, authorizes bow hunting	g on Sunday,
then the boar	ard of commissioners of Watauga County may direct by resolution	on or before
August 15, 20	2010, the Watauga County Board of Elections to conduct an election of	on the date of
the general el	election in November 2010 for the purpose of submission to the quali	fied voters of
the county th	the question of whether Watauga County shall be exempted from a	llowing bow
hunting on Si	Sunday. If a majority of the qualified voters of the county vote in the	e affirmative.
then the statu	ute or rule authorizing bow hunting on Sundays shall not apply in Wat	auga County.
SI	SECTION 2. This act applies only to Watauga County.	
, SI	SECTION 3. This act is effective when it becomes law.	•



D

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 1723*

Short Title:	Cabarrus Fire District Boundary Validation. (Local)			
Sponsors:	Representatives Barnhart and Johnson (Primary Sponsors).			
Referred to:	Local Government II, if favorable, Finance.			
	May 17, 2010			
	A BILL TO BE ENTITLED TO VALIDATE CERTAIN CABARRUS COUNTY FIRE DISTRICT ARIES CHANGES DONE BY MOTION RATHER THAN ORDINANCE.			
	Assembly of North Carolina enacts:			
	ECTION 1. Section 19.1 of Chapter 558 of the 1987 Session Laws, as added by			
S.L. 2006-1, reads as rewritten:				
"SECTION 19.1.(a) The Board of Commissioners may, effective the first day of July after				
the adoption of ordinance, change the boundaries of a fire district in Cabarrus County				
established by this act, if:				
-(1) It first holds a public hearing on that ordinance, with notice published at least 14 days before the hearing.			
(2	Makes available in the office of the Clerk to the Board of Commissioners a map showing the proposed changes.			
(3	No area will be in more than one fire district.			
(4	No area shall be within the corporate limits of a municipality (except for any			
	area within the corporate limits of a municipality that is already within a fire			
	district under this act).			
	ON 19.1.(b) Any action taken by motion rather than ordinance under subsection			
	ction between May 10, 2006, and the effective date of this subsection is not invalid			
	of the use of a motion, as long as the motion was reflected in the minutes of the			
board of commissioners."				
. S	ECTION 2. This act is effective when it becomes law.			





NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

House Bill 1723*

		F	AMENDMENTIN	NO		
			(to be filled in by	,		
	H1723-ARN-19 [v.1]		Principal Clerk)			
	·			Page 1 of 1		
	Comm. Sub. [NO]		70. 4			
	Amends Title [NO]	Date _	May 26,	,2010		
	First Edition					
	n lada					
	Representative Land don					
1	moves to amond the hill on nage 1. line 8 by inserting	n the words "of"	and "ordinance"			
	moves to amend the bill on page 1, line 8, by inserting between the words "of" and "ordinance" the word "an".					
2 3	the word dir.					
4						
5						
6						
1	SIGNED Amendment Sponsor			·		
	SIGNED					
	Committee Chair if Senate Committee	Amendmo	ent			
	ADOPTED FAILED		TARLED			





HOUSE BILL 1723: Cabarrus Fire District Boundary Validation

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

May 26, 2010

Finance

Introduced by: Reps. Barnhart, Johnson

Prepared by: Brad Krehely

Analysis of:

First Edition

Committee Counsel

SUMMARY: House Bill 1723 would validate certain fire district boundary changes that were done by motion, rather than by ordinance.

[As introduced, this bill was identical to S1146, as introduced by Sen. Hartsell, which is currently in Senate State and Local Government.]

CURRENT LAW: Under current law, the Cabarrus County Board of Commissioners may change the boundaries of a fire district in the county if all of the following conditions are met:

- The board first holds a public hearing on the ordinance and publishes notice at least 14 days before the hearing.
- The board makes available in the office of the Clerk to the Board of Commissioners a map showing the proposed changes.
- No area will be in more than one fire district.
- No area will be within the corporate limits of a municipality (except for any area within the corporate limits of a municipality that is already within a fire district under this act).

BILL ANALYSIS: House Bill 1723 would validate certain fire district boundary changes that were done by motion, rather than by ordinance.

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

H1723-SMRN-112(e1) v2

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

the following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1723 A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN
CABARRUS COUNTY FIRE DISTRICT BOUNDARIES CHANGES DONE BY MOTION
RATHER THAN ORDINANCE.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

 \mathbf{H}

HOUSE BILL 1723* PROPOSED COMMITTEE SUBSTITUTE H1723-PCS30506-RN-51

D

Short Title: Cabarrus Fire District Boundary Validation. (Local				
Sponsors:				
Referred to:				
May 17, 2010				
A BILL TO BE ENTITLED				
AN ACT TO VALIDATE CERTAIN CABARRUS COUNTY FIRE DISTRICT BOUNDARIES CHANGES DONE BY MOTION RATHER THAN ORDINANCE.				
The General Assembly of North Carolina enacts:				
SECTION 1. Section 19.1 of Chapter 558 of the 1987 Session Laws, as added by				
S.L. 2006-1, reads as rewritten:				
"SECTION 19.1.(a) The Board of Commissioners may, effective the first day of July after				
the adoption of an ordinance, change the boundaries of a fire district in Cabarrus County				
established by this act, if:				
(1) It first holds a public hearing on that ordinance, with notice published a				
least 14 days before the hearing.				
(2) Makes available in the office of the Clerk to the Board of Commissioners				
map showing the proposed changes.				
(3) No area will be in more than one fire district.				
(4) No area shall be within the corporate limits of a municipality (except for an				
area within the corporate limits of a municipality that is already within a fir				
district under this act).				
"SECTION 19.1.(b) Any action taken by motion rather than ordinance under subsection				
(a) of this section between May 10, 2006, and the effective date of this act is not invalid on				
account of the use of a motion, as long as the motion was reflected in the minutes of the boar				

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



HOUSE PAGES

NAME OF COMMITTEE LOCAL GOVE DATE 5/26//				
1. Name: EVIN DOVAIN				
County: Forsy 41				
Sponsor: Brown .				
2. Name: Parkingierica				
County: Catawba				
Sponsor: Hackney				
3. Name:				
County:				
Sponsor:				
4. Name:				
County:				
Sponsor:				
5. Name:				
County:				
Sponsor:				
CCT AT ADM				
SGT-AT-ARM Name: MARVIN LEE				
2. Name: Bb ROSSI				
3. Name:				
NT				

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME .	FIRM OR AGENCY AND ADDRESS			
Andrew Jones	House Intern			
Cady Thomas	NCAR			
Douglassitos	MZSTA			
2 Am	WBA			
[iskMartin	NC Home Builders			
	· · · · · · · · · · · · · · · · · · ·			
	L			

VISITOR REGISTRATION SHEET

COMMITTEE ON LOCAL GOVERNMENT II

MAY 26, 2010 ~

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS	
QE. MARK CREECH	CAL	
Britany Forrell	NCFPC	
Josiah Irvin	Braxton Intern	
Homi Mc Cles	McCles Consulvay	
David + Hork Dr.	NCWRC	
GORDON Myers	NCWRC	. • •
STEVE WINDHAM	Newre	
John Clark	Nowre	
	-	·

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING.NOTICE AND BULL SPONSOR NOTIFICATION

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 9, 2010

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1728	Carteret Schools May Administer Oath.	Representative McElraft
HB 1772	Cherokee School Board Terms.	Representative West
HB 1778	Brevard Academy/Retirement Election.	Representative Guice
HB 1856	Columbus County/Fire District Support	Representative Hill
•	Fees.	
HB 1953	Delinquent Tax Deny Permits/Set Tax	Representative Owens, Jr.
	Discount.	
HB 1956	Marshville Town Manager.	Representative Gibson, III
HB 2046	Visitor Center/Duplin County Tourism	Representative Tucker
	Auth.	•
HB 2047	Wingate Minimum Commercial Code.	Representative Gibson, III

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed b 10 o'clock on June 03, 2009.	y the c	committee assistant at th	ne following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber			•

Barbara Hocutt (Committee Assistant)

COMMITTEE ON LOCAL GOVERNMENT II

AGENDA June 9, 2010

I.	Call to Ord	ler	·
II.	Introduction	ons	
III.	Bills		
	HB 1728	Carteret Schools May Administer Oath Refer to Judiciary III	Rep. McElraf
	HB 1772	Cherokee School board Terms Refer to Election Law and Campaign Re	Rep. West form
	HB 1778	Brevard Academy/Retirement Election Refer to Pensions and Retirement	Rep. Guice
	HB 1856	Columbus County/Fire District Support Fees. Refer to Finance	Rep. Hill
	HB 1953	Delinquent Tax Deny Permits/ Set Tax Discount Refer to Finance	Rep. Owens
	HB 1956	Marshville Town Manager No Referral	Rep. Gibson
	HB 2047	Wingate Minimum Commercial Code Refer to Judiciary III	Rep. Gibson
	HB 2046	Visitor Center/Duplin County Tourism Authority Refer to Transportation	Rep. Tucker

COMMITTEE ON LOCAL GOVERNMENT II

June 9, 2010 Meeting

The meeting of the Committee on Local Government II was convened on Wednesday, June 9, 2010 at 11:04 a. m. by Representative R. Van Braxton, Chairman. He welcomed members and guests and introduced the Committee Assistant, Barbara Hocutt and Josiah Irving of Kinston who is an intern in Representative Braxton's office. The pages are: Toran Socochio of Wake County sponsored by Representative Grier Martin of Wake County and Rodderick Mallory of Halifax County sponsored by Representative John May of Halifax County. Mike Martin, Ken Bourroughs and Don Mclennan served as Sergeants for the meeting. The following members were present: Representatives Braxton, Langdon, Stam, Tucker, Blackwell, Floyd, Gibson, Guice, Lucas, McElraft, Owens, Stewart, Warren and Wiley. Representatives Samuelson and Spear were absent due to conflicting committee meetings.

The first bill on the agenda was House Bill 1728 sponsored by Representative McElraft entitled "AN ACT TO AUTHORIZE PRINCIPALS IN THE CARTERET COUNTY PUBLIC SCHOOLS TO ADMINISTER OATHS FOR STUDENT ADMISSION." According to Representative McElraft, this was a request from the school board, and the Secretary of State's office does not object. The clarifying amendment will be rolled into a Proposed Committee Substitute. Representative Owens moved adoption of the amendment and the passage of the pursuant Proposed Committee Substitute with an unfavorable recommendation for the original bill and that the Proposed Committee Substitute be referred to Judiciary III. The motion was seconded and passed.

House Bill 1772, "AN ACT TO CHANGE THE TERM OF OFFICE FOR MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION ELECTED IN 2010 AND THEREAFTER FROM SIX YEARS TO FOUR YEARS." was presented by sponsor, Representative West. Consideration of the Proposed Committee Substitute was moved by Representative Lucas which was seconded and approved. Representative Tucker moved a favorable report as to the committee substitute bill, unfavorable as to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on Election Law and Campaign Finance Reform. It was seconded and passed.

House Bill 1778 sponsored by Representative Guice and House Bill 1856 sponsored by Representative Hill were postponed by requests of the respective sponsors.

Representative Owens presented his bill, House Bill 1953, "AN ACT TO PROVIDE THAT CURRITUCK COUNTY MAY PROHIBIT THE ISSUANCE OF A LAND-USE PERMIT OR A BUILDING PERMIT TOA DELINQUENT TAXPAYER AND TO ALLOW PASQUOTANK COUNTY TO SET THE TAX PREPAYMENT DISCOUNT BY JUNE 15, 2010." Representative Lucas moved consideration of the Proposed

Page 2 Loc.Gov II 6-9-10

Committee Substitute which was seconded and passed. Representative Tucker moved a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be referred to the Committee on Finance. The motion was seconded and passed.

Representative Gibson sponsor of House Bill 1956, "AN ACT TO CHANGE THE FORM OF GOVERNMENT FOR THE TOWN OF MARSHVILLE FROM MAYOR-COUNCIL TO COUNCIL-MANAGER." said there was no opposition to this bill. Representative Owens moved a favorable report. The motion was seconded and passed. There was no rereferral required.

Representative Gibson's bill, House Bill 2047, was taken up next. It is "AN ACT AUTHORIZING THE TOWN OF WINGATE TO ADOPT AN ORDINANCE TO ENFORCE A MINIMUM COMMERCIAL CODE ON PROPERTIES WITH AT LEAST FIFTY PERCENT OF THE PROPERTY'S BOUNDARIES ADJACENT TO THE CORPORATE LIMITS OF THE TOWN". Representative Lucas moved consideration of the Proposed Committee Substitute. The motion was seconded and passed. Representative Gibson explained the reasons for the bill and, in answer to a question by Representative Blackwell, Erika Churchill said that the Proposed Committee Substitute clarifies jurisdiction. Representative Tucker moved a favorable report as to the committee substitute bill, unfavorable as to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary III. The motion was seconded and passed.

House Bill 2046, "AN ACT TO ALLOW THE DUPLIN COUNTY TOURISM AUTHORITY TO CONSTUCT AND MAINTAIN A VISITOR CENTER AT THE REST AREA AT EXIT 364 ON INTERSTATE 40 AT THE NC HIGHWAY 24 INTERCHANGE." sponsored by Representative Tucker was discussed at some length. Jim Hobbs, Director of the Hospitality Alliance of North Carolina, cautioned the members about the long term application of the location of the facility at the I40 rest area. Dana Simpson of Smith Adelson, representing the NC Tourism Commission, pointed out that this measure is outside the guidelines, and they would like more policy consideration by studying this bill. The North Carolina Restaurant and Lodging Association, according to Mr. Hobbs, shares the same concerns about compliance with the guidelines. Representative Guice expressed concerns about the compliance issue also. Representative Gibson opined that the compliance should be scrutinized. Representative Langdon expressed concern about the long term effect of this measure. Representative Owens recommended that it also be referred to Finance, and Representative Tucker deferred to the judgment of Representative Owens on that matter. Representative Stam moved to

Page 3 Local Gov III 6-9-10

amend the bill on page 1, line 22 by deleting the phrase, "at anytime an employee is present on the premises" and on Page 1 lines 14-16, by deleting the lines and renumbering the subsections accordingly. The amendment was adopted with the recommendation that the amendment be included in a Proposed Committee Substitute. It passed. Representative Floyd moved a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Transportation. The motion was seconded and it passed. It was the recommendation of the Committee that the bill be referred to Finance also.

The meeting was adjourned by Chairman Braxton at 11:40 a.m.

Representative R. Van Braxton, Chairman

Barbara R. Hocutt, Committee Assistant

H

1

2

6

7.

11

HOUSE BILL 1728*

(Local) **Short Title:** Carteret Schools May Administer Oath. Sponsors: Representative McElraft. Local Government II, if favorable, Judiciary III. Referred to: May 17, 2010 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PRINCIPALS IN THE CARTERET COUNTY PUBLIC SCHOOLS TO ADMINISTER OATHS FOR STUDENT ADMISSION. The General Assembly of North Carolina enacts: SECTION 1. G.S. 115C-366 is amended by adding a new subsection to read: Principals and their designees are authorized to administer oaths to those persons "(i) giving affidavits, statements made under oath, or affirmations under this section. Each statement made under oath or affirmation to a principal or the principal's designee under this section shall be made under the penalty of perjury in G.S. 14-209." SECTION 2. This act applies only to Carteret County School System.

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





HOUSE BILL 1728: Carteret Schools May Administer Oath

2009-2010 General Assembly

Analysis of:

House Local Government II, if favorable, Committee:

Date:

June 9, 2010

Judiciary III

Rep. McElraft Introduced by: First Edition

Prepared by: Brad Krehely

Committee Counsel

SUMMARY: House Bill 1728 would authorize principals and their designees in Carteret County public schools to administer oaths or affirmations for student admission.

As introduced, this bill was identical to S1115, as introduced by Sen. Preston, which is currently in Senate Ref to Education/Higher Education. If fav, re-ref to Judiciary II.]

CURRENT LAW: G.S. 115C-366 addresses the assignment of students to particular schools and has some provisions requiring affidavits, statements made under oath, or affirmations. Generally, a student must be domiciled in a local school administrative unit (LEA) to attend its public schools, free of tuition. However, there are a number of exceptions. G.S. 115C-366(a3)(1)-(3) provide that a student may attend the public schools of an LEA where the student is not domiciled if a number of conditions apply:

- The student must reside with an adult who is a domiciliary of that unit as a result of one of seven situations related to the parent or legal guardian (i.e. death, illness, incarceration, abandonment, abuse or neglect, physical or mental condition of parent or legal guardian, relinquishment of custody, loss of home, or specified military duty of parent or legal guardian).
- The student must not be under a term of suspension or expulsion that could have led to suspension or expulsion from the LEA.1
- The caregiver adult and the student's parent, guardian, or legal custodian must complete and sign² separate affidavits that do all of the following:
 - o Confirm the qualifications establishing the student's residency.
 - o Attest that the student's claim of residency is not primarily related to attendance at a particular school.
 - o Attest that the caregiver adult has been given and accepts responsibility for educational decisions for the student.³

Upon receipt of the affidavits, the local board shall assign the student to an appropriate school as soon as practicable and pending the verification of eligibility. If the information contained in either or both affidavits is false, then the local board may remove the student from school unless the student is otherwise eligible for school attendance under other laws or local board policy. If a person willfully and

the student's parent, guardian, or legal custodian is unable or refuses to sign the affidavit, then the caregiver adult shall st to that fact in the affidavit.

Research Division

¹ If a student is under suspension or expulsion, but is eligible for special education, there are other considerations. See G.S. 115C-366(a3)(2)b.

³ The same requirements in G.S. 115C-366(a3) must be met if a student is placed in a licensed facility (defined term), and the student's parent or legal guardian retains legal custody of a child. G.S. 115C-366(a6).

House Bill 1728

Page 2

knowingly provided false information in the affidavit, the maker of the affidavit will be guilty of a Class 1 misdemeanor and will pay to the local board an amount equal to the cost of educating the student during the period of enrollment. The affidavits must include, in large print, the penalty for providing false information.

When a student transfers into the public schools of a local school administrative unit, that local board must require the student's parent, guardian, or legal custodian to provide a statement made under oath or affirmation before a qualified official. The statement indicates whether the student is, at the time, (1) under suspension or expulsion from attendance at a private or public school in <u>any</u> state or (2) has been convicted of a felony in <u>any</u> state. This provision does not apply to the enrollment of a student who has never been enrolled in or attended a private or public school in any state.

Perjury is a Class F felony under G.S. 14-209.

BILL ANALYSIS: House Bill 1723 authorizes principals and their designees to administer oaths to those persons giving affidavits, statements made under oath, or affirmations under G.S. 115C-366. It also provides that each statement made under oath or affirmation to a principal or the principal's designee must be made under the penalty of perjury. This act applies only to the Carteret County School System.

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

BACKGROUND: Carteret County has 16 schools. Several of these schools do not have a notary public on staff. On March 3, 2010, the Carteret County Board of Education passed a resolution petitioning the North Carolina General Assembly to allow principals or their designees to administer oaths, statements made under oath, or affirmations in connection with the assignment of students.

H1728-SMRN-115(e1) v5



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

House Bill 1728*

		AMENDME	N I NO
		(to be filled	in by
H1728-ARN-20 [v.3]		Principal C	clerk)
(" "		•	Page 1 of 1
Comm. Sub. [NO]	•		
Amends Title [NO]		Date	,2010
First Edition	•	·	
Representative			
moves to amend the hil	, I on page 1, line 7, by insertin	og the following after t	he word "section ":
moves to amena the bir	on page 1, line 7, by insertin	ig the following after t	ine word <u>section.</u> .
"Principals and their de	esignees may not administer a	ny other oath for any	other purpose unless
otherwise authorized by		any outer own for any	other purpose united
•	,		
and on page 1, line 10,	by inserting between the word	ds "to" and "Carteret"	the word "the".
		,	
		•	
		•	
	·		•
			•
	•		
SIGNED			
	Amendment Sponsor		
SIGNED		4	•
	ee Chair if Senate Committee	Amendment	
ADOPTED	FAILED	TARI	ED .



H

13 .

D

HOUSE BILL 1728* PROPOSED COMMITTEE SUBSTITUTE H1728-PCS50935-RN-53

Short Title: Carteret Schools May Administer Oath.	(Local)
Sponsors:	•
Referred to:	,, <u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>
May 17, 2010	
	,
A BILL TO BE ENTITLED	
AN ACT TO AUTHORIZE PRINCIPALS IN THE CARTERET COUNTY SCHOOLS TO ADMINISTER OATHS FOR STUDENT ADMISSION.	PUBLIC
The General Assembly of North Carolina enacts:	
SECTION 1. G.S. 115C-366 is amended by adding a new subsection to re-	ad:
"(i) Principals and their designees are authorized to administer oaths to those	persons
giving affidavits, statements made under oath, or affirmations under this section. Princ	ipals and
their designees may not administer any other oath for any other purpose unless of	
authorized by law. Each statement made under oath or affirmation to a principal	
principal's designee under this section shall be made under the penalty of pe	
G.S. 14-209."	<u></u> 111
SECTION 2. This act applies only to the Carteret County School System.	

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



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s)	from standing committee(s) is/are presented:
By Representat	ive Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitut	e for
HB 1728	A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PRINCIPALS
IN THE CARTERET C	OUNTY PUBLIC SCHOOLS TO ADMINISTER OATHS FOR
STUDENT ADMISSIO	N.
	port as to the committee substitute bill, unfavorable as to the original bill, at the committee substitute bill be re-referred to the Committee on
(FOR JOURNAL USI	CONLY)
Pursuant to F	Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to F	Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
	the Calendar of (The original bill resolution No)
is placed on the Unfavo	
Committee on (committee substitute bill/(joint) resolution (No) is re-referred to the The original bill/resolution) (House/Senate Committee Substitute lo) is placed on the Unfavorable Calendar.

H

2006, or 2008.

HOUSE BILL 1772*

Short Title:	Cherokee School Board Terms.	(Local)
Sponsors:	Representative West.	
Referred to:	Local Government II, if favorable, Election Law a	nd Campaign Finance Reform.
	May 19, 2010	
COUNTY SIX YEAD The General A SE	A BILL TO BE ENTITLED CHANGE THE TERM OF OFFICE FOR MEM BOARD OF EDUCATION ELECTED IN 2010 RS TO FOUR YEARS. Assembly of North Carolina enacts: CCTION 1. Section 7 of Chapter 502 of the	AND THEREAFTER FROM
provisions of elected and qu term of six-for	All members of the Cherokee County Board of this act shall serve for terms of six four years each nalified. As the term of each member expires, his sur years." CCTION 2. Sections 4 through 6 of Chapter 502 of	and until their successors are successor shall be elected for a
hereinafter proone member felected to repr		cation from District No. 1 and s of the district which they are
hereinafter pr one member f district which	n the year of 1978, 2014 and quadrennially theread ovided, one member of the county board of education the county at large. The member from District he is elected to represent. The member at large short one particular district.	ation from District No. 2, and No. 2 shall be a resident of the
"Sec. 6. In hereinafter promembers shall SE	the year of 1980, 2010 and quadrennially therest ovided, two members of the county board of educated the residents of the district which they are elected to a CCTION 3. This act is effective upon certification elected in 2010 and does not affect the term of office.	tion from District No. 3, which to represent." of the Cherokee County Board



H

5

6

7

8

9

10 11

12 13

14

15

16

17

18

19

20

21 22

23

24 25

26

27

28

Short Title:

D

HOUSE BILL 1772* PROPOSED COMMITTEE SUBSTITUTE H1772-CSST-88 [v.1]

6/8/2010 7:25:41 PM

Short Title:	Cherokee School Board Terms.	(Local)
Sponsors:		
Referred to:		
	May 19, 2010	
	A BILL TO BE ENTITLED	
AN ACT TO	O CHANGE THE TERM OF OFFICE FOR MEMBE	RS OF THE CHEROKEE
COUNT	Y BOARD OF EDUCATION ELECTED IN 2010 AN	ND THEREAFTER FROM
SIX YEA	ARS TO FOUR YEARS.	

The General Assembly of North Carolina enacts:

Cherokee School Board Terms

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 the member's 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, 2012 and quadrennially thereafter, 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, 2014 and quadrennially thereafter, there shall be elected, as hereinaster 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-the member 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 and quadrennially thereafter, there shall be elected, 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. This act is effective upon certification of election of the Cherokee County Board of Education elected in 2010 and does not affect the term of office of members elected in 2004, 2006, or 2008.



HOUSE BILL 1772: Cherokee School Board Terms

2009-2010 General Assembly

House Local Government II, if favorable, Committee:

Election Law and Campaign Finance Reform

Date:

June 8, 2010

Introduced by: Rep. West

Prepared by: R. Erika Churchill

Analysis of:

PCS to First Edition

Committee Counsel

H1772-CSST-88

SUMMARY: The proposed committee substitute for House Bill 1772 changes the term of office for the Cherokee County Board of Education from 6 years to 4 years, staggering the terms. Effective for members elected in 2010 and thereafter.

[As introduced, this bill was identical to S1264, as introduced by Sen. Snow, which is currently is calendared to be heard on the Senate Floor on Wednesday, June 16.]

CURRENT LAW: The terms of the election of the Cherokee County Board of Education are set forth in a 1975 local act. That act provided for seven members of the board of education, all elected at large, and all serving six year terms. Of the seven members, six are subject to residency requirements, and one not. The county is divided into three districts, each having two members that reside in that district but are voted on at large in the election. The seventh member is elected at-large. All elections for the Cherokee County Board of Education are non-partisan.

BILL ANALYSIS: The pcs would amend the 1975 local act to provide for staggered four year terms of office for all members of the Cherokee County Board of Education. The pcs does not effect the term of office of current members elected in 2004, 2006, and 2008.

The terms would be staggered as follows:

•	2006	2008	2010	2012	2014	<u>2016</u>
District 1	6 year term			4 year term		4 year term
District 1	6 year term			4 year term		4 year term
District 2	6 year term		:	4 year term 4 year		4 year term
District 2		6 year term		4 year term		
District 3		•	4 year term		4 year term	
District 3			4 year term		4 year term	
At Large		6 year term			4 year term	

EFFECTIVE DATE: Effective upon certification of the Cherokee Board of Education members elected in 2010 and thereafter.

H

1 2

3

4 5

6

7

8

9

10 11

12

13

14

15

16

17 18

19

20 21

22

23

2425

26 27

28

HOUSE BILL 1772* PROPOSED COMMITTEE SUBSTITUTE H1772-PCS70572-ST-88

Short Title:	Cherokee School Board Terms.		*		(Local)
Sponsors:				,	
Referred to:		;	,	•	
	May 10. 2	2010			

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE TERM OF OFFICE FOR MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION ELECTED IN 2010 AND THEREAFTER 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-the member's 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, 2012 and quadrennially thereafter, 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, 2014 and quadrennially thereafter, there shall be elected, 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 the member 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 and quadrennially thereafter, there shall be elected, 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. This act is effective upon certification of election of the Cherokee County Board of Education elected in 2010 and does not affect the term of office of members elected in 2004, 2006, or 2008.



D

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1772 A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF
OFFICE FOR MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION
ELECTED IN 2010 AND THEREAFTER FROM SIX YEARS TO FOUR YEARS.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on ELECTION LAW AND CAMPAIGN FINANCE REFORM.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

H

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

HOUSE BILL 1953

1

Short Title:	Delinquent Tax Deny Permits/Set Tax Discount.	(Local)
Sponsors:	Representatives Owens; Hughes and Lucas.	
Referred to:	Local Government II, if favorable, Finance.	

May 25, 2010

1 A BILL TO BE ENTITLED 2 AN ACT TO PROVIDE THAT CURRITUCK COUNTY MA

AN ACT TO PROVIDE THAT CURRITUCK COUNTY MAY PROHIBIT THE ISSUANCE OF A LAND-USE PERMIT OR A BUILDING PERMIT TO A DELINQUENT TAXPAYER AND TO ALLOW PASQUOTANK COUNTY TO SET THE TAX PREPAYMENT DISCOUNT BY JUNE 15, 2010.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of this act applies to Currituck County only.

SECTION 2. G.S. 153A-340 is amended by adding a new subsection to read:

"§ 153A-340. Grant of power.

9 10 11

12

13

14 15

16

17

18 19

20

21 22

23

24

25.

26 27

28 29

30

3

4

5 6

7

8

(c2) A county may by ordinance provide that a special use permit or conditional use permit may not be issued under subsection (c1) of this section to a person who owes delinquent property taxes, determined under G.S. 105-360, on property owned by the person. Such ordinance may provide that a special use permit or conditional use permit may be issued to a person protesting the assessment or collection of property taxes."

SECTION 3. Section 3(b) of S.L. 2005-433, as amended by Section 2 of S.L. 2006-150 and as amended by Section 1 of S.L. 2007-58, reads as rewritten:

"SECTION 3.(b) This section applies to <u>Currituck</u>, Davie, Gates, Greene, Lenoir, Lincoln, Iredell, Wayne, and Yadkin Counties only."

SECTION 4. Notwithstanding G.S. 105-360(c)(1), in order to establish a schedule of discounts to be applied to taxes paid prior to the due date prescribed in G.S. 105-360(a), Pasquotank County shall, not later than the 15th day of June preceding the due date of the taxes to which it first applies, adopt a resolution or ordinance specifying the amounts of the discounts and the periods of time during which they are to be applicable.

Any taxpayer who pays their 2010 taxes to Pasquotank County prior to the due date and prior to the publishing of the new discount schedule under G.S. 105-360(c)(3) shall be entitled to the discount in effect at the time payment was made.

SECTION 5. This act is effective when it becomes law. Section 4 of this act applies only to the 2010 process of adopting a resolution to set the discount to be applied to taxes paid prior to the due date.



H

1 2 3

taxes paid prior to the due date.

D

HOUSE BILL 1953 PROPOSED COMMITTEE SUBSTITUTE H1953-CSTGx-42 [v.5]

6/9/2010 10:33:08 AM

Short Title: Delinquent Tax Deny Permits/Set Tax Discount.	(Local)
Sponsors:	
Referred to:	
May 25, 2010	
A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CURRITUCK COUNTY MAY PROHIBIT THE ISS OF A LAND-USE PERMIT OR A BUILDING PERMIT TO A DELIN TAXPAYER AND TO ALLOW PASQUOTANK COUNTY TO SET TH PREPAYMENT DISCOUNT BY JUNE 30, 2010.	QUENT
The General Assembly of North Carolina enacts: SECTION 1. Section 2 of this act applies to Currituck County only. SECTION 2. G.S. 153A-340 is amended by adding a new subsection to rea	ad:
"§ 153A-340. Grant of power.	
(c2) A county may by ordinance provide that a special use permit or condition permit may not be issued under subsection (c1) of this section to a person who owes deproperty taxes, determined under G.S. 105-360, on property owned by the person ordinance may provide that a special use permit or conditional use permit may be issued under G.S. 105-360, on property owned by the person ordinance may provide that a special use permit or conditional use permit may be issued use person protesting the assessment or collection of property taxes." SECTION 3. Section 3(b) of S.L. 2005-433, as amended by Section 2 2006-150, by Section 1 of S.L. 2007-58, and by Section 1 of S.L. 2009-117, reads as reministed. This section applies to Alexander, Alleghany, Anson, Bertie, C.Chowan, Currituck, Davie, Gates, Greene, Lenoir, Lincoln, Iredell, Stokes, Surry, Wayne, and Yadkin Counties only." SECTION 4. Notwithstanding G.S. 105-360(c)(1), in order to establish a sof discounts to be applied to taxes paid prior to the date prescribed in G.S. 105-Pasquotank-County-shall, not-later than-the-30th-day-of-June-preceding-the-due-date-of-to which it first applies, adopt a resolution or ordinance specifying the amounts of the dand the periods of time during which they are to be applicable. Any taxpayer who pays their 2010 taxes to Pasquotank County prior to the and prior to the publishing of the new discount schedule under G.S. 105-360(c)(3) entitled to the discount in effect at the time payment was made.	of S.L. written: Catawba, Tyrrell, schedule 5-360(a), the-taxes due date



HOUSE BILL 1953: Delinquent Tax Deny Permits/Set Tax Discount

2009-2010 General Assembly

Committee:

House Local Government II, if favorable,

Finance

Introduced by: Rep. Owens

PCS to First Edition Analysis of:

H1953-CSTG-42

Date: June 1, 2010

Prepared by: Bill Patterson

Committee Counsel

SUMMARY: House Bill 1953 is a local bill that would authorize Currituck County to deny issuance of a land use permit or building permit to any person who owes delinquent property taxes, and would extend Pasquotank County's 2010 deadline for setting the property tax prepayment discount schedule. The Proposed Committee Substitute makes a technical correction to Section 3 and changes the deadline in Section 4 for Pasquotank County to set its prepayment discount schedule from June 15 to June 30.

CURRENT LAW: In 2005, the General Assembly authorized Greene, Lenoir, Iredell, Wayne, and Yadkin Counties to deny issuance of a building permit to a person who owes delinquent property taxes on property owned by the person. This authority was granted to Davie and Lincoln Counties in 2006,2 to Gates County in 2007,3 and to Alexander, Alleghany, Anson, Bertie, Catawba, Chowan, Stokes, Surry and Tyrell Counties in 2009.4

G.S. 153A-340(c1) authorizes a county to issue special use permits or conditional use permits pursuant to zoning and development regulation ordinances enacted by the county.

G.S. 105-360(c)(1) authorizes counties to establish a schedule of discounts applied to property taxes paid before their due date, provided that the schedule is specified by resolution or ordinance adopted no later than May 1 preceding the due date of the taxes to which the schedule first applies.

BILL ANALYSIS:

Sections 1 and 2 creates G.S. 153A-340(c2) to authorize Currituck County to enact an ordinance prohibiting issuance of a special use permit or a conditional use permit to a person who owes delinquent property taxes, and permitting issuance of such permits to a person protesting the assessment or collection of property taxes.

Section 3 adds Currituck County to the list of counties previously authorized to deny issuance of a building permit to a person who owes delinquent property taxes.

Section 4 amends G.S. 105-360 to extend the deadline for Pasquotank County to adopt a revised schedule of discounts for payment of property taxes before they are due from May 1 to June 30 preceding the due date of the taxes to which the discounts first apply. Section 4 also entitles any taxpayer who prepays their taxes to Pasquotank County before the new discount schedule is published to claim the discount in effect at the time payment was made.

EFFECTIVE DATE: The act is effective when it becomes law. Section 4 applies only to the 2010 process by which Pasquotank County adopts the revised schedule of discounts for prepayment of taxes.

¹ S.L. 2005-433, s. 3(b).

² S.L. 2006-150, s. 2.

³ S.L. 2007-58, s. 1.

⁴ S.L. 2009-117, s. 1.

House Bill 1953 Page 2

H1953-SMTG-77(CSTG-42) v2

D

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 1953 PROPOSED COMMITTEE SUBSTITUTE H1953-PCS60084-TGx-42

Short Title:	Delinquent Tax Deny Permits/Set Tax Discount.	(Local)
Sponsors:		
Referred to:		
	May 25, 2010	
OF A L. TAXPAY PREPAY The General A SI	A BILL TO BE ENTITLED PROVIDE THAT CURRITUCK COUNTY MAY PROHIBIT TO A AND-USE PERMIT OR A BUILDING PERMIT TO A TER AND TO ALLOW PASQUOTANK COUNTY TO SOMENT DISCOUNT BY JUNE 30, 2010. Assembly of North Carolina enacts: ECTION 1. Section 2 of this act applies to Currituck County only ECTION 2. G.S. 153A-340 is amended by adding a new subsection of power.	DELINQUENT ET THE TAX
permit may no property taxed ordinance may person protes SI 2006-150, by "SECTION Chowan, Cur	county may by ordinance provide that a special use permit or of be issued under subsection (c1) of this section to a person who es, determined under G.S. 105-360, on property owned by the provide that a special use permit or conditional use permit mating the assessment or collection of property taxes." ECTION 3. Section 3(b) of S.L. 2005-433, as amended by Section 1 of S.L. 2007-58, and by Section 1 of S.L. 2009-117, read N 3.(b) This section applies to Alexander, Alleghany, Anson, I rrituck, Davie, Gates, Greene, Lenoir, Lincoln, Iredell, Stokes Yadkin Counties only."	owes delinquent ne person. Such ay be issued to a ection 2 of S.L. ads as rewritten: Bertie, Catawba,

SECTION 4. Notwithstanding G.S. 105-360(c)(1), in order to establish a schedule of discounts to be applied to taxes paid prior to the due date prescribed in G.S. 105-360(a), Pasquotank County shall, not later than the 30th day of June preceding the due date of the taxes to which it first applies, adopt a resolution or ordinance specifying the amounts of the discounts and the periods of time during which they are to be applicable.

Any taxpayer who pays 2010 taxes to Pasquotank County prior to the due date and prior to the publishing of the new discount schedule under G.S. 105-360(c)(3) shall be entitled to the discount in effect at the time payment was made.

SECTION 5. This act is effective when it becomes law. Section 4 of this act applies only to the 2010 process of adopting a resolution to set the discount to be applied to taxes paid prior to the due date.



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1953 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT
CURRITUCK COUNTY MAY PROHIBIT THE ISSUANCE OF A LAND-USE PERMIT OR A
BUILDING PERMIT TO A DELINQUENT TAXPAYER AND TO ALLOW PASQUOTANK
COUNTY TO SET THE TAX PREPAYMENT DISCOUNT BY JUNE 15, 2010.
With a favorable report as to the committee substitute bill, which changes the title,
unfavorable as to the original bill, and recommendation that the committee substitute bill be re-
referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
·
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
Ine (House) committee substitute hill/(ioint) regulation (No. 1): f 1 1
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

Η

1 2

3 4

5 6.

7

8 9

10

HOUSE BILL 1956

.1

Short Title: Marshville Town Manager. (Local) Sponsors: Representatives Gibson; and Hughes. Referred to: Local Government II. May 25, 2010 A BILL TO BE ENTITLED AN ACT TO CHANGE THE FORM OF GOVERNMENT FOR THE TOWN OF MARSHVILLE FROM MAYOR-COUNCIL TO COUNCIL-MANAGER. The General Assembly of North Carolina enacts: SECTION 1. The Charter of the Town of Marshville, being Chapter 313 of the Private Laws of 1913, is amended by adding a new section to read: "Sec. 13.1. The Town shall operate under the Council-Manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes." SECTION 2. This act becomes effective upon the Town of Marshville hiring an initial Town Manager.





HOUSE BILL 1956: Marshville Town manager

2009-2010 General Assembly

Committee:

House Local Government II

Introduced by: Rep. Gibson Analysis of:

First Edition

Date:

June 9, 2010

Prepared by: Denise Huntley Adams

Committee Staff **Brad Krehely**

Committee Co-counsel

SUMMARY: House Bill 1956 would change the form of government under which the Town of Marshville operates from a mayor-council form to a council-manager form.

CURRENT LAW: Currently, the Town of Marshville operates under a mayor-council form of government. Under the mayor-council form of government, the council has the authority to appoint, suspend, and remove the heads of all city departments and other city employees. The council may also delegate this authority to any administrative official or department head. The head of each department is responsible for overseeing that all laws of the State, city charter, ordinances, resolutions and regulations of the council concerning the respective department are upheld. Otherwise, the administration of the town is performed by the council.

BILL ANALYSIS: House Bill 1956 would amend the charter of the Town of Marshville to change to the council-manager form of government. Under this system, the council shall appoint a manager to serve at its pleasure. The manager does not need to be a resident of the town or state at the time of the appointment. The town manager has a number of responsibilities, including the following:

- Appoint, suspend, and remove all city officers and employees, other than the town attorney, not elected by the people in accordance with personnel rules and policies adopted by the council.
- Direct and supervise the administration of all town departments, offices and agencies.
- Attend council meetings and make recommendations.
- Prepare and submit the annual budget and capital program to the town.
- Annually submit and make public a report on the finances and administrative activities of the town as of the end of the fiscal year.
- Perform other duties that may be required or authorized by the town council.

EFFECTIVE DATE: The act becomes effective upon the Town of Marshville hiring an initial town manager.

BACKGROUND: On May 17, 2010, the Town Council of Marshville unanimously passed a resolution asking Representative Gibson to introduce a bill to change the Town of Marshville government to a council-manager form.

H1956-SMTB-10(e1) v4

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:	-
By Representative Braxton (Chair) for the Committee on LOCAL GOVE	RNMENT II.
Committee Substitute for	,
HB 1956 A BILL TO BE ENTITLED AN ACT TO CHANGE TH	E FORM OF
GOVERNMENT FOR THE TOWN OF MARSHVILLE FROM MAYOR-COUN	NCIL TO
COUNCIL-MANAGER.	-
With a favorable report (FOR JOURNAL USE ONLY)	_
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committe	ee on
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of	

1

2

4

5

6

7

8

9

10

11

12 13

4.5

16 17

18

19 20

21

22

23 24

25

2627

28

29

30

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

HOUSE BILL 2046

1

Short Title: Visitor Center/Duplin County Tourism Auth. (Local)

Sponsors: Representatives Tucker; and Hughes.

Referred to: Local Government II, if favorable, Transportation.

May 27, 2010

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DUPLIN COUNTY TOURISM AUTHORITY TO CONSTRUCT AND MAINTAIN A VISITOR CENTER AT THE REST AREA AT EXIT 364 ON INTERSTATE 40 AT THE NC HIGHWAY 24 INTERCHANGE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-102.9. Tourism authority visitor centers in State-owned rest areas.

- (a) Authorization. A local tourism authority is authorized to construct and maintain visitor centers in State-owned rest areas operated by the Department within the city or county represented by the tourism authority.
- (b) Costs. A local tourism authority shall be solely responsible for all construction and maintenance costs of the visitor centers constructed pursuant to this section.
- (c) Adverse Possession. Nothing in this section shall be construed as providing a city, a county, or a local tourism authority any right, easement, ownership, access, or possession to any real property, including the visitor center constructed by the local tourism authority.
- (d) Facility Standards. All plans for use and construction shall be approved by the Department prior to construction to ensure accessibility to both the rest area and the visitor center, compliance with State and federal environmental laws, and the safety and security of the motoring public.
- (e) Inspections. The local tourism authority shall allow an inspection of the premises of a visitor center at anytime an employee is present on the premises by a law enforcement officer with subject-matter and territorial jurisdiction to investigate criminal activity to ensure the safety of the motoring public.
- (f) Abandonment. If a local tourism authority abandons the property of the visitor center for a period exceeding six months, all property rights in the building shall vest in the State of North Carolina, and the tourism authority shall be responsible for any costs of repair, upkeep, maintenance, or demolition and removal of debris from the tourism center."

SECTION 2. This act applies to rest areas in Duplin County only.

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





HOUSE BILL 2046: Visitor Center/Duplin County Tourism Auth

2009-2010 General Assembly

Committee: House Local Government II, if favorable.

Transportation

Introduced by: Rep. Tucker

Analysis of: First Edition

June 7, 2010 Date:

Prepared by: Bill Patterson

Committee Counsel

SUMMARY: House Bill 2046 authorizes the Duplin County Tourism Development Authority to construct and maintain a visitor center at the State-owned rest area at the interchange of I-40 and NC 24 in Duplin County, with all costs of construction and maintenance to be paid by the Authority, and with prior approval of all construction and use plans by the N.C. Department of Transportation.

BILL ANALYSIS: The bill would:

- add new G.S. 136-102.9, applicable only to Duplin County, authorizing the Duplin County Tourism Development Authority ("Authority") to construct and maintain a visitor center in a State-owned rest area operated by the NC Department of Transportation ("NCDOT")
- require the Authority to fund construction and maintenance of the center
- require prior approval by NCDOT of the Authority's plans for the center's use and construction
- require the Authority to allow law enforcement inspections whenever an employee is present
- vest all property rights in the building in the State if the Authority abandons the premises for more than six months, and require the Authority to pay any costs of repair, upkeep, maintenance or demolition and removal of debris from the center
- provide that nothing in the new statutory section shall be construed to grant any city, county or local tourism authority any right, easement, ownership, access or possession to any real property, including the visitor center

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

BACKGROUND: NCDOT operates a total of 61 rest areas, including one in Duplin County at Milepost 364, in the median of the I-40 and NC 24 interchange, 2 miles west of Warsaw on I-40. There are currently visitor centers at 11 rest areas in the following counties: Brunswick, Camden, Carteret, Caswell, Dare, Macon, McDowell, Randolph, Tyrrell and Wilkes. Seven centers operate with annual NCDOT allocations from proceeds of sales of special license plates under G.S. 20-279.7, as well as from annual highway funds.

Each center is operated pursuant to a written agreement between NCDOT and the responsible local authority. Among other things, these agreements provide that title to the building and site is retained by the State of North Carolina and that if the authority discontinues use of the center, the right to occupy and use the center will revert NCDOT.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen) EDITION No. ___ H. B. No. __ S. B. No. _____ Principal Clerk) COMMITTEE SUBSTITUTE _____ 1 moves to amend the bill on page ___ 2 () WHICH CHANGES THE TITLE 12 _____ SIGNED _____ ADOPTED. ____ FAILED _TABLED_

GA-33-A

H

HOUSE BILL 2046 PROPOSED COMMITTEE SUBSTITUTE H2046-PCS70573-TG-45

Short Title: Visitor Center/Duplin County Tourism Auth. (Local)
Sponsors:
Referred to:
May 27, 2010
A BILL TO BE ENTITLED
AN ACT TO ALLOW THE DUPLIN COUNTY TOURISM AUTHORITY TO CONSTRUCT
AND MAINTAIN A VISITOR CENTER AT THE REST AREA AT EXIT 364 ON
INTERSTATE 40 AT THE NC HIGHWAY 24 INTERCHANGE.
The General Assembly of North Carolina enacts:
SECTION 1. Chapter 136 of the General Statutes is amended by adding a new
section to read:
"§ 136-102.9. Tourism authority visitor centers in State-owned rest areas.
(a) Authorization A local tourism authority is authorized to construct and maintain
visitor centers in State-owned rest areas operated by the Department within the city or county
represented by the tourism authority.
(b) Costs. – A local tourism authority shall be solely responsible for all construction and
maintenance costs of the visitor centers constructed pursuant to this section. (c) Facility Standards. – All plans for use and construction shall be approved by the
(c) Facility Standards. – All plans for use and construction shall be approved by the Department prior to construction to ensure accessibility to both the rest area and the visitor
center, compliance with State and federal environmental laws, and the safety and security of the
motoring public.
(d) Inspections. – The local tourism authority shall allow an inspection of the premises
of a visitor center by a law enforcement officer with subject-matter and territorial jurisdiction to
investigate criminal activity to ensure the safety of the motoring public.
(e) Abandonment. – If a local tourism authority abandons the property of the visitor
center for a period exceeding six months, all property rights in the building shall vest in the
State of North Carolina, and the tourism authority shall be responsible for any costs of repair.
upkeep, maintenance, or demolition and removal of debris from the tourism center."



SECTION 2. This act applies to rest areas in Duplin County only.

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

D

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 2046 A BILL TO BE ENTITLED AN ACT TO ALLOW THE DUPLIN
COUNTY TOURISM AUTHORITY TO CONSTRUCT AND MAINTAIN A VISITOR
CENTER AT THE REST AREA AT EXIT 364 ON INTERSTATE 40 AT THE NC HIGHWAY
24 INTERCHANGE.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on TRANSPORTATION.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

H

HOUSE BILL 2047

Short Title: Wingate Minimum Commercial Code. (Local)

Sponsors: Representative Gibson.

Referred to: Local Government II, if favorable, Judiciary III.

May 27, 2010

1 2

3

4

5

6

7

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF WINGATE TO ADOPT AN ORDINANCE TO ENFORCE A MINIMUM COMMERCIAL CODE ON PROPERTIES WITH AT LEAST FIFTY PERCENT OF THE PROPERTY'S BOUNDARIES ADJACENT TO THE CORPORATE LIMITS OF THE TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-439(a) reads as rewritten:

8 9 10

11 12

13

14

15 16

17

18 '

"§ 160A-439. Ordinance authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer.

(a) Authority. – The governing body of the city may adopt and enforce ordinances relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the governing body. The minimum standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures. The ordinance shall provide for designation or appointment of a public officer to exercise the powers prescribed by the ordinance, in accordance with the procedures specified in this section. Such ordinance shall only be applicable within the corporate limits of the eity. city and any properties with at least fifty percent (50%) of the property's boundaries adjacent to the corporate limits of the city."

19 20

SECTION 2. This act shall apply only to the Town of Wingate.

21 22

2012.

SECTION 3. This act becomes effective July 1, 2010, and expires on June 30,



H

2012.

HOUSE BILL 2047 PROPOSED COMMITTEE SUBSTITUTE H2047-CSST-87 [v.1]

D

6/7/2010 7:45:16 PM

Short Title:	Wingate Minimum Commercial Code.	(Local)
Sponsors:		
Referred to:		
	May 27, 2010	
ENFORO FIFTY D CORPOR	A BILL TO BE ENTITLED UTHORIZING THE TOWN OF WINGATE TO ADOPT AN ORD CE A MINIMUM COMMERCIAL CODE ON PROPERTIES WITH PERCENT, OF THE PROPERTY'S BOUNDARIES ADJACEN RATE LIMITS OF THE TOWN. Assembly of North Carolina enacts:	H AT LEAST
S: "§ 160A-439 b	ECTION 1. G.S. 160A-439(a) reads as rewritten: O. Ordinance authorized as to repair, closing, and demolition of noticing or structures; order of public officer.	
relating to r maintenance, shall address welfare and i or demolition	authority. — The governing body of the city may adopt and enformonresidential buildings or structures that fail to meet minimum, sanitation, and safety established by the governing body. The minimum only conditions that are dangerous and injurious to public healt identify circumstances under which a public necessity exists for the result of such buildings or structures. The ordinance shall provide for the results of the results of such buildings or structures.	standards of num standards h, safety, and epair, closing, designation or
accordance applicable w percent (50%)	of a public officer to exercise the powers prescribed by the with the procedures specified in this section. Such ordinance within the corporate limits of the eity. city and any properties with 6) of the property's boundaries adjacent to the corporate limits of the ercising jurisdiction over pursuant to G.S. 153A-372.1 as of May 1, 2	shall only be at least fifty at city that no
S	ECTION 2. This act shall apply only to the Town of Wingate. ECTION 3. This act becomes effective July 1, 2010, and expire	

H2O47-CSST-87-v-1



HOUSE BILL 2047: Wingate Minimum Commercial Code

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

June 9, 2010

Introduced by: Rep. Gibson

Judiciary III

Prepared by: Denise Huntley Adams

Analysis of:

PCS to First Edition

Committee Staff R. Erika Churchill

Committee Co-counsel

H2047-CSST-87v1

SUMMARY: House Bill 2047 would allow the Town of Wingate to adopt an ordinance to enforce a minimum commercial code on properties with at least fifty percent (50%) of the property's boundaries adjacent to the corporate limits of the town.

CURRENT LAW: Under current law, the governing body of a town may adopt and enforce ordinances relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the respective governing body. The minimum standards determined by the governing body of a town may only address conditions that are dangerous or injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such nonresidential buildings or structures. Currently, such ordinances are only applicable within the corporate limits of the town. G.S. 160A-439(a).

Under current law, the governing body of a county also has the same authority to adopt and enforce ordinances relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the respective governing body. G.S. 153A-372.1.

BILL ANALYSIS: House Bill 2047 would extend to the Town of Wingate the authority to adopt and enforce such ordinances to properties with at least fifty percent (50%) of the property's boundaries adjacent to the corporate limits of the town that no county has exercised jurisdiction to adopt and enforce such ordinances as of May 1, 2010.

EFFECTIVE DATE: The act would be effective July 1, 2010 and sunset on June 30, 2010.

H2047-SMTB-11(e1) v4

D

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

2012.

HOUSE BILL 2047 PROPOSED COMMITTEE SUBSTITUTE H2047-PCS30517-ST-87

Short Title:	Wingate Minimum Commercial Code.	(Local)
Sponsors:		
Referred to:		_
	May 27, 2010	
ENFOR FIFTY CORPC The Genera "§ 160A-43 (a) relating to maintenance shall addre welfare and or demoliti appointment accordance applicable percent (50) county is ex-	A BILL TO BE ENTITLED AUTHORIZING THE TOWN OF WINGATE TO ADOPT AN ICE A MINIMUM COMMERCIAL CODE ON PROPERTIES PERCENT OF THE PROPERTY'S BOUNDARIES ADJURATE LIMITS OF THE TOWN. Il Assembly of North Carolina enacts: SECTION 1. G.S. 160A-439(a) reads as rewritten: 9. Ordinance authorized as to repair, closing, and demolition buildings or structures; order of public officer. Authority. – The governing body of the city may adopt and nonresidential buildings or structures that fail to meet min e, sanitation, and safety established by the governing body. The ses only conditions that are dangerous and injurious to public identify circumstances under which a public necessity exists for on of such buildings or structures. The ordinance shall provide that of a public officer to exercise the powers prescribed by with the procedures specified in this section. Such ordinate within the corporate limits of the eity-city and any properties (%) of the property's boundaries adjacent to the corporate limits secreising jurisdiction over pursuant to G.S. 153A-372.1 as of Massection of the property of the	with at least fifty sof that city that no uy 1, 2010."
	SECTION 2. This act shall apply only to the Town of Wingate.	



SECTION 3. This act becomes effective July 1, 2010, and expires on June 30,

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 2047 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF
WINGATE TO ADOPT AN ORDINANCE TO ENFORCE A MINIMUM COMMERCIAL
CODE ON PROPERTIES WITH AT LEAST FIFTY PERCENT OF THE PROPERTY'S
BOUNDARIES ADJACENT TO THE CORPORATE LIMITS OF THE TOWN.
☑ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY III.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

HOUSE PAGES

•	COMMITTEE LOLAL GOVT II DATE 6/9/2010
1. Name:	Torin Saccoccio Socochio
	wake
Sponsor:	Martin
2. Name:	Rodderick Mallory
	Halifar
Sponsor:	May
3. Name:	
County:	Berbira Ho
Sponsor:	Sosich Irvn
4. Name:	
County:	······································
Sponsor:	· · · · · · · · · · · · · · · · · · ·
5. Name:	
County: _	
Sponsor:	
,	SGT-AT-ARM Mike Maria
1. Name:	Val 2. de la
2. Name: _	Mike MARIN Ken Bourroughs Don M'Lennan
	LOW ITTLENNAN
4. Name:	

VISITOR REGISTRATION SHEET

COMMITTEE ON LOCAL GOVERNMENT II

June 9, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barr Smith	Feedon Navoyage
J & H0305	HANC
AmyHobbs	MWC
Dana Sinpson	Spin Aders
Maen Goff	Smith Anderson
Blet Who	SS
Ossi Hayer	NC Home Builders Asan
SHELO	WEHBA
Lisa Martin	NR Home Builders
" Whitney campbel	1 Jordan Price
•	I and the second se

VISITOR REGISTRATION SHEET

Name of Committee	Date	
COMMITTEE ON LOCAL GOVERNMENT II	June 9, 2010	

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
stoleystayus	5QS
Penny Guffer	School of Bor.
Kothan Jayce	NCASA
Julie Hochszturn	DST RSD
Bryan Gupton	DIWERA & TOWER
Josiah IIvin	Braxten Intern
June Gray	NCRLA
Kell 14 Da	PCLM
Sch allen	NMRS
J	

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 16, 2010

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR .
HB 1778	Brevard Academy/Retirement Election.	Representative Guice
HB 1856	Columbus County/Fire District Support Fees.	Representative Hill PCS
HB 1920	Brunswick Co. Economic Dev. Comm.	Representative Iler
	Membership.	Representative Hill
HB 1941	Increase Wilkesboro Firemen's Pension.	Representative Randleman
HB 1944	Bermuda Run Debt Collection/Gates & Fences.	Representative Howard
HB 1960	Graham Deannexation.	Representative Bordsen Representative Ingle
HB 2056 SB 1114	Abolish Rutherford County Coroner. Chapel Hill Energy Efficiency/Renewable.	Representative England, M.D. Pes Senator Kinnaird

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the follow 11 o'clock on June 15, 2009.	ving offices at
Principal Clerk Reading Clerk – House Chamber	

Barbara Hocutt (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE

2009-2010 SESSION

AND BILL SPONSOR NOTIFICATION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 16, 2010

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1778 ·	Brevard Academy/Retirement Election.	Representative Guice
HB 1856	Columbus County/Fire District Support	Representative Hill
	Fees.	
HB 1887	Carrboro Energy	Representative Insko
	Efficiency/Renewable.	Representative Faison
HB 1888	Chapel Hill Energy	Representative Insko
	Efficiency/Renewable.	Representative Faison
HB 1920	Brunswick Co. Economic Dev. Comm.	Representative Iler
	Membership.	Representative Hill
HB 1941	Increase Wilkesboro Firemen's	Representative Randleman
	Pension.	
HB 1960	Graham Deannexation.	Representative Bordsen
	•	Representative Ingle
HB 2056	Abolish Rutherford County Coroner.	Representative England, M.D.

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by the committee assistant at the following 12 o'clock on June 11, 2009.	g offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	·
Barbara Hocutt (Committee Assistant)	,

COMMITTEE ON LOCAL GOVERNMENT II

AGENDA June 16, 2010

[.	WELCOME	•	
II.	INTRODUCT	TIONS	
III.	BILLS		
House	Bill 1778	Brevard Academy/Retirement Election Refer to Pensions and Retirement	Rep. Guice
House	Bill 1856	Columbus County/Fire District Support Fees Refer to Finance	Rep. Hill
House	Bill 1920	Brunswick County Economic Development Commission Membership Refer to Commerce, Small Business and Entrepreneurship	Rep. Iler
House	Bill 1941	Increase Wilkesboro Firemen's Pension Refer to Pensions and Retirement	Rep. Randleman
House	Bill 1944	Bermuda Run Debt Collection/ Gates & Fences Refer to Finance	Rep. Howard
House	Bill 1960	Graham Deannexation Refer to Finance	Rep. Bordsen
House	Bill 2056	Abolish Rutherford County Coroner No referral	Rep. England
Senate	e Bill 1114	Chapel Hill Energy Efficiency/ Renewable. Refer to Energy and Energy Efficiency	Senator Kinnaird

COMMITTEE ON LOCAL GOVERNMENT II MEETING JUNE 16, 2010 MINUTES

The Committee on Local Government II met on June 19, 2010 at 11:05 a.m. Representative James H. Langdon, Jr., Vice Chair presided in the absence of Chairman Braxton. He introduced the Pages and the Sergeants. The Pages are: Katie Kimble of Wayne County sponsored by Representative Sager, Molly Casey of Wilkes County sponsored by Representative Randleman, Melissa Muse of Durham sponsored by Speaker Hackney, Micaela Percy of Wake County sponsored by Representative Stam and George Hoyle of Vance County sponsored by Representative Crawford. The Sergeants are: Trey Raley and Bob Rossi.

Representative Guice presented House Bill 1778, "AN ACT TO AUTHORIZE BREVARD ACADEMY, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES." Mark Trogdon and Stanley Moore of the Fiscal Research staff explained the bill. Representative Tucker moved a favorable report and a re-referral to the Committee on Pensions and Retirement. The motion was seconded and passed.

House Bill 1856 was temporarily displaced due to the absence of Representative Hill or a representative.

House Bill 1920, "AN ACT TO EXPAND THE MEMBESHIP OF THE RESOURCES DEVELOPMENT COMMITSSION OF BRUNSWICK COUNTY.", sponsored by Representative Iler. A favorable report with a re-referral to the Committee on Commerce, Small Business, and Entrepreneurship was moved by Representative Stam. The motion was seconded and passed.

Representative Randaleman, sponsor of House Bill 1941, "AN ACT TO INCREASE THE MONTHLY BENEFIT TO MEMBERS OF THE WILKESBORO FIREMEN'S SUPPLEMENTAL PENSION FUND.", explained the bill. Representative Floyd moved for a favorable report with a re-referral to the Committee on Pensions and Retirement. The motion was seconded and passed.

House Bill 1944, "AN ACT TO AUTHORIZE THE TOWN OF BERMUDA RUN TO ASSESS GATE OPERATION AND MAINTENANCE FEES AND TO PLACE LIENS ON REAL PROPERTY FOR UNPAID FEES THAT MAY BE COLLECTED AS DELINQUENT PROPERTY TAXES.", was presented by its sponsor, Representative Howard. In answer to Representative Lucas's question, Representative Howard said there was no local opposition to this measure. Representative Lucas moved a favorable report with a re-referral to the Committee on Finance.

Page 2 Loc. Gov. II June 16, 2010

House Bill 1960 is sponsored by Representatives Bordsen and Ingle who were both present. Representative Ingle presented the Proposed Committee Substitute to House Bill 1960 entitled, "AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GRAHAM." Representative Floyd moved the consideration of the Proposed Committee Substitute. The motion was seconded and passed. Representative Stam moved a favorable report as to the Committee Substitute, unfavorable as to the original bill and recommendation that the committee substitute be re-referred to the Committee on Finance. The motion was seconded and passed.

Representative England presented a Proposed Committee Substitute to House Bill 2056, AN ACT TO ABLOISH THE OFFICE OF CORONER IN RUTHERFORD COUNTY AT THE END OF THE CURRENT TERM." Representative Tucker moved consideration of the Proposed Committee Substitute. The motion was seconded and passed. The role of the County Corner in Rutherford County was described by Representative England. Representative Tucker moved a favorable report as the committee substitute bill, which changes the title, and unfavorable as to the original bill. The motion was seconded and passed.

In the absence of Senator Kinnaird, Representative Fisher presented the Senate Committee Substitute for Senate Bill 1114, "AN ACT EXEMPTING THE TOWNS OF CHAPEL HILL AND CARRBORO AND THE COUNTY OF MECKLENBURG FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, AND TO AUTHORIZE THE TOWNS OF CHAPEL AND CARRBORO AND MECKLENBURG COUNTY TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION." Representative Tucker moved consideration of the Proposed House Committee Substitute. The motion was seconded and passed. Senator Kinnaird arrived at the meeting and took part in the proceedings. During the discussion that ensued, Representative Braxton said the he would be comfortable with the limit of a dollar amount capping how much the pilot program can cost without requiring competitive bids. Representative Samuelson said she would agree to a sunset date on the bill of 5 years. Gerry Cohen of Bill drafting and committee staff offered information about competitive bidding laws enacted in the past. Representative Stam moved to amend the bill to set a sunset date of 3 years. The motion was seconded and passed. Representative Floyd moved a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the senate committee substitute bill and recommendation that the House committee substitute bill re re-referred to the Committee on Energy and Energy Efficiency.

Page 3 Loc. Gov. II June 16, 2010

The meeting was adjourned by Representative Langdon, Vice Chair at 11:43 a.m.

Representative R. Van Braxton Assistant

Barbara R. Hocutt, Committee

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

H

HOUSE BILL 1778*

Short Title: Brevard Academy/Retirement Election. (Public) Sponsors: Representative Guice. Referred to: Local Government II, if favorable, Pensions and Retirement.

May 19, 2010

A BILL TO BE ENTITLED 1 2 AN ACT TO AUTHORIZE BREVARD ACADEMY, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' 3 4 RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND 5

The General Assembly of North Carolina enacts:

STATE EMPLOYEES.

SECTION 1. Notwithstanding the time limitation contained in G.S. 135-5.3 and G.S. 135-45.5, the Board of Directors of Brevard Academy, a charter school located in Brevard, may elect to become a participating employer in the Teachers and State Employees Retirement System in accordance with Article 1 of Chapter 135 of the General Statutes and may also elect to become a participating employing unit in the State Health Plan for Teachers and State Employees in accordance with Article 3A of Chapter 135. The elections authorized by this act shall be made no later than 30 days after the effective date of this act and shall be made in accordance with all other requirements of G.S. 135-5.3 and G.S. 135-45.5.

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



6 7

8

9

10

11.

12

13

14

15



HOUSE BILL 1778: Brevard Academy/Retirement Election

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Tiouse Local Government II, it lavorat

Pensions and Retirement

Introduced by: Rep. Guice

Analysis of: First Edition

Date:

June 4, 2010

Prepared by: Bill Patterson

Committee Counsel

SUMMARY: House Bill 1778 authorizes participation by Brevard Academy in the Teachers' and State Employees' Retirement System and the State Health Plan for Teachers and State Employees if the Board of Directors of Brevard Academy elects to participate within thirty days from the effective date of the act.

[As introduced, this bill was identical to S1256, as introduced by Sen. Snow, which is currently in Senate Pensions & Retirement & Aging.]

CURRENT LAW:

G.S. 135-5.3 outlines provisions for charter schools operated by private nonprofit corporations to participate in the Teachers' and State Employees' Retirement System. G.S. 135-5.3(b) provides that no later than 30 days after the written charter has been signed, the board of directors of a charter school operated by a private nonprofit corporation shall elect whether to become a participating employer in the Teachers' and State Employees' Retirement System. The election shall be in writing and filed with the Retirement System and the State Board of Education and is effective for each charter school employee as of the date of that employee's entry into eligible service.

G.S. 135-45.5 outlines provisions for charter schools operated by private nonprofit corporations to participate in the State Health Plan for Teachers and State Employees. G.S. 135-45.5(b) provides that no later than 30 days after the written charter has been signed, the board of directors of a charter school operated by a private nonprofit corporation shall elect whether to become a participating employer in the Plan. The election shall be in writing and filed with the Executive Administrator, the Board of Trustees, and the State Board of Education and is effective for each charter school employee as of the date of that employee's entry into eligible service.

BILL ANALYSIS:

House Bill 1778 allows the Board of Directors of the Brevard Academy to elect to participate in the Retirement System and the State Health Plan for Teachers and State Employees notwithstanding the time limitation contained in G.S. 135-5.3 and G.S. 135-45.5. Under the bill, the election to participate by Brevard Academy's Board of Directors must be made within 30 days of the effective date of the act.

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

BACKGROUND: Brevard Academy is a charter school located in Transylvania County that was approved and opened in 1998.

H1778-SMTG-79(e1) vI

Theresa Matula, counsel to Senate Pensions & Retirement & Aging, substantially contributed to this summary.

HEALTH BENEFITS

BILL NUMBER:

House Bill 1778 (First Edition)

SHORT TITLE:

Brevard Academy/Retirement Election.

SPONSOR(S):

Representative Guice

SYSTEM OR PROGRAM AFFECTED: State Health Plan for Teachers and State Employees (Plan).

FUNDS AFFECTED: State General Fund, State Highway Fund, other State employer receipts; premium payments for dependents of active employees and retired employees of State agencies and universities, local public schools and local community colleges; premium payments for coverages selected by eligible former employees; premium payments for coverages selected by firefighters, rescue squad workers, members of the National Guard, and certain authorized local governments.

BILL SUMMARY: House Bill 1778 (First Edition) permits the Boards of Directors of Brevard Academy, a public charter school, to become a participating employer under the Plan within 30 days after the act becomes law. Under G.S. 135-45.5, an election to join the Plan by the board of a charter school is irrevocable and shall require all eligible employees of the charter school to participate.

EFFECTIVE DATE: When it becomes law.

ESTIMATED IMPACT ON STATE:

The consulting actuary for the State Health Plan for Teachers and State Employees, Aon Consulting, estimates a financial loss to the Plan of \$44,340 for FY 2010-2011 if Brevard Academy school elects to participate in the Plan. Aon Consulting noted that by solely comparing the Plan's current plan member demographic data and the school's submitted employee and dependent demographic data, an estimated 7% less in claims, on average, could be expected from the school's group as compared to the Plan's covered group. However, without historical claims experience data from the school, Aon Consulting notes that there is no basis to determine the potential for adverse selection by the school's group against the Plan and thereby possibly increase the risk of higher claims costs to the Plan. Therefore, for the purposes of estimating the school's potential cost impact to the Plan, Aon Consulting assumed the school's claims would be greater on average due to adverse selection with a projected loss ratio of 151% of claims to premiums.

Hartman & Associates, consulting actuary for the General Assembly's Fiscal Research Division, estimates that the financial impact on the Plan would not be material upon Brevard Academy electing to participate in the Plan. Hartman and Associates noted that the employee and dependent demographics of the school's group compare similarly to current plan member demographics for the Plan, and that given the minimal number of prospective employees to be enrolled, there is not expected to be a significant financial impact as a percent of total claims. Hartman & Associates, however, also noted the lack of historical claims experience from which to make a more accurate estimate of impact.



The additional cost impact of the bill, projected by either consulting actuary, would be expected to impact total claims growth by approximately two thousandths of one percent (0.002%) for the 2010-2011 fiscal year based on the highest estimate of additional cost (i.e., \$44,340).

ASSUMPTIONS AND METHODOLOGY: The actuarial analyses used by each respective consulting actuary are on file with the Fiscal Research Division. Copies of each respective consulting actuary's analysis, including assumptions, are also attached to the original copy of this Legislative Actuarial note.

<u>Authorized Charter Schools</u>: As of December 2009, there are 54 charter schools with 3,286 enrolled active employees and dependents participating in the Plan.

<u>Data submitted by the School</u>: Aon Consulting and Hartman and Associates based their respective analyses in part on a distribution of participant schedule submitted by the School. The schedule below reflects the age and sex demographic data for employees and dependents of the school. The School was not able to provide claims experience data due to a prohibition by their incumbent carrier releasing claims information on groups smaller than 25 participants.

Distribution	of Particip	oants - Bre	vard Acad	lemy							<u> </u>	
	Acti	ve Employe	es	Dependent	s of Active	Employees	Ret	ired Employ	/ees	Depender	ts of Retired I	Employees
<u>Ages</u>	Male	Female	Total	Male			Male					
0-4			0			0			0			Ó
5-9			0	1		. 1			0		1	0
10-14			0.	1	1	2			0			C
15-19			0			0		Ì	0			0
20-24		1	1			0			0			1 0
25-29		3	3		***************************************	0			0		İ	0
30-34	1	2	3			0			0			0
35-39		1	1			0			0			0
40-44		. 3	3	1		1			0			0
45-49		2	2			0			0			0
50-54		1	. 1			0			0			0
55-59		2	2			0			0			0
60-64		1	1			0			0			0
65-69			0			0			0			0
70-74			0			0			0			0
75-79			0			0		-	0			0
>79	l		0			0			0			0
Unknown			0			0			. 0			0
TOTAL	1	16	17	3	1	4	0	0	0	· 0	. 0	

Summary Information and Data about the Plan

The Plan administers health benefit coverage for active employees from employing units of State agencies and departments, universities, local public schools, and local community colleges. Eligible retired employees of authorized employing units may also access health benefit coverage under the Plan. Eligible dependents of active and retired employees are authorized to participate in the Plan provided they meet certain requirements. Employees and retired employees of selected local governments may also participate in the Plan under certain conditions. Members of fire, rescue squads, and the National Guard may also obtain coverage under the Plan provided they meet certain eligibility criteria.

As of <u>July 1, 2009</u>, the State finances the Plan on a self-funded basis and administers benefit coverage under a Preferred Provider Option (PPO) arrangement. The Plan's receipts are derived through premium contributions, investment earnings and other receipts. Premiums for health benefit coverage are paid by (1) employing agencies for active employees, (2) the Retiree Health Benefit Fund for retired employees, and (3) employees and retirees who elect dependent coverage. Total *revised* requirements for the Plan are



estimated to be \$2.55 billion for FY 2009-10 and \$2.74 billion for FY 2010-11. The Plan's PPO benefit design includes two alternative benefit levels listed below:

- 1) The "Basic" 70/30 plan that offers higher out-of pocket requirements in return for lower fully contributory dependent premiums; and
- 2) The "Standard" 80/20 plan.

The Basic and Standard plans offer coverage to employees and retired employees on a noncontributory basis. Coverage for dependents under both plans is offered on a fully contributory basis.

Financial Condition

Revised Financial Projection 2009-11 Biennium – The following summarizes a revised financial projection be conducted by the Plan's consulting actuary, Aon Consulting, for the 2009-11 biennium. The information is provided by fiscal year based on year-to-date financial experience (through March 2010) and other updated factors.

For the fiscal year beginning July 1, 2009, the Plan began its operations with a beginning cash balance of \$189.9 million. Receipts for the year are projected to be \$2.41 billion from net premium collections, \$74.4 million from Medicare Part D subsidies, and \$3.4 million from investment earnings for a total of approximately \$2.49 billion in receipt income for the year. Projected disbursements from the Plan are expected to be \$2.39 billion in net claim-payment expenses and \$164.1 million in administration and claims-processing expenses for projected total expenses of nearly \$2.55 billion for FY 2009-10. The Plan's net operating loss is projected to be approximately \$66.3 million for the fiscal year, assuming a 9% annual claims growth trend and an annual premium increase of 8.9% effective July 1, 2009.

For the fiscal year beginning July 1, 2010, the Plan is projected to begin its operations with a beginning cash balance of \$123.6 million. Receipts for the year are projected to be \$2.68 billion from net premium collections, \$56.1 million from Medicare Part D subsidies, and \$2.7 million from investment earnings for a total of approximately \$2.73 billion in receipt income for the year. Projected disbursements from the Plan are expected to be \$2.55 billion in net claim-payment expenses and \$191.7 million in administration and claims-processing expenses for projected total expenses of nearly \$2.74 billion for FY 2010-11. The Plan's net operating loss is projected to be approximately \$7.1 million for the fiscal year, assuming a 9% annual claims growth trend and an annual premium increase of 8.9% effective July 1, 2010.

Based on the revised financial projection (May 2010), the Plan's estimated ending cash balance on June 30, 2011 is projected to be \$116.5 million. This amount is approximately \$75.7 million less than the originally projected (April 2009) ending cash balance of \$192.2 million.

Original Financial Projection 2009-11 Biennium (April 2009) – Session Law 2009-16 (Senate Bill 287) appropriated funds from various sources, authorized annual premium rate increases, made various benefit and provider related changes to achieve financial savings, and directed other various changes to the Plan. The enacted law also appropriated the sum of \$250 million from the Savings Reserve Account ("Rainy Day Fund") of the General Fund for the 2008-09 fiscal year. The following summarizes the original financial projection conducted by the Plan's consulting actuary, Aon Consulting, for the 2009-11 biennium The following summarizes the original financial projection by fiscal year for the 2009-11 biennium and assumes the changes enacted in Session Law 2009-16 (Senate Bill 287).

For the fiscal year beginning July 1, 2009, the Plan was projected to begin its operations with a beginning cash balance of \$146.9 million. Receipts for the year were projected to be \$2.4 billion from net premium collections, \$56.3 million from Medicare Part D subsidies, and \$8.0 million from investment earnings for a total of approximately \$2.5 billion in receipt income for the year. Projected disbursements from the Plan were expected to be \$2.3 billion in net claim-payment expenses and \$185.6 million in administration and claims-processing expenses for projected total expenses of nearly \$2.5 billion for FY 2009-10. The Plan's net operating income was projected to be approximately \$14.8 million for the fiscal year, assuming a 9% annual claims growth trend and an annual premium increase of 8.9% effective July 1, 2009.

For the fiscal year beginning July 1, 2010, the Plan was projected to begin its operations with a beginning cash balance of \$161.6 million. Receipts for the year were projected to be \$2.7 billion from net premium collections, \$50.4 million from Medicare Part D subsidies, and \$8.8 million from investment earnings for a total of approximately \$2.7 billion in receipt income for the year. Projected disbursements from the Plan were expected to be \$2.5 billion in net claim-payment expenses and \$191.7 million in administration and claims-processing expenses for projected total expenses of nearly \$2.7 billion for FY 2010-11. The Plan's net operating income was projected to be approximately \$30.6 million for the fiscal year, assuming a 9% annual claims growth trend and an annual premium increase of 8.9% effective July 1, 2010.

Other Information

Historically, the Plan has applied a premium increase in October of the first fiscal year of a biennium. However, the annual premium increases authorized in Session Law 2009-16 (Senate Bill 287) changes that methodology to an annual increase at the beginning of each fiscal year of the 2009-11 biennium.

Additional assumptions include Medicare benefit "carve-outs," cost containment strategies including prior approval for certain medical services, utilization of the "Blue Options" provider network, case and disease management for selected medical conditions, mental health case management, coordination of benefits with other payers, a prescription drug benefit manager with manufacturer rebates from formularies, and fraud detection, and other authorized actions by the Executive Administrator and Board of Trustees to manage the Plan to maintain and improve the Plan's operation and financial condition where possible. Claim cost trends are expected to increase at a rate of 9% annually according to the Plan's consulting actuary. Investment earnings are based upon a 4.5% return on available cash balances.



- Enrollment as of December 31, 2009

	•			Percent
No. of Participants	Basic	Standard "	Total	of Total
Actives	•			
Employees	13,830	307,541	321,371	48.6%
Dependents	24,593	135,563	160,156	24.2%
Sub-total	38,423	443,104	481,527	72.8%
Retired				
Employees	2,074	151,395	153,469	23.2%
Dependents .	1,313	18,075	19,388	2.9%
Sub-total	3,387	169,470	172,857	26.1%
Former Employees with				
Continuation Coverage				•
Employees	121	3,120	3,241	0.5%
Dependents	87	749	836	0.1%
Sub-total	208	3,869	4,077	0.6%
Firefighters, Rescue Squad &				•
National Guard	•	`		
Employees		5	5	0.0%
Dependents	-	. 3	3	0.0%
Sub-total	-	8	8	0.0%
Local Governments				
Employees	· 91	1,829	1,920	. 0.3%
Dependents	174	777	951	0.1%
Sub-total	. 265	2,606	2,871	0.4%
<u>Total</u>				
Employees	16,116	463,885	480,001	72.6%
Dependents	26,167	155,164	181,331	27.4%
Grand Total	42,283	619,049	661,332	100%
Percent of Total	6.4%	93.6%	100.0%	•

II.	Enrollment by Contract	Basic ·	Standard	Total
	Employee Only	3,252	378,539	381,791
_	Employee Child(ren)	6,026	43,820	49,846
	Employee Spouse	2,550	21,785	24,335
	Employee Family	4,288	19,741	24,029
	Total	16,116	463,885	480,001
	Percent Enrollment by Contract	Basic	Standard-	Total
٠.	Employee Only	20.2%	81.6%	79.5%
	Employee Child(ren)	37.4%	9.4%	10.4%
	Employee Spouse	15.8%	4.7%	5.1%
	Employee Family	26.6%	4.3%	5.0%
	Total	100.0%	100.0%	100.0%
	Enrollment by Sex	Basic	Standard	Total
	Female	22,479	390,209	412,688
	Male	19,804	228,840	248,644
	Total	42,283	619,049	661,332
,	•			
	Percent Enrollment by Sex	Basic	Standard	Total
	Female	53.2%	63.0%	62.4%
	Male	46.8%	37.0%	37.6%
	Total	100.0%	100.0%	100.0%
IV.	Enrollment by Age	Basic	Standard	Total
	19 & Under	17,315	95,431	112,746
	20 to 29	3,311	57,142	60,453
	30 to 44	9,555	120,292	129,847
	45 to 54	6,455	108,447	114,902
9	55 to 64	4,090	128,933	133,023
_(65 & Over	1,557	108,804	110,361
- -	Total	42,283	619,049	661,332
]	Percent Enrollment by Age	Basic	Standard	Total
	19 & Under	41.0%	15.4%	17.0%
	20 to 29	7.8%	9.2%	9.1%
•	30 to 44	22.6%	19.4%	19.6%
4	45 to 54	15.3%	17.5%	17.4%
4	55 to 64	9.7%	20.8%	20.1%
(55 & Over .	3.7%	17.6%	16.7%
_				

Retiree Enrollment by Category	Employee	Dependents	Total
Non-Medicare Eligible	51,747	11,879	63,626
Medicare Eligible	101,722	7,509	109,231
Total	153,469	19,388	172,857
. Enrollment By Major Employer Groups	Employees	Dependents	Total
State Agencies	75,367	34,645	110,012
UNC System	50,106	29,726	79,832
Local Public Schools	181,270	88,258	269,528
Local Community Colleges	14,623	7,524	22,147
Other	•		
Local Goverments	1,920	951	2,871
COBRA	3,241	836	4,077
Nat. Guard, Fire & Rescue	5	3	8
Sub-total .	5,166	1,790	6,956
Retirement System	153,469	19,388	172,857
Total	480,001	181,331	661,332
Percent Enrollment by Major Employer Groups	Employees	Dependents	Total
State Agencies	15.7%	19.1%	16.6%
UNC System	10.4%	16.4%	12.1%
Local Public Schools	37.8%	. 48.7%	40.8%
Local Community Colleges	3.0%	4.1%	3.3%
Other			
Local Goverments	0.4%	0.5%	0.4%
COBRA	0.7%	0.5%	0.6%
Nat. Guard, Fire & Rescue	0.0%	0.0%	0.0%
Sub-total	1.1%	1.0%	1.1%
	Ø.		26 10/
Retirement System	32.0%	10.7%	26.1%

SOURCES OF DATA:

-Actuarial Note, Hartman & Associates, "House Bill 1778: An Act to Authorize and Existing Charter School to Elect to Participate in the State Health Plan for Teachers and State Employees", May 25, 2010, an original of which is on file in the General Assembly's Fiscal Research Division.

-Actuarial Note, Aon Consulting, "House Bill 1778 [v.0] Brevard Academy/State Health Plan", June 4, 2010, an original of which is on file with the State Health Plan for Teachers and State Employees and the General Assembly's Fiscal Research Division.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Mark Trogdon

APPROVED BY: Marilyn Chism, Director

Fiscal Research Division

DATE: June 14, 2010

Official
Fiscal Research Division
Publication

Signed Copy Located in the NCGA Principal Clerk's Offices

NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES

HOUSE BILL 1778

BREVARD ACADEMY/ STATE HEALTH PLAN

Prepared by:

11

Aon Consulting One Piedmont Center 3565 Piedmont Road, N.E. Atlanta, Georgia 30305

June 2010

PRICING APPROACH AND COMMENTS

The following information was compiled and utilized in determining the projected costs or saving each benefit component addressed in this actuarial note:

- A census report was received from Fiscal Research that shows a distribution of the Brevard
 Academy dependents and retirees by age and gender. The membership levels were
 compared to those in the State Health Plan. The results showed that the Brevard Academy
 members would produces claims that were 7% less than those expected by the average
 SHP membership. These calculations were based solely on the submitted age and sex
 distributions and have no relationship to the actual claims experience of the Brevard
 Academy members.
- The only additional cost to the plan for covering these employees would be the cost of any
 excess risk for these members. That would result in potential losses to the plan, where
 claims and expenses exceed collected premiums.
- No experience data was received for Brevard Academy. If this group, currently not
 participating in the State Health Plan, is made eligible, it is very likely that the group will
 have "adverse selection". Claims factors for these types of risk typically range from 125200% of expected Plan costs, with some instances being as high as 300%. With a 150%
 assumed adverse selection, in combination with a 93% age/sex factor, we would expect a
 loss ratio of 140%. Adding expenses would put the loss ratio at approximately 151%.
- There are currently 17 employees and retirees participating in the Brevard Academy Plan. Assuming the same membership patterns as current, we would expect 21 total members. With an average cost of \$4,140 per member, we expect a cost of 21 x \$4,140 x 51% or about \$44,340. Due to the size of this group, varied assumptions would have negligib' impact on the plan.

HARTMAN & ASSOCIATES, LLC

ACTUARIAL CONSULTING

MARK V. HARTMAN, FSA, MAAA, MCA, EA

hartman@triad.rr.com

ne: (336) 731-4038

668 Link Road Lexington, NC 27295

May 25, 2010

Mr. Mark Trogdon Fiscal Research Division North Carolina General Assembly 300 N. Salisbury Street Raleigh, NC 27603-5925

Re:

House Bill 1778: An Act to Authorize an Existing Charter School to Elect to Participate in the State Health Plan for Teachers and State Employees

Dear Mr. Trogdon:

This bill provides an opportunity for one existing charter school, Brevard Academy, to elect to participate in the North Carolina State Health Plan for Teachers and State Employees. Currently, G.S. 135-45.5 provides that the Board of Directors of each charter school must make an irrevocable election to join the Plan, and if elected, all employees of the charter school are required to participate. The election must be made within 30 days after the date the charter is signed. This bill would provide an additional opportunity for this specific school to elect to participate in the Plan if the election is made no later than 30 days after the effective date of this act. This act is effective when it becomes law.

The charter school employees would be subject to the same benefit provisions and contribution rates as current Plan members. I reviewed the census data for 17 active employees and 4 dependents of the school. The demographics show similar expected costs to those under the Plan. We do not have prior claims experience of this group to compare to Plan experience. However, given the number of potential members and the demographic data, I do not expect this bill to have a material impact on the Plan.

If you have any questions, let me know.

Sincerely,

Mark V. Hartman, FSA, MAAA, FCA, EA Consulting Actuary

MVH/mt .

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:	•
By Representative Braxton (Chair) for the Committee on LOCAL GO	VERNMENT II.
Committee Substitute for	
HB 1778 A BILL TO BE ENTITLED AN ACT TO AUTHOR	IZE BREVARD
ACADEMY, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTIC	
TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND T	THE STATE
HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.	
With a favorable report and recommendation that the bill be re-referred to PENSIONS AND RETIREMENT.	the Committee on
(FOR JOURNAL USE ONLY)	
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Comm	nittee on
The bill/resolution is re-referred to the Committee on	

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

Н

1

3

9 10 11

12

Short Title:

HOUSE BILL 1920

Brunswick Co. Economic Dev. Comm. Membership.

1

(Local)

Sponsors: Representatives Iler, Hill (Primary Sponsors); and Hughes.			
Referred to:	Local Government II, if favorable, Commerce, Small Entrepreneurship.	l Business, and	
	May 24, 2010		
COMMIST The General ASI Brunswick County, estal expanded by County. Each other appoint SI	A BILL TO BE ENTITLED O EXPAND THE MEMBERSHIP OF THE RESOURCES SSION OF BRUNSWICK COUNTY. Assembly of North Carolina enacts: ECTION 1. The membership of the Resources Development County, also known as the Economic Development Commiss ablished by Section 10 of S.L. 1961-268, as amended by the appointment of up to three additional at-large members h of these additional members shall qualify for service in the s tments to the Commission. ECTION 2. This act applies to Brunswick County only. ECTION 3. This act is effective when it becomes law.	nt Commission of ion of Brunswick S.L. 1985-904, is from Brunswick	





HOUSE BILL 1920: Brunswick Co. Economic Dev. Comm. Membership

Committee:

House Local Government II, if favorable,

Date: June 16, 2010

Commerce, Small Business, and

Entrepreneurship

Introduced by: Reps. Il

Analysis of: Fir

Reps. Iler, Hill First Edition

Prepared by: Denise Huntley Adams

Committee Staff Erika Churchill

Committee Co-counsel

SUMMARY: House Bill 1920 expands the membership of the Economic Development Commission of Brunswick County by up to three additional at-large members from Brunswick County.

CURRENT LAW: Under current law, the Economic Development Commission of Brunswick County is composed of 11 bipartisan members appointed by the Brunswick County Board of Commissioners in the following manner:

- Two from each of the five electoral districts for county commissioners.
- One from Brunswick County at large.

BILL ANALYSIS: House Bill 1920 provides that the membership of the Economic Development ommission of Brunswick County may be expanded by up to three additional at-large members from _runswick County.

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

H1920-SMTB-15(e1) v1

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1920 A BILL TO BE ENTITLED AN ACT TO EXPAND THE
MEMBERSHIP OF THE RESOURCES DEVELOPMENT COMMISSION OF BRUNSWICK
COUNTY.
With a favorable report and recommendation that the bill be re-referred to the Committee on COMMERCE, SMALL BUSINESS, AND ENTREPRENEURSHIP.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

2

HOUSE BILL 1941* Corrected Copy 5/26/10

Short Title:	Increase Wilkesboro Firemen's Pension.	(Local)
Sponsors:	Representative Randleman.	
Referred to:	Local Government II, if favorable, Pensions and Retirement.	

May 25, 2010

1 2

3

4 5

6

7 8

9

10

11

12 13

14

15 16

17

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MONTHLY BENEFIT TO MEMBERS OF THE WILKESBORO FIREMEN'S SUPPLEMENTAL PENSION FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of Chapter 131 of the 1985 Session Laws, as amended by Section 1 of S.L. 1999-56, reads as rewritten:

"Sec. 4. Any member who has served 20 years as a fireman in the Wilkesboro Fire Department and has attained the age of 55 or who has served for five or more years and has become totally and permanently disabled is entitled to receive a monthly pension from the "Supplemental Pension Fund". This monthly pension shall be in the amount of one hundred dollars (\$100.00) per month. equal to the monthly pension amount paid by the North Carolina Firemen's and Rescue Squad Workers' Pension Fund under G.S. 58-86-55 and shall be adjusted to match that State pension amount whenever that amount is amended. If, for any reason, the Fund shall be insufficient to pay in full any pension benefits, or other charges, then all benefits shall be reduced pro rata for as long as the deficiency in amount exists. No claim shall accrue with respect to any amount by which a benefit payment shall have been reduced."

SECTION 2. This act becomes effective July 1, 2010.





NORTH CAROLINA GENERAL ASSEMBLY

Legislative Services Office

George R. Hall, Legislative Services Officer

! Research Division
J. Salisbury Street, Suite 619
Raleigh, NC 27603-5925
Tcl. 919-733-4910 Fax 919-715-3589

Marilyn Chism, Director

May 26, 2010

Representative Shirley Randleman Legislative Building, Room 1025 Raleigh, North Carolina 27603

Re: Actuarial/Fiscal Note for House Bill 1941 (Wilkesboro Firemen's Supplemental Pension Fund)

Dear Representative Randleman:

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, we hereby submit an Actuarial/Fiscal Note on the following: The present law provides that any member who has served 20 years as a fireman with the Town of Wilkesboro and has reached age 55 is entitled to receive a monthly benefit of \$100.00 from the Town of Wilkesboro Supplemental Pension Fund. The proposed change will increase the monthly benefit to an amount equal to the monthly benefit paid from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund and will be adjusted at any time that that amount is changed in the future.

A reliable estimate of the financial and actuarial effects of the foregoing proposal is as follows: The Town of Wilkesboro Supplemental Pension Fund is financed by the transfer of funds including investment income in excess of \$5,000 from the Firemen's Relief Fund of the Town of Wilkesboro on an annual money-purchase basis. Since the total amount of benefits payable from the Fund each year is limited to the amount of its assets, the Fund is supported on a pay-as-you-go basis. The bill prohibits the Fund from incurring any additional liability unless sufficient assets are available to pay the liability.

Actuarial Endorsement:

Mark Hartman
Consulting Actuary
Lexington, North Carolina

Sincerely,

Stanley Moore

Fiscal Analyst

Fiscal Research Division



NORTH CAROLINA GENERAL ASSEMBLY

Legislative Services Office

George R. Hall, Legislative Services Officer

Fiscal Research Division
300 N. Salisbury Street, Suite 619
Raleigh, NC 27603-5925
Tel. 919-733-4910 Fax 919-715-3589

Marilyn Chism
Director

May 26, 2010

MEMORANDUM

TO:

Representative Shirley Randleman

FROM:

Stanley Moore

Fiscal Research Division

SUBJECT:

Actuarial/Fiscal Note for House Bill 1941 on the Wilkesboro Firemen's

Supplemental Pension Fund

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, attached is a copy of an original actuarial/fiscal note on the above subject as prepared by the General Assembly's Consulting Actuary and this Division.

cc:

Representative Russell Tucker

House Principal Clerk

Attachment(s):

- (1) Legislative Actuarial Note
- (2) Actuarial Note. Hartman & Associates



HOUSE BILL 1941: Increase Wilkesboro Firemen's Pension

2009-2010 General Assembly

Committee:

House Local Government II, if favorable,

Date:

June 16, 2010

Pensions and Retirement

Introduced by: Rep. Randleman

Prepared by: Brad Krehely

Analysis of: Second Edition Committee Co-Counsel

SUMMARY: House Bill 1941 is a local act that would increase the monthly benefit to members of the Wilkesboro Firemen's Supplemental Pension Fund.

[As introduced, this bill was identical to S1356, as introduced by Sen. Goss, which is currently in Senate Pensions & Retirement & Aging.l

CURRENT LAW:

Wilkesboro Firemen's Supplemental Pension Fund ("Supplemental Pension Fund")

Any member (1) who has served 20 years as a fireman in the Wilkesboro Fire Department and has attained the age of 55 or (2) who has served for 5 or more years and has become totally and permanently disabled is entitled to receive a pension of \$100 per month from the fund. If, for any reason, the Supplemental Pension Fund is unable to pay any pension benefits or other charges, then all benefits just be reduced pro rata for as long as the deficiency exists. No claim accrues simply because a benefit syment has been reduced.

North Carolina Firemen's and Rescue Squad Workers' Pension Fund ("State Pension")

Any member who (1) has served 20 years as an eligible fireman or eligible rescue squad worker and (2) has attained age 55 is entitled to a pension of \$170 per month from the fund. A member who is totally and permanently disabled while in the discharge of official duties and who leaves the fire or rescue squad service because of this disability is entitled to a benefit of \$170 per month. The benefit begins the first month after the member's 55th birthday.

BILL ANALYSIS: House Bill 1941 changes the amount of the pension in the Supplemental Pension Fund from \$100 per month to an amount equal to the pension paid by the State Pension (currently \$170 per month). It also provides that the pension in the Supplemental Pension Fund must be adjusted to match the State Pension whenever the State Pension is changed.

EFFECTIVE DATE: This act becomes effective July 1, 2010.

H1941-SMRN-119(e2) v5

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1941 A BILL TO BE ENTITLED AN ACT TO INCREASE THE
MONTHLY BENEFIT TO MEMBERS OF THE WILKESBORO FIREMEN'S
SUPPLEMENTAL PENSION FUND.
With a favorable report and recommendation that the bill be re-referred to the Committee on PENSIONS AND RETIREMENT.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H

HOUSE BILL 1944

Short Title: Bermuda Run Debt Collection/Gates & Fences. (Local)

Sponsors: Representative Howard.

Referred to: Local Government II, if favorable, Finance.

May 25, 2010

1 2

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE TOWN OF BERMUDA RUN TO ASSESS GATE OPERATION AND MAINTENANCE FEES AND TO PLACE LIENS ON REAL PROPERTY FOR UNPAID FEES THAT MAY BE COLLECTED AS DELINQUENT PROPERTY TAXES.

The General Assembly of North Carolina enacts:

 SECTION 1. The Town of Bermuda Run shall have the authority to assess a fee for the costs of gate operations and fence maintenance on all real property situated in the area of the town which is zoned Club Residential. The fee shall be established annually and incorporated into the local budget ordinance.

 SECTION 2. A fee assessed under this act shall be a lien on the real property on which it has been assessed as of the date of the billing of the fee and shall be collected as delinquent property taxes. However, the lien shall not be enforced under the collection methods set out in the Machinery Act of North Carolina until such time as the fee remains unpaid for a period of 30 days from the date of its initial billing.

SECTION 3. This act is effective when it becomes law. Any unpaid fees previously billed by the Town of Bermuda Run for gate operations and fence maintenance shall be a lien on the real property on which the fees were assessed as of the effective date of this act and may be enforced under the provisions of this act no sooner than 30 days after the date this act becomes law.





HOUSE BILL 1944: Bermuda Run Debt Collection/Gates & Fences

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

June 16, 2010

Finance

First Edition

Introduced by: Rep. Howard

Prepared by: Brad Krehely

Committee Co-Counsel

SUMMARY: House Bill 1944 is a local act that would authorize the Town of Bermuda Run to assess gate operation and maintenance fees and to place liens on real property for unpaid fees that may be collected as delinquent property taxes.

BILL ANALYSIS:

Analysis of:

Section 1 permits the Town of Bermuda Run to assess a fee for the costs of gate operations and fence maintenance on all real property situated in the area that is zoned Club Residential. The fee must be established annually and incorporated into the local budget ordinance.

Section 2 provides that a fee assessed under this act shall be a lien on the real property on which it has been assessed as of the date of the billing of the fee and shall be collected as delinquent property taxes. The lien must not be enforced under collection methods until the fee remains unpaid for 30 days from the date of its initial billing.

EFFECTIVE DATE: This act is effective when it becomes law. Any unpaid fees previously billed by the Town of Bermuda Run for gate operations and fence maintenance will be a lien on the real property on which the fees were assessed as of the effective date of this act and may be enforced under the provisions of this act no sooner than 30 days after the date this act becomes law.

BACKGROUND: The Town of Bermuda Run was incorporated ten years ago. It currently collects a monthly fee from property owners who either reside in or own property within gated residential neighborhoods in the Town. The fee is applied toward the cost of gate operations and fence maintenance. Some people who are required to pay the fee have not done so. This local act would place a lien on the properties of individuals who refuse to pay the assessment. On March 9, 2010, the Town of

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented.	
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.	
Committee Substitute for	_
HB 1944 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN	
OF BERMUDA RUN TO ASSESS GATE OPERATION AND MAINTENANCE FEES AND	
TO PLACE LIENS ON REAL PROPERTY FOR UNPAID FEES THAT MAY BE	
COLLECTED AS DELINQUENT PROPERTY TAXES.	•
With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.	
(FOR JOURNAL USE ONLY)	
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on	
The bill/resolution is re-referred to the Committee on	



HOUSE BILL 1960: Graham Deannexation

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Date:

June 16, 2010

Finance

Introduced by: Reps. Bordsen, Ingle

Prepared by: Brad Krehely

Analysis of:

PCS to First Edition

Committee Co-Counsel

H1960-CSLBx-86

SUMMARY: House Bill 1960 would remove the property described in the bill from the corporate limits of the City of Graham. The Proposed Committee Substitute (PCS) adds AREA 4 to the bill (beginning on page 3, line 28) and changes the effective date to June 30, 2010.

[As introduced, this bill was identical to S1389, as introduced by Sen. Foriest, which is currently in Senate Finance.]

CURRENT LAW: Additions to the jurisdiction of a city are made by annexation. The procedure by which a city annexes property and thereby expands its corporate limits is set out in the General Statutes and does not require an act of the General Assembly. Deannexation, the removal of property from a city's jurisdiction, requires a specific act of the General Assembly.

BILL ANALYSIS: The PCS to House Bill 1960 would remove the property described in the bill from the corporate limits of the City of Graham.

FFECTIVE DATE: This act becomes effective June 30, 2010.

BACKGROUND: A developer planned to build 800 homes in two subdivisions on the property described in the bill. Accordingly, the City of Graham annexed the area. Economic conditions changed, and 800 homes were not built. Currently, some of the land is owned by a bank, and some of the land is owned by the original owners. The City of Graham requested that the General Assembly deannex the property.

H1960-SMRN-121(CSLBx-86) v6

H

HOUSE BILL 1960*

Short Title: Graham Deannexation. (Local)

Sponsors: Representatives Bordsen and Ingle (Primary Sponsors).

Referred to: Local Government II, if favorable, Finance.

May 25, 2010

1 2

3

4

5 6

7

8

9

10 11

12

13

14 15

16 17

18

19

20

21 22

23

24

2526

27

28 29

30

31

32

33 34

35

36

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GRAHAM.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Graham:

AREA #1.

Beginning at a point in the center of Jim Minor Road S.R. # 2135, said point also being the Southwestern most corner of Micheal and Carolyn White Trustee as recorded in Deed Book 1035 page 0627, thence with the center of Jim Minor Road S.R. # 2135 North 72 degrees 18 minutes 50 seconds West distance being 185.39 feet to a point, thence North 68 degrees 14 minutes 46 seconds West distance being 409.29 feet to a point in the Southeastern most corner of John A. and wife Darleen J. Church as recorded in Deed Book 1314 page 0633, thence with the Eastern line of said John A., and wife Darleen J. Church as recorded in Deed Book 1314 page 0633 North 22 degrees. 03 minutes. 52 seconds. East distance being 280.21 feet to a point, thence North 09 degrees. 43 minutes. 57 seconds. East distance being 206.98 feet to a point, thence North 81 degrees. 19 minutes. 26 seconds. West distance being 341.40 feet to a point, thence South 08 degrees. 19 minutes. 20 seconds. West distance being 414.51 feet to a point in the center of Jim Minor Road SR# 2135, thence with the centerline of Jim Minor Road SR 2135 North 66 degrees. 48 minutes. 50 seconds. West distance being 247.45 feet to a point, thence North 74 degrees. 31 minutes. 12 seconds. West distance being 138.49 feet to a point, thence North 85 degrees. 00 minutes. 47 seconds. West distance being 142.54 feet to a point, thence South 85 degrees. 22 minutes. 32 seconds. West distance being 153.88 feet to a point, thence South 81 degrees. 25 minutes. 01 second West distance being 694.17 feet to a point, said point being the Southeastern most corner of Ralph H. Scott III and wife Heide W. Scott as recorded in Deed Book 0669 page 0778, thence with the Eastern line of said Ralph H. Scott III and wife Heide W. Scott as recorded in Deed Book 0669 page 0778 North 31 degrees. 45 minutes. 59 seconds. West distance being 924.92 feet to a point, thence with the Northern line of Ralph H. Scott III and wife Heide W. Scott as recorded in Deed Book 0669 page 0778 South 63 degrees. 01 minute. 41 seconds. West distance being 747.98 feet to a point, said point being on the Eastern line Jack A. Shrader and Reva A. as recorded in Deed Book 0719 page 0086, thence North 11 degrees. 03 minutes. 52 seconds. West distance being 311.99 feet to a point, thence North 24 degrees. 35 minutes. 17 seconds. West distance being 205.78 feet to a point, said point being the Northern most corner of D.T. Wiggins as recorded in Deed Book 0227 page 0488, said point also being in the Southern line of Newton W. Scott III and wife Sandra Y. Scott as recorded in Deed Book 0558 page 0506, thence with the Southern line of said



1

Newton W. Scott III and wife Sandra Y. Scott North 69 degrees. 24 minutes. 02 seconds. East 1 2 distance being 366.29 feet to a point, said point being the Southwestern most corner of Christen 3 S. Wood A/H James Craig Wood as recorded in Deed Book 1791 page 0749, Thence North 70 4 degrees, 24 minutes, 48 seconds. East distance being 422.84 feet to a point, Thence North 44 5 degrees 02 minutes. 23 seconds. East distance being 297.95 feet to a point, Thence North 15 6 degrees. 14 minutes. 32 seconds. East distance being 271.49 feet to a point, Thence North 15 7 degrees, 16 minutes, 05 seconds, East distance being 169.94 feet to a point, said point being in 8 the Southern line of Mary Scott Cagle as recorded in Deed Book 0870, page 0633, thence North 84 degrees, 38 minutes, 41 seconds, East distance being 298.55 feet to a point, said point 9 10 being the Southwestern most corner of Robert W. Scott as recorded in Deed Book 0323 page 0513, thence North 87 degrees. 24 minutes. 11 seconds. East distance being 703.72 feet to a 11 point, thence North 66 degrees. 25 minutes. 05 seconds. East distance being 1,222.41 feet to a 12 13 point, said point being in the Southern line of Mary Scott Lowdermilk Trustee as recorded in 14 Deed Book 0903 page 0679, Thence with the Southern line of said Mary Scott Lowdermilk 15 Trustee as recorded in Deed Book 903 page 679 South 46 degrees. 59 minutes. 27 seconds. East distance being 67.10 feet to a point, thence North 68 degrees. 40 minutes. 28 seconds. East 16 distance being 194.20 feet to a point, thence North 75 degrees. 31 minutes. 28 seconds. East 17 18 distance being 170.00 feet to a point, thence South 83 degrees. 06 minutes. 32 seconds. East distance being 212.20 feet to a point, thence South 44 degrees. 49 minutes. 32 seconds. East 19 distance being 225.40 feet to a point, thence North 76 degrees. 22 minutes. 28 seconds. East 20 distance being 134.18 feet to a point, thence South 53 degrees. 09 minutes. 38 seconds. East 21 distance being 1011.64 feet to a point, said point also being The Northern most corner of 22 23 Edward K. And Iva G. Freshwater as recorded in Deed Book 904 page 218, thence with the Western line of said Edward K. And Iva G. Freshwater as recorded in Deed Book 0904 page 24 25 0218 South 69 degrees. 59 minutes. 20 seconds w distance being 481.04 feet to a point, thence South 01 degree. 30 minutes. 24 seconds. East distance being 960.39 feet to a point said point 26 also being the Northeastern most corner of Micheal and Carolyn White Trustee as recorded in 27 28 Deed Book 1035 page 627, thence with the Northern line of said Micheal and Carolyn white 29 Trustee as recorded in Deed Book 1035 page 627 South 89 degrees. 01 minute, 23 seconds. West distance being 905.38 feet to a point, thence South 06 degrees. 21 minutes. 32 seconds. 30 31 West distance being 916.34 feet to the point and place of beginning, and containing 167.92 32 acres, more or less. Ralph and Heide Scott legal description. 33 AREA #2.

Beginning at an existing iron pipe, said pipe being a point on the Northern property line of R. H. Scott, Jr. As described in Deed Book 676 Page 931 in the Alamance County Register of Deeds, thence departing said point North 25 degrees 27 minutes 44 seconds West a distance of 232.51 feet to an existing iron pipe, said pipe being a point on the Eastern property line of R.J. Brown and D.W. Brown as described in Deed Book 1286 page 268 in the Alamance County Register of Deeds thence departing North 25 degrees 31 minutes 07 seconds West a distance of 253.64 feet to an existing iron pipe, said pipe being a point on the Northern property line of C.M. Brown and P.M. Bunting as described in Deed Book 1536 page 259 as described in the Alamance County Register of Deeds thence North 25 degrees 31 minutes 07 seconds West a distance of 143.59 feet to an existing iron pipe, said pipe being on the Southern property line of Jack A. And Reva A. Schrader as described in Deed Book 719 page 86 in the Alamance County Register of Deeds thence departing said iron the following two courses: 1.) North 25 degrees 31 minutes 07 seconds West a distance of 39.72 feet 2.) North 63 degrees 00 minutes 49 seconds East a distance of 38.01 feet To an existing iron pipe, said pipe being on the property line of Scott Associates as described in Deed Book 1044 page 467 as described in the Alamance County Register of Deeds thence along said Scott Associates property line the following two courses: 1.) North 63 degrees 01 minute 41 seconds East a distance of 747.98 feet 2.) South 31 degrees 45 minutes 59 seconds East a distance of 245.74 feet To an existing

34

35

36 37

38

39

40

41 42

43

44 45

46

47

48

49 50

51

iron pipe, said pipe being on the property line of Ralph H. Scott III and wife Heide W. Scott as described in Book 669 page 778 in The Alamance County Register of Deeds, thence departing said pipe along Ralph H. Scott III Western line the following eight courses: 1.) South 43 degrees 20 minutes 50 seconds West a distance of 49.44 feet 2.) South 73 degrees 46 minutes 51 seconds West a distance of 160.79 feet 3.) South 55 degrees 06 minutes 31 seconds West a distance of 122.92 feet 4.) South 37 degrees 54 minutes 31 seconds West a distance of 111.18 feet 5.) South 28 degrees 26 minutes 46 seconds West a distance of 184.05 feet 6.) South 15 degrees 36 minutes 45 seconds West a distance of 118.11 feet 7.) South 08 degrees 01 minute 21 seconds West a distance of 154.27 feet 8.) South 27 degrees 04 minutes 20 seconds West a distance of 94.98 feet To the point of being having 6.55 acres more or less. C.M. Brown and P.M. Bunting Legal Description.

AREA #3.

1 2

Beginning at an existing iron pipe, said pipe being on the Eastern right of way of Jimmy Kerr Road, said pipe also being a point on the Southern property line of J.D. Payne as recorded in Deed Book 1855 Page 497 found in the Alamance County Register of Deeds thence following said Southern property line North 66 degrees 50 minutes 35 seconds West a distance of 235.57 feet to an existing iron pipe thence North 25 degrees 31 minutes 07 seconds West a distance of 143.59 feet to an existing iron pipe, said pipe being on the Southern property line of Jack A. And Reva A. Schrader as described in Deed Book 719 page 86 found in the Alamance County Register of Deeds thence departing said pipe along said Schrader Southern property line South 65 degrees 15 minutes 22 seconds West a distance of 238.10 feet to an existing Iron pipe, said pipe being on said Schrader Southern property line, said point also being on the Eastern right of way of Jimmy Kerr Road thence continuing along said Eastern property line South 26 degree 38 minutes 49 seconds East a distance of 137.13 feet to the point of beginning containing 0.76 acres more or less.

SECTION 2. This act has no effect upon the validity of any liens of the City of Graham for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property was still within the corporate limits of the City of Graham.

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

D

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

HOUSE BILL 1960* PROPOSED COMMITTEE SUBSTITUTE H1960-PCS70569-LBx-86

Short Title:	Graham Deannexation.			(Local)
Sponsors:			 	
Referred to:		 	 	

May 25, 2010

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GRAHAM.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the corporate limits of the City of Graham:

AREA #1.

1

23

4

5 6

7

8

9

10

11

12

13

14

15

16

17.

18

19 20

21 22

23

24 25

26

27

28 29

30 31

32 33

34

H

Beginning at a point in the center of Jim Minor Road S.R. # 2135, said point also being the Southwestern most corner of Micheal and Carolyn White Trustee as recorded in Deed Book 1035 page 0627, thence with the center of Jim Minor Road S.R. # 2135 North 72 degrees 18 minutes 50 seconds West distance being 185.39 feet to a point, thence North 68 degrees 14 minutes 46 seconds West distance being 409.29 feet to a point in the Southeastern most corner of John A. and wife Darleen J. Church as recorded in Deed Book 1314 page 0633, thence with the Eastern line of said John A., and wife Darleen J. Church as recorded in Deed Book 1314 page 0633 North 22 degrees. 03 minutes. 52 seconds. East distance being 280.21 feet to a point, thence North 09 degrees. 43 minutes. 57 seconds. East distance being 206.98 feet to a point, thence North 81 degrees. 19 minutes. 26 seconds. West distance being 341.40 feet to a point, thence South 08 degrees. 19 minutes. 20 seconds. West distance being 414.51 feet to a point in the center of Jim Minor Road SR# 2135, thence with the centerline of Jim Minor Road SR 2135 North 66 degrees. 48 minutes. 50 seconds. West distance being 247.45 feet to a point, thence North 74 degrees. 31 minutes. 12 seconds. West distance being 138.49 feet to a point, thence North 85 degrees. 00 minutes. 47 seconds. West distance being 142.54 feet to a point, thence South 85 degrees. 22 minutes. 32 seconds. West distance being 153.88 feet to a point, thence South 81 degrees. 25 minutes. 01 second West distance being 694.17 feet to a point, said point being the Southeastern most corner of Ralph H. Scott III and wife Heide W. Scott as recorded in Deed Book 0669 page 0778, thence with the Eastern line of said Ralph H. Scott III and wife Heide W. Scott as recorded in Deed Book 0669 page 0778 North 31 degrees. 45 minutes. 59 seconds. West distance being 924.92 feet to a point, thence with the Northern line of Ralph H. Scott III and wife Heide W. Scott as recorded in Deed Book 0669 page 0778 South 63 degrees. 01 minute. 41 seconds. West distance being 747.98 feet to a point, said point being on the Eastern line Jack A. Shrader and Reva A. as recorded in Deed Book 0719 page 0086, thence North 11 degrees. 03 minutes. 52 seconds. West distance being 311.99 feet to a point, thence North 24 degrees. 35 minutes. 17 seconds. West distance being 205.78 feet to a point, said point being the Northern most corner of D.T. Wiggins as recorded in Deed Book 0227



page 0488, said point also being in the Southern line of Newton W. Scott III and wife Sandra 1 2 Y. Scott as recorded in Deed Book 0558 page 0506, thence with the Southern line of said Newton W. Scott III and wife Sandra Y. Scott North 69 degrees. 24 minutes. 02 seconds. East 3 distance being 366.29 feet to a point, said point being the Southwestern most corner of Christen 4 S. Wood A/H James Craig Wood as recorded in Deed Book 1791 page 0749, Thence North 70 5 degrees. 24 minutes. 48 seconds. East distance being 422.84 feet to a point, Thence North 44 6 degrees 02 minutes. 23 seconds. East distance being 297.95 feet to a point, Thence North 15 7 degrees. 14 minutes. 32 seconds. East distance being 271.49 feet to a point, Thence North 15 8 degrees, 16 minutes, 05 seconds. East distance being 169.94 feet to a point, said point being in 9 10 the Southern line of Mary Scott Cagle as recorded in Deed Book 0870, page 0633, thence North 84 degrees. 38 minutes. 41 seconds. East distance being 298.55 feet to a point, said point 11 12 being the Southwestern most corner of Robert W. Scott as recorded in Deed Book 0323 page 0513, thence North 87 degrees. 24 minutes. 11 seconds. East distance being 703.72 feet to a 13 point, thence North 66 degrees. 25 minutes. 05 seconds. East distance being 1,222.41 feet to a 14 point, said point being in the Southern line of Mary Scott Lowdermilk Trustee as recorded in 15 Deed Book 0903 page 0679, Thence with the Southern line of said Mary Scott Lowdermilk 16 Trustee as recorded in Deed Book 903 page 679 South 46 degrees. 59 minutes. 27 seconds. 17 East distance being 67.10 feet to a point, thence North 68 degrees. 40 minutes. 28 seconds. East 18 distance being 194.20 feet to a point, thence North 75 degrees. 31 minutes. 28 seconds. East 19 distance being 170.00 feet to a point, thence South 83 degrees. 06 minutes. 32 seconds. East 20 distance being 212.20 feet to a point, thence South 44 degrees. 49 minutes. 32 seconds. East 21 distance being 225.40 feet to a point, thence North 76 degrees. 22 minutes. 28 seconds. East 22 distance being 134.18 feet to a point, thence South 53 degrees. 09 minutes. 38 seconds. East 23 24 distance being 1011.64 feet to a point, said point also being The Northern most corner of Edward K. And Iva G. Freshwater as recorded in Deed Book 904 page 218, thence with the 25 Western line of said Edward K. And Iva G. Freshwater as recorded in Deed Book 0904 page 26 0218 South 69 degrees. 59 minutes. 20 seconds w distance being 481.04 feet to a point, thence 27 South 01 degree. 30 minutes. 24 seconds. East distance being 960.39 feet to a point said point 28 also being the Northeastern most corner of Micheal and Carolyn White Trustee as recorded in 29 Deed Book 1035 page 627, thence with the Northern line of said Micheal and Carolyn white 30 Trustee as recorded in Deed Book 1035 page 627 South 89 degrees. 01 minute, 23 seconds. 31 West distance being 905.38 feet to a point, thence South 06 degrees. 21 minutes. 32 seconds. 32 33 West distance being 916.34 feet to the point and place of beginning, and containing 167.92 acres, more or less. Ralph and Heide Scott legal description. 34 35

. Beginning at an existing iron pipe, said pipe being a point on the Northern property line of R. H. Scott, Jr. As described in Deed Book 676 Page 931 in the Alamance County Register of Deeds, thence departing said point North 25 degrees 27 minutes 44 seconds West a distance of 232.51 feet to an existing iron pipe, said pipe being a point on the Eastern property line of R.J. Brown and D.W. Brown as described in Deed Book 1286 page 268 in the Alamance County Register of Deeds thence departing North 25 degrees 31 minutes 07 seconds West a distance of 253.64 feet to an existing iron pipe, said pipe being a point on the Northern property line of C.M. Brown and P.M. Bunting as described in Deed Book 1536 page 259 as described in the Alamance County Register of Deeds thence North 25 degrees 31 minutes 07 seconds West a distance of 143.59 feet to an existing iron pipe, said pipe being on the Southern property line of Jack A. And Reva A. Schrader as described in Deed Book 719 page 86 in the Alamance County Register of Deeds thence departing said iron the following two courses: 1.) North 25 degrees 31 minutes 07 seconds West a distance of 39.72 feet 2.) North 63 degrees 00 minutes 49 seconds East a distance of 38.01 feet To an existing iron pipe, said pipe being on the property line of Scott Associates as described in Deed Book 1044 page 467 as described in the Alamance County Register of Deeds thence along said Scott Associates property line the

36 37

38

39 40

41

42

43

44

45

46

47

48

49

50

51

following two courses: 1.) North 63 degrees 01 minute 41 seconds East a distance of 747.98 feet 2.) South 31 degrees 45 minutes 59 seconds East a distance of 245.74 feet To an existing iron pipe, said pipe being on the property line of Ralph H. Scott III and wife Heide W. Scott as described in Book 669 page 778 in The Alamance County Register of Deeds, thence departing said pipe along Ralph H. Scott III Western line the following eight courses: 1.) South 43 degrees 20 minutes 50 seconds West a distance of 49.44 feet 2.) South 73 degrees 46 minutes 51 seconds West a distance of 160.79 feet 3.) South 55 degrees 06 minutes 31 seconds West a distance of 111.18 feet 5.) South 28 degrees 26 minutes 46 seconds West a distance of 184.05 feet 6.) South 15 degrees 36 minutes 45 seconds West a distance of 118.11 feet 7.) South 08 degrees 01 minute 21 seconds West a distance of 154.27 feet 8.) South 27 degrees 04 minutes 20 seconds West a distance of 94.98 feet To the point of being having 6.55 acres more or less. C.M. Brown and P.M. Bunting Legal Description. AREA #3.

Beginning at an existing iron pipe, said pipe being on the Eastern right of way of Jimmy Kerr Road, said pipe also being a point on the Southern property line of J.D. Payne as recorded in Deed Book 1855 Page 497 found in the Alamance County Register of Deeds thence following said Southern property line North 66 degrees 50 minutes 35 seconds West a distance of 235.57 feet to an existing iron pipe thence North 25 degrees 31 minutes 07 seconds West a distance of 143.59 feet to an existing iron pipe, said pipe being on the Southern property line of Jack A. And Reva A. Schrader as described in Deed Book 719 page 86 found in the Alamance County Register of Deeds thence departing said pipe along said Schrader Southern property line South 65 degrees 15 minutes 22 seconds West a distance of 238.10 feet to an existing Iron pipe, said pipe being on said Schrader Southern property line, said point also being on the Eastern right of way of Jimmy Kerr Road thence continuing along said Eastern property line South 26 degree 38 minutes 49 seconds East a distance of 137.13 feet to the point of beginning

AREA #4.

containing 0.76 acres more or less.

1

2

3

4

5

6

7

8

9

10

11

12

13 14

15

16

17

18

19

.20

21

22

23

24

25

2627

28

29

30

31

32

33

34

35

36 37

38

39

40

41

42

43

44

45

46

47 48

49

50

51

Beginning at the northeast corner of the Stephen E. & Amy C. Dunlap property as described in Deed Book 929 at Page 851 of the Alamance County Register of Deeds Office, said corner being a point on the southerly sixty (60) foot right-of-way line of Jim Minor Road; thence along said southerly right-of-way line the follow two courses: 1). South 63 degrees 54 minutes 06 seconds East a distance of 121.30 feet to a point; 2). S 62 degrees 51 minutes 36 seconds East a distance of 506.81 feet to the northwest corner of the Courtney Lynn Covington & Alena Fawn Toler property as described in Deed Book 1548 at Page 564 of said Alamance County Registry; thence departing said southerly right-of-way line along the property lines of said Covington and Toler the following three (3) courses: 1). South 09 degrees 49 minutes 49 second West a distance of 428.98 feet to a point; 2). South 79 degrees 45 minutes 51 seconds East a distance of 294.49 feet to a point; 3). North 23 degrees 23 minutes 49 seconds East a distance of 326.16 feet to the point of intersection with said southerly right-of-way line of Jim Minor Road; thence departing said Covington and Toler property along said southerly right-of-way line the following five (5) courses: 1). South 63 degrees 35 minutes 26 seconds East a distance of 97.27 feet to a point; 2). South 79 degrees 06 minutes 01 seconds East a distance of 76.26 feet to a point; 3). South 81 degrees 17 minutes 06 seconds East a distance of 15.64 feet to a point; 4). South 86 degrees 50 minutes 58 seconds East a distance of 206.73 feet to a point; 5). South 87 degrees 02 minutes 22 seconds East a distance of 1070.59 feet to the northwest corner of the Edward K. & Iva G. Freshwater property as described in Deed Book 904 at Page 218 of said Alamance County Registry; thence departing said southerly right-of-way line along the westerly property line of said Freshwater, South 02 degrees 46 minutes 38 seconds West a distance of 267.31 feet to the point of intersection with the northwesterly property line of Ray Naomi T. Estate, c/o Peggy Ray Stout & etal as described in

Deed Book 1637 at Page 770 of said Alamance County Registry; thence along said 1 northwesterly property line South 49 degrees 27 minutes 38 seconds West a distance of 793.25 2 feet to the most westerly corner of said Ray Naomi T. property; thence South 41 degrees 18 3 minutes 22 seconds East a distance of 528.00 feet to the most westerly corner of Gordon H. & 4 Cynthia B. Oliver property as described in Deed Book 998 at Page 653 of said Alamance 5 County Registry; thence along the property lines of said Oliver the following two (2) courses: 6 1). South 41 degrees 18 minutes 22 seconds East a distance of 329.59 feet to a point; 2). South 7 44 degrees 01 minutes 08 seconds West a distance of 780.30 feet to a northerly corner of the 8 Mona Bowers Riggins property as described in Deed Book 1329 at Page 927 of said Alamance 9 County Registry; thence along the northwesterly property line of said Bowers South 44 degrees 10 01 minutes 08 seconds West a distance of 432.90 feet to the northeast corner of the Honda 11 Power Equipment Mfg. Inc. property as described in Deed Book 485 at Page 159 of said 12 Alamance County Registry; thence North 61 degrees 12 minutes 52 seconds West a distance of 13 114.25 feet to the most easterly corner of the Lem Edwards Jr. property as described in Deed 14 Book 94 at Page 333 of said Alamance County Register of Deeds; thence along the property 15 lines of said Edwards the following five (5) courses: North 61 degrees 12 minutes 52 seconds 16 West a distance of 837.75 feet to a point; South 39 degrees 34 minutes 38 seconds West a 17 distance of 247.50 feet to a point; North 31 degrees 07 minutes 00 seconds West a distance of 18 760.30 feet to a point; North 24 degrees 41 minutes 00 seconds West a distance of 89.30 feet to 19 a point; North 59 degrees 50 minutes 00 seconds West a distance of 274.10 feet to a point; 20 thence continuing along said Edwards line and the northerly property lines of Woodrow W. & 21 Lucille Currin as described in Deed Book 324 at Page 355, and William B. & Lauren B. 22 Guthrie as described in Deed Book 2056 at Page 82, and Christopher R. & Sebrena Norton as 23 described in Deed Book 2041 at Page 368, and Elizabeth M. Magruder as described in Deed 24 Book 1341 at Page 932, and Kenneth Allen Melton as described in Deed Book 2029 at Page 25 766, and Timothy E. Ingle as described in Deed Book 1073 at Page 174 of said Alamance 26 County Registry the following three (3) courses: 1). North 38 degrees 03 minutes 00 seconds 27 West a distance of 634.00 feet to a point; 2). N 38 degrees 06 minutes 46 seconds West a 28 distance of 300.05 feet to a point; 3). N 53 degrees 29 minutes 43 seconds West a distance of 29 84.39 feet to the southeast corner of the James Kenneth Jeffreys property as described in Deed 30 Book 379 at Page 556 of said Alamance County Registry; thence along the easterly property 31 lines of said Jeffreys the following three (3) courses: 1). North 49 degrees 47 minutes 29 32 seconds East a distance of 226.70 feet to a point; 2). North 46 degrees 07 minutes 39 seconds 33 East a distance of 264.93 feet to a point; 3). North 53 degrees 12 minutes 19 seconds East a 34 distance of 341.65 feet to the southeast corner of said Stephen E. & Amy C. Dunlap property; 35 thence along the property lines of said Dunlap the following three (3) courses: 1). North 53 36 degrees 21 minutes 05 seconds East a distance of 365.66 feet to a point; 2). North 75 degrees 37 09 minutes 01 seconds West a distance of 172.07 feet to a point; 3). North 23 degrees 02 38 minutes 59 seconds East a distance of 181.66 feet to the point of beginning, containing 115.6 39 acres more or less. 40

SECTION 2. This act has no effect upon the validity of any liens of the City of Graham for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property was still within the corporate limits of the City of Graham.

SECTION 3. This act becomes effective June 30, 2010.

41

42

43

44

45

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 1960 A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN
DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GRAHAM.
With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
<u> </u>
Discovered to Dulo 26/b) the /Henry/Courts) assumitted as better to bill/('c' a)
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.
bin/toling resolution 140) is placed on the Olinavolable Calendar.

H

HOUSE BILL 2056*

Short Title: Abolish Rutherford County Coroner. (Local) Representative England. Sponsors: Referred to: Local Government II. May 27, 2010 A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN RUTHERFORD COUNTY AT 2 THE END OF THE CURRENT TERM. 3 4 The General Assembly of North Carolina enacts: SECTION 1. The office of coroner in Rutherford County is abolished. 5 SECTION 2. Chapter 152 of the General Statutes is not applicable to Rutherford 6 7 County. 8 SECTION 3. This act becomes effective upon the expiration of the term of the 9 current coroner in Rutherford County. No election shall be held in Rutherford County in 2010 10 for that position.



1



HOUSE BILL 2056: Rutherford County Coroner

2009-2010 General Assembly

Committee:

House Local Government II

Introduced by: Rep. England

Analysis of:

PCS to First Edition

H2056-CSTB-7[v.4].

Date:

June 16, 2010

Prepared by:

Denise Huntley

Committee Staff Erika Churchill

Committee Co-counsel

SUMMARY: The Proposed Committee Substitute for House Bill 2056 provides that the Office of Coroner in Rutherford County shall be vacated at the end of the current term.

[As introduced, this bill was identical to S1238, as introduced by Sen. Clary, which is currently in House Local Government II.1

CURRENT LAW: Chapter 152 of the General Statutes sets out the laws relating to coroners in North Carolina, including election and vacancies in office, oaths, bonds, powers and duties.

BILL ANALYSIS: The Proposed Committee Substitute provides that the Office of Coroner in Rutherford County shall be vacated at the end of the current term and provides that Chapter 152 of the General Statutes does not apply to Rutherford County.

EFFECTIVE DATE: This act becomes effective December 6, 2010 and the current election for 'oroner shall be null and void.

H2056-SMTB-12(e1) v5

H

D

HOUSE BILL 2056* PROPOSED COMMITTEE SUBSTITUTE H2056-CSTB-7 [v.4]

6/15/2010 4:31:09 PM

	Short Title: Rutherford County Coroner. (Local)
	Sponsors:
	Referred to:
	May 27, 2010
1	A BILL TO BE ENTITLED
2	AN ACT TO HAVE THE OFFICE OF CORONER IN RUTHERFORD COUNTY
3	VACATED AT THE END OF THE CURRENT TERM.
4	The General Assembly of North Carolina enacts:
5	SECTION 1. The office of coroner in Rutherford County is vacated.
6	SECTION 2. Chapter 152 of the General Statutes is not applicable to Rutherford
7	County.
8	SECTION 3. This act becomes effective December 6, 2010 and the current
9	election for Coroner now proceeding shall be null and void.



H

. 8

Short Title:

D

(Local)

HOUSE BILL 2056* PROPOSED COMMITTEE SUBSTITUTE H2056-PCS80634-TB-7

Rutherford County Coroner.

Sponsors:
Referred to:
May 27, 2010
A BILL TO BE ENTITLED
AN ACT TO HAVE THE OFFICE OF CORONER IN RUTHERFORD COUNTY VACATED AT THE END OF THE CURRENT TERM.
The General Assembly of North Carolina enacts:
SECTION 1. The office of coroner in Rutherford County is vacated. SECTION 2. Chapter 152 of the General Statutes is not applicable to Rutherford
County.
SECTION 3. This act becomes effective December 6, 2010, and the curren election for coroner now proceeding shall be null and void.



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
HB 2056 A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF
CORONER IN RUTHERFORD COUNTY AT THE END OF THE CURRENT TERM.
With a favorable report as to the committee substitute bill, which changes the title,
unfavorable as to the original bill.
COD TOTALLY VICE ONLY
(FOR JOURNAL USE ONLY)
Discount to Dula 20(a) the hill/secolution is as second to the Committee of
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
 .
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.



SENATE BILL 1114: Local Energy Efficiency/Renewable

2009-2010 General Assembly

Committee: House Local Government II, if favorable,

Energy and Energy Efficiency

Introduced by: Sen. Kinnaird

Analysis of: Second Edition

Prepared by: Bill Patterson*

Date:

Committee Counsel

June 15, 2010

SUMMARY: The PCS to Senate Bill 1114 exempts the Towns of Chapel Hill and Carrboro, the City of Asheville and Mecklenburg County from: (1) competitive bidding requirements for certain contracts for construction or for equipment used in pilot programs aimed at improving energy efficiency; and (2) requirements applicable to long term leases for a renewable energy facility.

The PCS adds the City of Asheville to the bill.

[As introduced, this bill was identical to H1888, as introduced by Reps. Insko and Faison, which is currently in House Local Government II, if favorable, Energy and Energy Efficiency.]

CURRENT LAW: Competitive bidding requirements for public construction contracts and public contracts for the purchase of apparatus, supplies, equipment and materials are set out in G.S. 143-129, 143-131, and 143-132 of the General Statutes.

G.S. 160A-272 requires a lease of property owned by a city or county for a period exceeding ten years to be treated as sale of real property and requires public notice of the decision to enter into the lease.

BILL ANALYSIS: Senate Bill 1114 would:

- Exempt the Towns of Chapel Hill and Carrboro, the City of Asheville and Mecklenburg County from the competitive bidding requirements set forth in Article 8 of Chapter 143 in contracting for apparatus, supplies, materials or equipment to be used in any approved pilot program aimed at increasing energy efficiency.
- Permit the Towns of Chapel Hill and Carrboro, the City of Asheville and Mecklenburg County to approve leases of up to 20 years for the siting of a renewable energy facility as defined in G.S. 62-133.8(a)(7)¹ without treating the lease as a sale and meeting the notice requirements of G.S. 160A-272.

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

BACKGROUND: S.L. 2007-133 and S.L. 2009-147 exempted Raleigh from competitive bidding requirements when entering into contracts for use as part of energy efficiency pilot programs. S.L. 2009-149 permitted Raleigh and Winston-Salem to approve leases for the purpose of a renewable energy facility for up to 20 years without treating the lease as a sale or requiring notice by publication.

Barbara Riley, counsel to Senate State and Local Government, substantially contribute to this summary.

S1114-SMTG-85(e2) v2

G.S. 62-133.8 (7)

[&]quot;Renewable energy facility" means a facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:

a. Generates electric power by the use of a renewable energy source.

b. Generates useful, measurable combined heat and power derived from a renewable energy source.

c. Is a solar thermal energy facility."

S

SENATE BILL 1114* State and Local Government Committee Substitute Adopted 5/26/10

Short Title:	Local Energy Efficiency/Renewable.		(Local)	
Sponsors:				
Referred to:			,	

May 13, 2010

A BILL TO BE ENTITLED

AN ACT EXEMPTING THE TOWNS OF CHAPEL HILL AND CARRBORO AND THE COUNTY OF MECKLENBURG FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, AND TO AUTHORIZE THE TOWNS OF CHAPEL HILL AND CARRBORO AND MECKLENBURG COUNTY TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2007-333, as rewritten by Section 1 of S.L. 2009-149, reads as rewritten:

"SECTION 1.(a) The City of Raleigh A municipality or county may contract for apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by the City Council its governing board aimed at increasing energy efficiency without being subject to the requirements of G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, the City a municipality or county may award a contract under this section in its sole discretion.

"SECTION 1.(b) This section applies to the City of Raleigh, the Towns of Chapel Hill and Carrboro, and Mecklenburg County only."

SECTION 2. Section 3 of S.L. 2009-149 reads as rewritten:

"SECTION 3. Section 2 of this act applies to the City Cities of Raleigh and the City of Winston-Salem Winston-Salem, the Towns of Chapel Hill and Carrboro, and Mecklenburg County only."

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



S

1 2 3

0

11

12 13

14

15

16

17 18

19

20

21

22

23

24 25

26

Short Title:

SENATE BILL 1114*

State and Local Government Committee Substitute Adopted 5/26/10 PROPOSED HOUSE COMMITTEE SUBSTITUTE S1114-CSTG-47 [v.1]

6/15/2010 12:26:47 PM

Local Energy Efficiency/Renewable.

Sponsors:	·			
Referred to:				
	May	13, 2010		
	A BILL TO	BE ENTITLED		
AN ACT EXEMPTING	THE TOWNS OF C	CHAPEL HILL A	ND CARRBOR	O, THE CITY
OF ASHEVILLE AN	D THE COUNTY	OF MECKLENB	URG FROM C	OMPETITIVE
BIDDING REQUIRE	MENTS WHEN LE	TTING CONTRA	CTS FOR USE	AS PART OF
LOCAL PILOT PRO	GRAMS AIMED AT	Γ INCREASING F	ENERGY EFFIC	CIENCY, AND
TO AUTHORIZE TH	E TOWNS OF CHA	APEL HILL AND	CARRBORO,	THE CITY OF
ASHEVILLE AND M	IECKLENBURG C	OUNTY TO ENT	ER INTO LEAS	SES FOR THE
SITING AND OPER	ATION OF A REN	IEWABLE ENER	GY FACILITY	FOR UP TO
TWENTY YEARS W	ITHOUT TREATI	NG IT AS A SAI	LE AND WITH	OUT GIVING

The General Assembly of North Carolina enacts:

NOTICE BY PUBLICATION.

SECTION 1. Section 1 of S.L. 2007-333, as rewritten by Section 1 of S.L. 2009-149, reads as rewritten:

"SECTION 1.(a) The City of Raleigh A municipality or county may contract for apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by the City Council—its governing board aimed at increasing energy efficiency without being subject to the requirements of G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, the City a municipality or county may award a contract under this section in its sole discretion.

"SECTION 1.(b) This section applies to the Cities of Asheville and Raleigh, the Towns of Chapel Hill and Carrboro, and Mecklenburg County only."

SECTION 2. Section 3 of S.L. 2009-149 reads as rewritten:

"SECTION 3. Section 2 of this act applies to the City-Cities of Asheville, Raleigh and the City of Winston-Salem Winston-Salem, the Towns of Chapel Hill and Carrboro, and Mecklenburg County only."

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



D

(Local)

S

SENATE BILL 1114*

• State and Local Government Committee Substitute Adopted 5/26/10 PROPOSED HOUSE COMMITTEE SUBSTITUTE S1114-PCS85367-TG-47

Short Title: Local Energy Efficiency/Renewable.		(Local)
Sponsors:		
Referred to:		

May 13, 2010

A BILL TO BE ENTITLED

AN ACT EXEMPTING THE TOWNS OF CHAPEL HILL AND CARRBORO, THE CITY OF ASHEVILLE, AND MECKLENBURG COUNTY FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, AND TO AUTHORIZE THE TOWNS OF CHAPEL HILL AND CARRBORO, THE CITY OF ASHEVILLE, AND MECKLENBURG COUNTY TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2007-333, as rewritten by Section 1 of S.L. 2009-149, reads as rewritten:

"SECTION 1.(a) The City of Raleigh A municipality or county may contract for apparatus, supplies, materials, or equipment that will be used as part of any pilot program authorized by the City Council its governing board aimed at increasing energy efficiency without being subject to the requirements of G.S. 143-129, 143-131, and 143-132. Notwithstanding any provision of law, the City a municipality or county may award a contract under this section in its sole discretion.

"SECTION 1.(b) This section applies to the Cities of Asheville and Raleigh, the Towns of Chapel Hill and Carrboro, and Mecklenburg County only."

SECTION 2. Section 3 of S.L. 2009-149 reads as rewritten:

"SECTION 3. Section 2 of this act applies to the City Cities of Asheville, Raleigh and the City of Winston Salem Winston-Salem, the Towns of Chapel Hill and Carrboro, and Mecklenburg County only."

SECTION 3. This act is effective when it becomes law and expires June 30, 2013.



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

~ EDIT	TION No	
Н. В.	3. No	DATE June 16, 2010
S. B.	3. No	Amendment No.
COM	AMITTEE SUBSTITUTE X CST 6-47	(to be filled in by Principal Clerk)
	Rep.) Stam	.
1 move	res to amend the bill on page	, line 3 6
		to read:
3 by	rewriting the line	to read:
4	11 6 2	
5	"SECTION 3. This	act is effective when
6	it becomes law and	expires June 30, 2013.
7		
3		
9		
	<u> </u>	
11		
12		
13		
14		
	<u> </u>	SIGNED Stam
ADO	OPTEDFAILED	TABLED

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
⊠Committee Substitute for
SB 1114 A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWNS OF
CHAPEL HILL AND CARRBORO AND THE COUNTY OF MECKLENBURG FROM
COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS
PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY,
AND TO AUTHORIZE THE TOWNS OF CHAPEL HILL AND CARRBORO AND
MECKLENBURG COUNTY TO ENTER INTO LEASES FOR THE SITING AND
OPERATION OF A RENEWABLE ENERGY FACILITY FOR TWENTY YEARS WITHOUT
TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.
With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on ENERGY AND ENERGY EFFICIENCY. (FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

HOUSE PAGES

NAME OF COMMITTEE LOCAL GOVT II DATE 6/16/	1/1
1. Name: Katie Kimble	
County: Way N	-
Sponsor: Sagev	
2. Name: Molly Costy	
County: WIKEA	
Sponsor: Randleman	,
3. Name: Melissa MWB	ı
County: DUMAM	
sponsor: 108 Hackney	•
1. Name: MICALIA RELCY	
County: Waxe	
Sponsor: Staw	
5. Name: George Hoyle	
County: Vance	
Sponsor: Crawford	_
SGT-AT-ARM	
. Name: Kob Rossi	_
2. Name: Bob Kossi	_
3. Name:	_
. Name:	_

VISITOR REGISTRATION SHEET

Name of Committee	Date	•
COMMITTEE ON LOCAL GOVER	RNMENT II JUNE 16, 2010)
•		

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Les Mullins	NASH county
Hubertmoon	Nash County
Hubert Moon Faurence & alfred	Mast county_ OLCAFA
•	
•	
<u>.</u>	•

VISITOR REGISTRATION SHEET

Name of Committee

Date

<u>VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE</u> <u>CLERK</u>

NAME	FIRM OR AGENCY AND ADDRESS
Carol Durrell	State Health Plan
DAVIEL BAUM	TROUMS GUNDERS
Kay Emanuel	VNC School of Soverment
Mitney Campbell	Jordan Price
lynn Kennen It	NCGA
Mit H	NCCA
Lorena Unarte	The Center For Dialogue/4-H
Story Stadler	4-H
Lily Chapman	4-H

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:,

DAY & DATE: Wednesday, June 23, 2010

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 2069	Durham Stormwater Facilities	Representative Hall
	Assessments.	Representative Luebke
		Representative Michaux, Jr.
	•	Representative Wilkins, Jr.
SB 1238	Abolish Rutherford County Coroner.	Senator Clary
SB 1298	Town of Pembroke Occupancy Tax.	Senator Walters
SB 1421	Forest City/Convey Property.	Senator Clary

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed 9 o'clock on June 22, 2009.	by the committee a	ssistant at the following	lowing offices at
7 0 Clock on June 22, 2003.		•	
Principal Clerk			

Barbara Hocutt (Committee Assistant)

Reading Clerk – House Chamber

COMMITTEE ON LOCAL GOVERNMENT II AGENDA JUNE 23, 2010

I.	Welcome		
II.	Introductions	* <u>*</u> .	
m.	Bills		
	HB 2069	Durham Stormwater Facilities Refer to Finance	Rep. Hall
	SB 1238	Abolish Rutherford County Coroner No Referral	Sen. Clary
	SB 1421	Forest City/Convey Property Refer to Finance	Sen. Clary
	SB 1298	Town of Pembroke Occupancy Tax Refer to Finance	Sen. Walters

COMMITTEE ON LOCAL GOVERNMENT II JUNE 23, 2010 MEETING

The regular meeting of the Committee on Local Government II was called to order by the Chairman, Representative R. Van Braxton, at 11:12 a.m. Representative Braxton introduced the Pages who are Web Anderson and Jake Little of Mecklenburg County sponsored by Rep. Martha Alexander. Serving as Sergeants at Arms are Bob Rossi and Marvin Lee. The following committee members were present: Representatives Braxton, Langdon, Stam, Blackwell, Floyd, Gibson, Guice, Lucas, McElraft, Samuelson and Wiley. Those absent were: Representatives Tucker, Owens and Warren.

The order of the agenda was reversed and Senator Walters began the proceedings by presenting his bill, Senate Bill 1298, "AN ACT TO AUTHORIZE THE TOWN OF PEMBROKE TO LEVY A THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX." This is the Senate companion bill to House Bill 1894, sponsored by Representative Sutton who deferred his bill to Senator Walter's bill. Representative Floyd moved a favorable report and recommendation that the bill be rereferred to the Committee on Finance. The motion was seconded and passed.

Senate Bill 1238, "AN ACT TO ABOLISH THE OFFICE OF THE CORONER IN RUTHERFORD COUNT AT THE END OF THE CURRENT ERM." was brought before the committee by the bill sponsor, Senator Clary, who offered a Proposed House Committee Substitute to the bill. Representative Lucas moved consideration of the Proposed House Committee Substitute which was seconded and passed. Senator Clary said that the Proposed House Committee Substitute makes some technical, clarifying changes. Representative Lucas moved a favorable report as to the House Committee Substitute bill, which changes the title, unfavorable as to the original bill.

Senator Clary presented Senate Bill 1421 entitled "AN ACT AUTHORIZING THE TOWN OF FOREST CITY TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE OR LONG-TERM LEASE." The bill was requested by the town and has unanimous support. Representative Langdon moved a favorable report and recommendation that the bill be ref-referred to the Committee on Finance. The motion was seconded and passed.

Representative Larry Hall presented House Bill 2069, "AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE ASSESSMENTS AGAINST PROPERTIES SERVED BY STORMWATER FACILITIES FOR THE CONSTRUCTION AND REPAIR OF THOSE FACILITIES." He was assisted by the Durham City Attorney, Karen Sindelar, who explained that this was necessary to comply with state and federal stormwater laws and to incorporate this responsibility into the city charter. Discussion ensued that centered on the issue of retrofitting and fairly proportioning the costs. Lisa Martin, representing the NC Homebuilders Association,

~

Page 2 Loc.Gov. II June 23, 2010

said that the association agreed with the concept of the bill but had some concerns with the details. Representative Hall withdrew the bill from consideration at this time to address the concerns of the committee members with the Durham city officials and other interested parties.

The meeting was adjourned by Chairman Braxton at 11:48 a.m.

Representative R. Van Braxton, Chairman Barbara R. Hocutt, Committee Assistant

H

HOUSE BILL 2069*

Short Title: Durham Stormwater Facilities Assessments. (Local)

Sponsors: Representatives Hall, Luebke, Michaux, Wilkins (Primary Sponsors); and Hughes.

Referred to: Local Government II, if favorable, Finance.

May 27, 2010

1 2

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE ASSESSMENTS AGAINST PROPERTIES SERVED BY STORMWATER FACILITIES FOR THE CONSTRUCTION AND REPAIR OF THOSE FACILITIES.

The General Assembly of North Carolina enacts:

17.

SECTION 1. Article 7 of Chapter VI of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to read as follows:

"Sec. 82.1. Assessment Authority for Stormwater Facilities.

- (a) The City Council is authorized to assess the City's direct and indirect costs for projects that construct, reconstruct, or repair stormwater facilities on private or public property when the projects remediate a flooding or other public nuisance or enable compliance with State or federal requirements regarding water quality. The assessments shall be made against properties the project serves or will serve or against the owner of a failing facility or the property on which the facility is located. The authority granted under this section does not allow the City to enter private property except as otherwise authorized by law or agreement. In the event that work is necessary on an existing facility, unless the project is necessary to remediate a current public nuisance, prior to initiating a project, the City shall give advance written notice to the property owner or owners upon which the facility is located and shall afford the owner or owners a reasonable opportunity to cure any deficiency in the facility. The City Council's assessment authority under this section shall be exercised pursuant to one or more ordinances adopted by the City Council which are consistent with the provisions of this section.
- (b) The City shall make a professional engineering determination regarding the properties that are or will be served by the project using drainage basins, subdivision plats, site plans, or other professionally recognized indicators. When costs are to be allocated to more than one property, the City shall allocate the costs using any or a combination of the following criteria: (i) the area of individual properties; (ii) tax valuation; (iii) the number of buildable lots or properties; (iv) zoning; (v) one or more professional appraisals; or (vi) impervious area. Properties owned by the federal government or State government shall not be assessed unless authorized by law, and the assessments that would have been made against federal government or State government properties shall not be charged against the remaining properties.
- (c) The City shall prepare an assessment roll showing the cost allocated to each property which shall be filed and available for public review in the office indicated in notices provided pursuant to this subsection. The City Council shall conduct a public hearing regarding the proposed assessment and assessment roll. At least 21 days prior to the public hearing.



1 2

individual notice by first-class mail shall be sent to each impacted property owner at the address shown on the most current county tax records. The notice shall include a description of the project, the assessment roll, and the time and date of the council meeting at which the public hearing is scheduled. Notice shall also be published not less than 10 days before the public hearing on the City's Web site and in a daily newspaper that serves the City. Published notice shall include a description and location of the project, the total costs to be assessed, the geographic area subject to the assessment, the public office in which the assessment roll showing individual properties and assessment amounts can be found, and an Internet link where the specifics of the assessment roll can be located. The person who has mailed notice and ensured compliance with the published and Internet postings shall file with the City Council a certificate of compliance with the requirements of this subsection and, in the absence of fraud, the certificate shall be conclusive.

- (d) After the public hearing, the City Council may confirm the assessment as proposed, continue the matter, not approve the proposed assessment, or direct that the assessment process begin anew. All documentation regarding the approved assessment shall be retained in the Office of the City Clerk or the Department of Public Works.
- (e) The City Council may set aside or reduce a prior assessment made against a property, with individual notice to the affected property owner, if a clerical or factual error has substantially impacted the result of any assessment by more than five percent (5%). For purposes of this subsection, the term "error" includes, but is not limited to, the use of an incorrect tax value, incorrect calculation of buildable lots or area of property, or mistaken identification of a property or lot. In addition, the City Council may set aside the whole of an assessment if there has been a substantial irregularity in the proceedings or process as required under this section. The assessment process shall be considered an in rem proceeding.
- (f) A final assessment approved by the City Council shall be a lien against the property assessed of the same nature and to the same extent as a lien for county and city taxes, according to the priorities set forth in G.S. 160A-233(c).
- The provisions of subsections (21), (22), (22.1), (23), (26), (27), and (29) of Section 77 of this Charter shall apply to assessments approved pursuant to the provisions of this section. A request for apportionment of an assessment for property that is subdivided as provided under Section 77(26) of this Charter may be approved administratively by the City Manager and the City Manager's approval, and the resulting assessment amounts for subdivided properties shall be filed with the City Clerk with the originally approved assessment amounts. Notwithstanding the provisions of subsections (21), (22), (22.1), (23), (26), (27), and (29) of Section 77 of this Charter, the City Council may, in its discretion, by ordinance, accelerate payment of assessments due for land that at the time of assessment was undeveloped so that payment is required prior to issuance of a building permit or a certificate of compliance.
- (h) The authority provided in this section is in addition to and not in limitation of any other authority granted by this Charter or any other provision of general or local law."

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



HOUSE BILL 2069: Durham Stormwater Facilities Assessments

2009-2010 General Assembly

Analysis of:

Committee: House Local Government II, if favorable,

Date:

June 22, 2010

Finance

First Edition

Introduced by: Reps. Hall, Luebke, Michaux, Wilkins

Prepared by: Bill Patterson

Committee Counsel

SUMMARY: House Bill 2069 would amend the charter for the City of Durham to authorize assessments against private or public properties served by stormwater facilities for the construction and repair of the facilities when such projects remediate a flooding or other public nuisance or enable compliance with State or federal requirements regarding water quality.

[As introduced, this bill was identical to S1446, as introduced by Sen. McKissick, which is currently in Senate Finance.]

CURRENT LAW: G.S. 160A-216 authorizes a city to make special assessments against benefitted property within its corporate limits for, among other things, constructing, reconstructing, extending, and otherwise building or improving storm sewer and drainage systems. Article 7 of Chapter VI of the Charter of the City of Durham authorizes special assessments to be made for storm sewer improvements upon petition of a majority of the owners of properties subject to assessment, and under certain limited circumstances, without a petition.

BILL ANALYSIS: The bill would add a new section 82.1 to Article 7 of Chapter VI of the Durham city charter specifically authorizing the City Council to assess the direct and indirect costs for projects for the construction, reconstruction, or repair of stormwater facilities on properties served or to be served by the projects, when the projects remediate flooding or other public nuisance or enable compliance with State or federal water quality requirements.

The City Council would be required to exercise all of its newly granted assessment authority pursuant to one or more ordinances. The bill would require the City to prepare an assessment roll showing the costs allocated to each property to be assessed, make the roll available for public inspection, and hold a public hearing regarding the proposed assessment and allocation of costs.

The bill would authorize the City Council to reduce or set aside a prior assessment for clerical or factual errors impacting the assessment result by more than 5%, and would make a final assessment a lien against the property of the same nature and to the same extent as a lien for county and city taxes.

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

H2069-SMTG-91(e1) v2

S

Short Title:

SENATE BILL 1238

Abolish Rutherford County Coroner.

	Sponsors:	Senator Clary.	
	Referred to:	State and Local Government.	
		May 19, 2010	
1		A BILL TO BE ENTITLED	
2	AN ACT TO	ABOLISH THE OFFICE OF CORONER IN RUTHERFORD COUNTY AT	
3 ·	THE END OF THE CURRENT TERM.		
4	The General Assembly of North Carolina enacts:		
5	SI	ECTION 1. The office of coroner in Rutherford County is abolished.	
6		ECTION 2. Chapter 152 of the General Statutes is not applicable to Rutherford	
7	County.		
8	SI	ECTION 3. This act becomes effective upon the expiration of the term of the	
.9		er in Rutherford County. No election shall be held in Rutherford County in 2010	
10	for that positi	· · · · · · · · · · · · · · · · · · ·	



1

(Local)



SENATE BILL 1238: Rutherford County Coroner

2009-2010 General Assembly

House Local Government II Committee:

Introduced by: Sen. Clary

Analysis of: **PCS** to First Edition

S1238-CSTB-8 [v.1]

Date:

June 23, 2010

Prepared by: Denise Huntley Adams

Committee Staff R. Erika Churchill

Committee Co-counsel

SUMMARY: The Proposed Committee Substitute for Senate Bill 1238 provides that the Office of Coroner in Rutherford County shall be vacated at the end of the current term.

[As introduced, this bill was identical to H2056, as introduced by Rep. England, which is currently in Senate State and Local Government.]

CURRENT LAW: Chapter 152 of the General Statutes sets out the laws relating to coroners in North Carolina, including election and vacancies in office, oaths, bonds, powers and duties.

BILL ANALYSIS: The Proposed Committee Substitute provides that the Office of Coroner in Rutherford County shall be vacated at the end of the current term and provides that Chapter 152 of the General Statutes does not apply to Rutherford County.

EFFECTIVE DATE: This act becomes effective December 6, 2010 and the current election for Coroner shall be null and void.

S1238-SMTB-18(e1) v4

S

SENATE BILL 1238 PROPOSED HOUSE COMMITTEE SUBSTITUTE S1238-CSTB-8 [v.1]

6/22/2010 6:44:53 PM

	Short Title: Rutherford County Coroner. (Local)
	Sponsors:
	Referred to:
	May 19, 2010
1	A BILL TO BE ENTITLED
2	AN ACT TO HAVE THE OFFICE OF CORONER IN RUTHERFORD COUNTY
3 ·	VACATED AT THE END OF THE CURRENT TERM.
4	The General Assembly of North Carolina enacts:
5	SECTION 1. The office of coroner in Rutherford County is vacated.
6	SECTION 2. Chapter 152 of the General Statutes is not applicable to Rutherford
7	County.
8	SECTION 3. This act becomes effective December 6, 2010, and the current
9	election for coroner now proceeding shall be null and void.



S

D

SENATE BILL 1238 PROPOSED HOUSE COMMITTEE SUBSTITUTE \$1238-PC\$85370-TB-8

Short Title. Rutherford County Coroner.	
	Sponsors:
	Referred to:
	May 19, 2010
	A BILL TO BE ENTITLED
	AN ACT TO HAVE THE OFFICE OF CORONER IN RUTHERFORD COUNTY
	VACATED AT THE END OF THE CURRENT TERM.
	The General Assembly of North Carolina enacts:
	SECTION 1. The office of coroner in Rutherford County is vacated.
)	SECTION 2. Chapter 152 of the General Statutes is not applicable to Rutherford
,	County.
,	SECTION 3. This act becomes effective December 6, 2010, and the current
)	election for coroner now proceeding shall be null and void



2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 1238 A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF
CORONER IN RUTHERFORD COUNTY AT THE END OF THE CURRENT TERM.
With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No) is placed on the Calendar of (The original bill resolution No)
is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the
Committee on (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No.) is placed on the Unfavorable Calendar.

2 .

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 1421 State and Local Government Committee Substitute Adopted 6/8/10

Short Title:	Forest City/Convey Property.	(Local)
Sponsors:		·
Referred to:		

May 26, 2010

1 2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19 20

21

2223

24

25

26

27

28 29

30

31

32

33

34 35

36

37

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF FOREST CITY TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE OR LONG-TERM LEASE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, the Town of Forest City may convey by private negotiation and sale or by lease for a term of more than 10 years, with or without monetary consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in the following described property to The Challenge Foundation Properties of North Carolina, LLC or Thomas Jefferson Classical Academy for the purpose of operating a public school, including a public charter school:

Lying and being in the Town of Forest City, Rutherford County, North Carolina, and being more particularly described as follows:

BEGINNING at a four inch pipe found, a corner of the property of Quality Oil Co Inc. (now or formerly) as described in Deed Book 773, Page 769 in the Rutherford County Public Registry (hereinafter the "Registry"), having Grid Coordinates of N=578282.32' E=1147512.98', said pipe found being located S. 66-24-38 W. 9,420.34 feet from N.C.G.S. Monument "Burl" having Grid Coordinates of N=582052.14' E=1156146.13'; thence, from the point of Beginning, N. 82-34-47 E. 2.69 feet to a point in the assumed western margin of the right-of-way of S. Broadway Street (U.S. Highway 221-A); thence, with and along the assumed western margin of the right-of-way of S. Broadway Street, the following four (4) courses and distances: (1) N. 30-17-18 W. 100.40 feet to a point; (2) with the arc of a circular curve to the right having a radius of 1,506.11 feet, an arc length of 484.23 feet and a chord bearing and distance N. 21-04-40 W. 482.14 feet to a point; (3) S. 88-09-32 W. 5.83 feet to a bent rebar found in concrete; and (4) N. 09-29-05 W. 226.66 feet to a 3 inch pipe found at the intersection of the assumed western margin of the right-of-way of S. Broadway Street and the assumed southern margin of the right-of-way of Pointer Drive (S.R. 2160); thence, with and along the assumed southern margin of the right-of-way of Pointer Drive, N. 85-43-43 W. 323.13 feet to a bent rebar found, a corner of the property of Heritage Village Ltd (now or formerly) as described in Book 437, Page 347 in the Registry; thence, with and along the boundary line of the property of Heritage Village Ltd., the following five (5) courses and distances: (1) S. 04-23-11 W. 218.32 feet to a #5 rebar set; (2) N. 82-21-00 W. 125.05 feet to a flat iron found; (3) S. 07-13-25 W. 139.85 feet to a flat iron found; (4) N. 82-51-58 W. 169.83 feet to a flat iron found; and (5) N. 05-30-32 E. 363.27 feet to a bent pipe found in the assumed southern margin of the right-of-way of Pointer Drive; thence, with and along the assumed southern margin of the right-of-way of Pointer Drive, N. 83-49-28 W. 367.86 feet to a 3 inch pipe found, a corner of



the property of Charles R. Summey and Peggy P. Summey (now or formerly) as described in

Book 224, Page 591 in the Registry; thence, with and along the boundary line of the property of 1 Charles R. Summey and Peggy P. Summey, S. 03-51-02 W. 939.90 feet to a tall pipe found, a 2 corner of the property of Robert L. Hensley, Jr. and Linda J. Smith (now or formerly) as 3 described in Book 719, Page 447 in the Registry; thence, with and along the boundary line of 4 5 the property of Robert L. Hensley, Jr. and Linda J. Smith, N. 78-59-22 E. 470.19 feet to a bent pipe found, a corner of the property of Billie Forehand Beavers (now or formerly) as described 6 in Book 835, Page 557 in the Registry; thence, with and along the boundary line of the property 7 8 of Billie Forehand Beavers, N. 79-05-42 E. 104.99 feet to a bent pipe found, a corner of the property of Helen S. Price (now or formerly) as described in Book 817, Page 711 in the 9 Registry; thence, with and along the boundary line of the property of Helen S. Price, the 10 following two (2) courses and distances: (1) N. 31-37-10 W. 83.79 feet to a #4 rebar found; and 11 12 (2) N. 78-03-56 E. 94.89 feet to a #4 rebar found, a corner of the property of Hazel W. Shires (now or formerly) as described in Book 817, Page 07 in the Registry; thence, with and along 13 the boundary line of the property of Hazel W. Shires, N. 78-01-14 E. 92.02 feet to a rebar 14 w/cap found, a corner of the property of Iva I. Williams (now or formerly) as described in Book 15 817, Page 703 in the Registry; thence, with and along the boundary line of the property of Iva I. 16 Williams, the following three (3) courses and distances: (1) S. 85-07-58 E. 134.90 feet to a 17 . 18 rebar w/cap found; (2) S. 26-41-12 E. 103.00 feet to point (passing a rebar w/cap found at 94.26 feet); and (3) S. 52-39-19 W. 71.50 feet to a big pipe found, a corner of the property of 19 Rutherford County Arts Council Inc. (now or formerly) described in Book 779, Page 85 in the 20 Registry; thence, with and along the boundary line of the property of Rutherford County Arts 21 Council Inc., S. 26-10-41 E. 66.37 to a big pipe found, a corner of the property of Rutherford 22 County Arts Council Inc. (now or formerly) as described in Book 715, Page 463 in the 23 Registry; thence, with and along the boundary line of the property of Rutherford County Arts 24 Council Inc. (Book 715, Page 463), N. 82-47-30 E. 298.73 feet to a #4 rebar found, a corner of 25 the property of Quality Oil Co Inc. (now or formerly) as described in Book 773, Page 769 in 26 the Registry; thence, with and along the boundary line of the property of Quality Oil Co Inc., 27 N. 82-34-47 E. 155.75 to a 4 inch pipe found, the point and place of BEGINNING, containing 28 18.07 acres, more or less, as shown on an ALTA/ACSM Land Title Survey dated October 8, 29 2008, and last revised November 4, 2008, prepared by Lattimore & Peeler Surveying, Dobbin 30 -Lattimore, NCPLS, License Number L-3336. 31

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

32



SENATE BILL 1421: Forest City/Convey Property

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

June 23, 2010

Finance

Introduced by: Sen. Clary

Prepared by: Brad Krehely

Analysis of:

Second Edition

Committee Co-Counsel

SUMMARY: Senate Bill 1421 would authorize the Town of Forest City to convey an 18.02 acre piece of land, described in the bill, by private sale or by a lease of more than 10 years, with or without monetary consideration, to a named nonprofit for the purpose of operating a public school, including a charter school.

As introduced, this bill was similar but not identical to S1420, as introduced by Sen. Clary, which is currently in Senate State and Local Government.*

CURRENT LAW: Article 12 of G.S. Chapter 160A provides various procedures for how a city may convey property. Among other things, it limits most leases to 10 years. (G.S. 160A-272)

The State Constitution constrains a municipality's ability to convey property in at least two provisions:

- Article I, Section 32, which says, "No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services."
- Article V, Section 2, which says, "The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away." That has been held to mean a unit of government also is limited in its spending powers by the public purpose requirement. Conveying land without compensation is treated as a kind of expenditure.

Both constitutional provisions prevent gifts of public property unless it is for a public purpose.

BILL ANALYSIS: Senate Bill 1421 would allow the Town of Forest City, notwithstanding the restrictions in Article 12 of Ch. 160A, to "convey by private negotiation and sale or by lease for a term of more than 10 years, with or without monetary consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in" an 18.02-acre piece of land within the town limits. The bill contains a legal description of the land. The land could be conveyed only to "The Challenge Foundation Properties of North Carolina, LLC or Thomas Jefferson Classical Academy for the purpose of operating a public school, including a public charter school."

EFFECTIVE DATE: When it becomes law.

S1421-SMRN-126(e2) v2

William R. Gilkeson, Counsel to Senate State and Local Government, contributed substantially to the drafting of this summary.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 1421 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF
FOREST CITY TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE OR
LONG-TERM LEASE.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

. S

SENATE BILL 1298*

Short Title:	Town of Pembroke Occupancy Tax.	(Local)
Sponsors:	Senators Walters; Bingham, Blue, Foriest, Goss, Snow, and Vaughan.	
Referred to:	Finance.	

. May 20, 2010

A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PEMBROKE TO LEVY A THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Occupancy tax. – (a) Authorization and Scope. – The Town Council of the Town of Pembroke may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 1.(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S. 160A-215 apply to a tax levied under this section.

SECTION 1.(c) Distribution and Use of Tax Revenue. – The Town of Pembroke shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Pembroke Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in the Town of Pembroke and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- Net proceeds. Gross proceeds less the cost to the town of administering (1) and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross proceeds collected each year.
- Promote travel and tourism. To advertise or market an area or activity, (2) publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.
- Tourism-related expenditures. Expenditures that, in the judgment of the (3) Pembroke Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in the town or to attract tourists or business travelers to the town. The term includes tourism-related capital expenditures.



11 12 13

14

15

1

2

3

4

5

6

7

8

9 10

16 17 18

19 20 21

22

23 24 25

26

31 32 33

> 34 35

36

 SECTION 2. Tourism Development Authority. — (a) Appointment and Membership. — When the Town Council adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Pembroke Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the town, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the town. The Town Council shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for the Town of Pembroke shall be the ex officio finance officer of the Authority.

SECTION 2.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under Section 1 of this act for the purposes provided in that section. The Authority shall promote travel, tourism, and conventions in the town, in sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town.

SECTION 2.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Pembroke Town Council on its receipts and expenditures for the preceding quarter and for the year in such detail as the Town Council may require.

SECTION 3. G.S. 160A-215(g) reads as rewritten:

"(g) This section applies only to Beech Mountain District W, to the Cities of Belmont, Conover, Eden, Elizabeth City, Gastonia, Goldsboro, Greensboro, Hickory, High Point, Jacksonville, Kings Mountain, Lenoir, Lexington, Lincolnton, Lowell, Lumberton, Monroe, Mount Airy, Mount Holly, Reidsville, Roanoke Rapids, Salisbury, Shelby, Statesville, Washington, and Wilmington, to the Towns of Ahoskie, Beech Mountain, Benson, Blowing Rock, Boiling Springs, Boone, Burgaw, Carolina Beach, Carrboro, Cramerton, Dallas, Dobson, Elkin, Franklin, Jonesville, Kenly, Kure Beach, Leland, McAdenville, Mooresville, North Topsail Beach, Pembroke, Pilot Mountain, Ranlo, Selma, Smithfield, St. Pauls, Troutman, Tryon, West Jefferson, Wilkesboro, Wrightsville Beach, Yadkinville, and Yanceyville, and to the municipalities in Avery and Brunswick Counties."

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 1298 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN
OF PEMBROKE TO LEVY A THREE PERCENT ROOM OCCUPANCY AND TOURISM
DEVELOPMENT TAX.
☑ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
The bill/resolution is re-referred to the Committee on

- HOUSE PAGES

NAME OF COMMITTEE LOCAL GOVT TO DATE 6-23-
1. Name: Web Anderson
County: Mecklephurg
Sponsor: M. Alexander
2. Name: Jake L'IT-LIP
County: MEKIERLYG
Sponsor: M. AIRANJET
3. Name:
County:
Sponsor:
4. Name:
County:
Sponsor:
5. Name:
County:
Sponsor:
SGT-AT-ARM
1. Name: Manvin Lus 2. Name: Bob Ross
2. Name: // // // // // // // // // // // // //
3. Name:
4. Name:

VISITOR REGISTRATION SHEET

Committee on Local Government II	June 23, 2010
Name of Committee	Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	TIRM OR-AGENCY AND ADDRESS
Lisa Marbin	NC Home Parilders
Rick Zechini	Ne Assoc of REACTOR
Cady Thomas	u /1
Cisi Haus	NCHBA.
Dove Hern	WM
Christin Danchi	Rep. Paul Stam
	•
•	

VISITOR REGISTRATION SHEET

Committee on Local Government II	June 23, 2010
Name of Committee	Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS	
Penny Sup. Karnishe wallow	School of Ducham	, , ,
Karon Sindelar		
Paul Wiebke	City of Durham	
	-1	
· · · · · · · · · · · · · · · · · · ·		
· .	-	
, .		_
·		

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 30, 2010

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 2069	Durham Stormwater Facilities	Representative Hall
	Assessments.	Representative Luebke
		Representative Michaux, Jr.
		Representative Wilkins, Jr.
SB 1136	Regulate Towing From Private Lots.	Senator Rucho
SB 1357	Expand Cabarrus County Tourism Authority.	Senator Hartsell
SB 1438	New Hanover ABC Board Membership.	Senator Boseman
SB 1444	Kannapolis/Concord Doughnut Hole Annexations.	Senator Hartsell

Respectfully, Representative Braxton, Chair

	· · · · · · · · · · · · · · · · · · ·
I hereby certify this notice was filed by the committed 11 o'clock on June 28 , 2009.	tee assistant at the following offices at
☐ Principal Clerk ☐ Reading Clerk – House Chamber	•
Barbara Hocutt (Committee Assistant)	•

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 30, 2010

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO. HB 2069	SHORT TITLE Durham Stormwater Facilities Assessments.	SPONSOR Representative Hall Representative Luebke Representative Michaux, Jr.
SB 430	Wilmington Civil Service Rewrite.	Representative Wilkins, Jr. Senator Boseman
SB 1136	Regulate Towing From Private Lots.	Senator Rucho
SB 1357	Expand Cabarrus County Tourism Authority.	Senator Hartsell
SB 1444	Kannapolis/Concord Doughnut Hole Annexations.	Senator Hartsell

Respectfully, Representative Braxton, Chair

hereby certify this notice was filed by the committee assistant at the following offices a 16 o'clock on June 28, 2009.
Principal Clerk Reading Clerk – House Chamber
Barbara Hocutt (Committee Assistant)



NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

DAY & DATE: Wednesday, June 30, 2010

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 430	Wilmington Civil Service Rewrite.	Senator Boseman
SB 650	Regulation of Golf Carts by Local	Senator Goss
	Governmts.	
SB 1136	Regulate Towing From Private Lots.	Senator Rucho
SB 1357	Expand Cabarrus County Tourism Authority.	Senator Hartsell
SB 1444	Kannapolis/Concord Doughnut Hole Annexations.	Senator Hartsell

Respectfully, Representative Braxton, Chair

I hereby certify this notice was filed by 14 o'clock on June 29, 2009.	the committee assistant at the following offices	at
☐ Principal Clerk ☐ Reading Clerk – House Chamber		•

Barbara Hocutt (Committee Assistant)

COMMITTEE ON LOCAL GOVERNMENT II JUNE 30, 2010 AGENDA

ī.	Call to Order		
II.	Introductions		*
III.	Bills		
SB 43	0	Wilmington Civil Service Rewrite Re-refer to Judiciary I	Sen. Boseman
SB 65	0	Regulation of Golf Carts by Local Governmts Re-refer to Finance	Sen. Goss
SB 11	36	Regulate Towing from Private Lots Re-refer to Finance	Sen. Rucho
SB 13	57	Expand Cabarrus County Tourism No Referral	Sen. Hartsell
SB 14	44	Kannapolis/Concord Doughnut Hole Annexations Re-refer to Finance	Sen. Hartsell

THE COMMITTEE ON LOCAL GOVERNMENT II June 30, 2010 Minutes

Representative Van Braxton, Chairman of the Committee on Local Government II called the meeting to order on Wednesday, June 30, 2010 at 11:08 a.m. He introduced the Pages who are: Mikalah Shaw of Durham sponsored by Representative Larry Hall and Charlotte Leaden of Orange County sponsored by Speaker Joe Hackney. Serving as Sergeant-at-Arms are Marvin Lee, Bob Rossi and Dave Shearon. The following members are present: Representatives Braxton, Langdon, Stam, Blackwell, Floyd, Gibson, Guice, Lucas, Samuelson, Spear, Stewart and Wiley. Representatives Stewart and Tucker had excused absences. Those absent are Representatives Owen and Warren.

In the absence of Senator Boseman, Representative Hughes presented Senate Committee Substitute 430, "AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT." Representative Spear moved the consideration of the House Proposed Committee Substitute. The motion was seconded and passed. Representative Hughes assured the members that there was no local opposition and, in fact, it was requested by the local government. Representative Gibson moved a favorable report as to the House Committee Substitute, which changes the title, unfavorable as to the Senate Committee Substitute and recommendation that it be re-referred to the Committee on Judiciary I. The motion was seconded and passed.

Chairman Braxton temporarily displaced Senate Committee Substitute Bill 650 on the agenda, and called on Senator Rucho to present his bill, Senate Committee Substitute Bill 1136. "AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES FROM PRIVATE LOTS IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE." Representative Samuelson moved consideration of the House Proposed Committee Substitute bill. It was seconded and passed. Senator Rucho explained the problem of using towing companies from areas some distance from where the car was towed causing confusion for the owners over where the car was located. Representative Stam moved to amend the bill by deleting the words, "or company" on page 1, line 26 and "or company" on Page 1, line 30. The motion was seconded and passed. He explained that that a company was deemed in law to be a person. Representative Floyd moved to amend the bill on Page 2, line 4 by rewriting the line to read, "(c) This section shall apply only to the counties of Craven, Cumberland, Dare, Forsyth, Gaston," The adds Cumberland County to list of those included in the bill. The motion was seconded and passed. The changes will be rolled into the House Proposed Committee Substitute. Representative Floyd moved a favorable report as to the House Committee Substitute and unfavorable as to the Senate Committee Substitute and recommendation that the House Committee Substitute be re-referred to the Committee on Finance. The motion was seconded and passed.

Page 2 Loc. Gov II 6-3⁹10

Senator Hartsell presented Senate Bill 1357, "AN ACT TO EXPAND THE CABARRUS COUNTY TOURISM AUTHORITY". Representative Spear moved consideration of the House Committee Substitute Bill. The motion was seconded and passed. Senator Hartsell said that this came from the local government, and there was no opposition. Representative Gibson moved a favorable report as the House Committee Substitute bill, unfavorable as to the Senate Bill and recommendation that it be re-referred to Finance. The motion was seconded and passed.

Representative Langdon assumed the Chair as Representative Braxton presented Senate Committee Substitute Bill 650, "AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS." Representative Lucas moved consideration of the House Proposed Committee Substitute. It was seconded and passed. Representative Braxton explained that due to an error in the mapping of a Chatham school district a member was elected to that district who did not live there. This committee substitute allows her to complete the term to which she was elected. The motion was made by Representative Stam to give a favorable report to the House Committee Substitute Bill, which changes the title, unfavorable as to the Senate Committee Substitute Bill. It was seconded and passed.

The Agenda was resumed and Senator Hartsell placed Senate Committee Substitute Bill 1444 before the Committee for it consideration, "AN ACT TO AUTHORIZE THE CITIES OF CONCORD AND KANNAPOLIS TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATED LIMITS." Senator Hartsell answered questions concerning diversity problems, fairness and whether it qualified for involuntary annexation by assuring the members that the measure had been properly vetted and publicized. No objections had been raised to annexing what he believed was mostly open land. Representative Lucas moved a favorable report and recommendation that the Senate Substitute bill be re-referred to the Committee on Finance.

Representative Braxton adjourned the committee with his appreciation for a job well

done at 11:50 a.m.

Representative R. Van Braxton, Chairman

Assistant

Barbara R. Hocutt, Committee

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

SENATE BILL 430 State and Local Government Committee Substitute Adopted 5/12/09

Short Title:	Wilmington Civil Service/Amendments.	(Local)
Sponsors:		
Referred to:		

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 11.1 and 11.2 of Article XI of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 342 of the 1981 Session Laws, read as rewritten:

"ARTICLE XI. CIVIL SERVICE.

"Sec. 11.1. Civil Service Commission established.—There is created a Civil Service Commission consisting of five members. Each member must be a citizen and a resident of the City of Wilmington. No member shall be an officer or employee of the city, or be a member of the immediate family of an employee of the city or a former employee of the police or fire department.

The employees of the City of Wilmington Fire Department, by a majority vote, shall name one member. The employees of the City of Wilmington Police Department, by a majority vote, shall name one member. The City Council of the City of Wilmington, by a majority vote, shall name one member. The New Hanover County Medical Society governing board, by a majority vote, shall name one member. The Wilmington Ministerial Association governing body, by a majority vote, shall name one member.

The members of the commission shall serve a term of three years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.

A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled by the agency authorized to name the member causing the vacancy. If the agency fails to fill the vacancy within 60 days after notification, the resident senior superior court judge of the judicial district that includes New Hanover County shall immediately fill the vacancy. Members appointed to fill a vacancy serve for the remainder of the unexpired term.

The city council shall set the compensation for allowances, if any, to be paid the members of the commission. In November of each year, the commission shall elect a chairman and may elect other officers. A majority of the members of the commission constitutes a quorum. The commission may determine its own rules of procedure.

The city clerk shall be designated as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of commission meetings and hearings, keep custody of commission records and notify members of meetings. The director of personnel shall act as an ex officio member of the commission representing the city on personnel matters to be handled by the commission. The commission shall within a reasonable time, supply the director of personnel with notification of any actions, reports, or recommendations made by the commission. The personnel office shall notify affected police



29 .

and fire department members of actions, reports and recommendations made by the commission.

- (a) Establishment, Qualifications, and Restrictions. There is created a civil service commission consisting of five regular members and one nonvoting ex officio member. Each regular member must be a citizen and a resident of the City of Wilmington. No regular member shall be an officer or employee of the city, or be a member of the immediate family of an employee of the city, or a former employee of the police or fire department.
- (b) Appointment, Term, and Removal of Regular Members. The employees of the City of Wilmington Fire Department who are subject to this Article, by a majority vote, shall name one regular member. The employees of the City of Wilmington Police Department who are subject to this Article, by a majority vote, shall name one regular member. The City Council of the City of Wilmington, by a majority vote, shall name one regular member. The New Hanover County Medical Society governing board, by a majority vote, shall name one regular member. The sitting members of the Civil Service Commission, by a majority vote, shall select one member to be confirmed by the City Council as a regular member of the commission.

The regular members of the commission shall serve a term of three years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.

- (c) Vacancy. A vacancy on the commission may be caused by the death, resignation, disqualification, or removal of a regular member. Such vacancy shall be filled by the appointing authority authorized to name the member causing the vacancy. If the appointing agency fails to fill the vacancy within 60 days after notification, the senior resident superior court judge of the judicial district that includes New Hanover County shall be notified and shall immediately fill the vacancy. Regular members appointed to fill a vacancy serve for the remainder of the unexpired term.
- (d) Compensation, Officers, and Quorum. The City Council shall set the compensation for allowances, if any, to be paid the members of the commission. In November of each year, the regular members of the commission shall elect a chairman and may elect other officers. A majority of the regular members of the commission constitutes a quorum. There shall be a minimum of four regular members present to consider the appeal of a dismissal or demotion under this Article. A quorum will be required to consider nondisciplinary matters.
- (e) Secretary. The city clerk shall act as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of commission meetings and hearings, shall be custodian of all papers and records pertaining to the business of the commission, shall notify commission members of meetings, shall administer required oaths, shall be responsible for transmitting to the Superior Court of New Hanover County a complete transcript of all proceedings and papers concerning any commission order appealed to the court, and shall perform other duties as the commission may require.
- officio member of the commission and shall advise the commission on all city and departmental policies, rules, regulations, and procedures. The commission shall, within a reasonable time, supply the director of human resources with notification of any actions, reports, or recommendations made by the commission. The human resources department shall notify affected police and fire department members of actions, reports, and recommendations made by the commission.
- "Sec. 11.2. Jurisdiction. Application of Article. The Civil Service Act has jurisdiction over an employee of the Police Department of the City of Wilmington certified in accordance with Section 11.5 of this act and who is clothed with the full power of arrest and whose primary duty is that of enforcing the criminal laws of the city and State, excluding those employees whose

primary responsibility is that of issuing parking tickets or collecting fees. The chief of the police department is not covered by the Civil Service Act.

The act shall apply to an employee of the Fire Department of the City of Wilmington certified in accordance with Section 11.5 of this act and whose primary function is that of protecting life and property through fire fighting, including those fire officers assigned to supporting services of the fire service. The chief of the fire department is not covered by the Civil Service Act.

- (a) General Application. The provisions of this Article shall apply only to civil service certified employees of the City of Wilmington police and fire departments as defined in this section.
- (b) Police Department. An employee of the police department shall be civil service certified only if that employee: (i) is a full-time regular employee of the City of Wilmington; (ii) has successfully completed the probationary period of employment as set forth in Section 11.5 of this Article; (iii) has received certification as a criminal justice officer by the State of North Carolina; and (iv) continues to maintain such State certification while employed by the police department as a criminal justice officer. Other than Section 11.4 of this Article, the provisions of this Article shall not apply to the chief of police. The provisions of this Article shall not apply to any deputy chief or auxiliary police officer appointed to such position after the date of the enactment of this Article.
- (c) Fire Department. An employee of the fire department shall be civil service certified only if that employee: (i) is a full-time regular employee of the City of Wilmington; (ii) has successfully completed the probationary period of employment as set forth in Section 11.5 of this Article; (iii) has received certification as either a firefighter or fire inspector by the State of North Carolina; and (iv) continues to maintain such State certification while employed by the fire department in a primary function of protecting life and property through firefighting, including those fire officer positions assigned to supporting services of the fire service. Other than Section 11.4 of this Article; the provisions of this Article shall not apply to the fire chief. The provisions of this Article shall not apply to any deputy fire chief appointed to such position after the date of the enactment of this Article."

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

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

29

30

- 1

33

)

D

SENATE BILL 430

State and Local Government Committee Substitute Adopted 5/12/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S430-CSRN-55 [v.9]

6/30/2010 9:42:23 AM

•	Short Title: Wilmington Civil Service/Amendments. (Local
	Sponsors:
	Referred to:
•	March 5, 2009
1	A BILL TO BE ENTITLED
2	AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT TO PROVIDE THAT
3	THE SITTING MEMBERS OF THE CIVIL SERVICE COMMISSION, BY MAJORITY
4	VOTE, SHALL NAME ONE MEMBER OF THE COMMISSION AND TO PROVIDE
5	FOR THE REPLACEMENT OF THE MEMBER PREVIOUSLY NAMED BY THE
6	WILMINGTON MINISTERIAL ASSOCIATION.
7	The General Assembly of North Carolina enacts:
8 9	SECTION 1. Section 11.1 of Article XI of the Charter of the City of Wilmington
0	being Chapter 495 of the 1977 Session Laws; as amended by Chapter 342 of the 1981 Session Laws, reads as rewritten:
11	"ARTICLE XI. CIVIL SERVICE.
12	"Sec. 11.1. Civil Service Commission established. There is created a Civil Service
13	Commission consisting of five members. Each member must be a citizen and a resident of the
14	City of Wilmington. No member shall be an officer or employee of the city, or be a member of
15	the immediate family of an employee of the city or a former employee of the police or fire
16	department. Applicants to the Civil Service Commission shall complete the City of Wilmington
17	Boards and Commissions application process.
18	The employees of the City of Wilmington Fire Department who are subject to this Article
19	by a majority vote, shall name one member. The employees of the City of Wilmington Police
20	Department, who are subject to this Article, by a majority vote, shall name one member. The
21	City Council of the City of Wilmington, by a majority vote, shall name one member. The New
22	Hanover County Medical Society governing board, by a majority vote, shall name one member
23	The Wilmington Ministerial Association governing body, The sitting members of the Civi
24	Service Commission, by a majority vote, shall name one member.
25	The members of the commission shall serve a term of three years unless removed by the
26 27	appointing authority. A member may be removed by a majority vote of all members of the
2 <i>1</i> 28	agency appointing that member. A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled
40	A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled



by the agency authorized to name the member causing the vacancy. If the agency fails to fill the vacancy within 60 days after notification, the resident senior superior court judge of the judicial

district that includes New Hanover County shall immediately fill the vacancy. Members

appointed to fill a vacancy serve for the remainder of the unexpired term. Notwithstanding any

other provision in this section, the member previously named by the Wilmington Ministerial

1

8

14 15 16

13

17 18 Association governing body, shall be replaced with another member chosen by a majority vote of the sitting members of the Civil Service Commission. The member, who must complete the City of Wilmington Boards and Commissions application process, shall fill an at-large seat for a one-year term to run from August 1, 2010 through August 1, 2011. The city council shall set the compensation for allowances, if any, to be paid the members

of the commission. In November of each year, the commission shall elect a chairman and may elect other officers. A majority of the members of the commission constitutes a quorum. The commission may determine its own rules of procedure.

The city clerk shall be designated as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of commission meetings and hearings, keep custody of commission records and notify members of meetings. The director of personnel shall act as an ex officio member of the commission representing the city on personnel matters to be handled by the commission. The commission shall within a reasonable time, supply the director of personnel with notification of any actions, reports, or recommendations made by the commission. The personnel office shall notify affected police and fire department members of actions, reports and recommendations made by the commission."

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

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

D

SENATE BILL 430

State and Local Government Committee Substitute Adopted 5/12/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S430-PCS65091-RN-55

Short Title: Wilmington Civil Service/Amendments.		(Local)
Sponsors:		
Referred to:		
		•

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT TO PROVIDE THAT THE SITTING MEMBERS OF THE CIVIL SERVICE COMMISSION, BY MAJORITY VOTE, SHALL NAME ONE MEMBER OF THE COMMISSION AND TO PROVIDE FOR THE REPLACEMENT OF THE MEMBER PREVIOUSLY NAMED BY THE WILMINGTON MINISTERIAL ASSOCIATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11.1 of Article XI of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 342 of the 1981 Session Laws, reads as rewritten:

"ARTICLE XI. CIVIL SERVICE.

"Sec. 11.1. Civil Service Commission established. There is created a Civil Service Commission consisting of five members. Each member must be a citizen and a resident of the City of Wilmington. No member shall be an officer or employee of the city, or be a member of the immediate family of an employee of the city or a former employee of the police or fire department. Applicants to the Civil Service Commission shall complete the City of Wilmington Boards and Commissions application process.

The employees of the City of Wilmington Fire Department who are subject to this Article, by a majority vote, shall name one member. The employees of the City of Wilmington Police Department, who are subject to this Article, by a majority vote, shall name one member. The City Council of the City of Wilmington, by a majority vote, shall name one member. The New Hanover County Medical Society governing board, by a majority vote, shall name one member. The Wilmington Ministerial Association governing body, The sitting members of the Civil Service Commission, by a majority vote, shall name one member.

The members of the commission shall serve a term of three years unless removed by the appointing authority. A member may be removed by a majority vote of all members of the agency appointing that member.

A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled by the agency authorized to name the member causing the vacancy. If the agency fails to fill the vacancy within 60 days after notification, the resident senior superior court judge of the judicial district that includes New Hanover County shall immediately fill the vacancy. Members appointed to fill a vacancy serve for the remainder of the unexpired term. Notwithstanding any other provision in this section, the member previously named by the Wilmington Ministerial



 Association governing body, shall be replaced with another member chosen by a majority vote of the sitting members of the Civil Service Commission. The member, who must complete the City of Wilmington Boards and Commissions application process, shall fill an at-large seat for a one-year term to run from August 1, 2010, through August 1, 2011.

The city council shall set the compensation for allowances, if any, to be paid the members of the commission. In November of each year, the commission shall elect a chairman and may elect other officers. A majority of the members of the commission constitutes a quorum. The commission may determine its own rules of procedure.

The city clerk shall be designated as permanent recording secretary to the Civil Service Commission. The recording secretary shall maintain the minutes of commission meetings and hearings, keep custody of commission records and notify members of meetings. The director of personnel shall act as an ex officio member of the commission representing the city on personnel matters to be handled by the commission. The commission shall within a reasonable time, supply the director of personnel with notification of any actions, reports, or recommendations made by the commission. The personnel office shall notify affected police and fire department members of actions, reports and recommendations made by the commission."

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for BE 430 A BILL TO BE ENTITLED AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT.
With a favorable report as to House committee substitute bill, which changes the title, infavorable as to Senate committee substitute bill and recommendation that the House committee ubstitute bill be re-referred to the Committee on JUDICIARY I.
FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution No) is placed on the Calendar of (The original bill resolution No) s placed on the Unfavorable Calendar.

SENATE BILL 1136 Transportation Committee Substitute Adopted 6/9/10

Short Title: Regulate Towing From Private Lots.		(Public)	
Sponsors:			
Referred to:			

May 17, 2010

1 2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20 21

22

23

24

25

26

27

28 29

30

31

32 33

34

35

36

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES FROM PRIVATE LOTS IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-219.2 reads as rewritten:

"§ 20-219.2. Removal of unauthorized vehicles from private lots.

- 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 if the private parking lot be is clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto, displaying the name and phone number of the towing and storage company, and and, if individually owned or leased, the parking spaces within the lot be-are clearly marked by signs setting forth the name of each individual lessee or owner; owner. a-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.
- (a1) Any vehicle removed pursuant to this section shall not be transported for storage more than 15 miles from the place of removal.
- (a2) Any person or company that tows or stores a vehicle subject to this section shall charge reasonable fees for the services rendered, and any fee charged shall not exceed the fee for other service calls the person or company provides for the same service, labor, and conditions.
- (a3) Any person or company that tows or stores a vehicle subject to this section shall not require any person retrieving a vehicle to sign any waiver of rights or other similar document as a condition of the release of their vehicle, other than a form acknowledging release and receipt of the vehicle.
- (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) one hundred dollars (\$100.00) in the discretion of the court.



(c)

Fayetteville.

authorized by general law."

(d)

. 5

6 7

8 9

1.0 11 12

13

14 15

"§ 7A-292. Additional powers of magistrates.

In addition to the jurisdiction and powers assigned in this Chapter to the magistrate in civil and criminal actions, each magistrate has the following additional powers:

Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and

municipalities in those counties, and to the Cities of Durham, Jacksonville, Charlotte and

any county or municipality to enact ordinances regulating towing from private lots, as

SECTION 2. G.S. 7A-292 is amended by adding a new subdivision to read:

This section shall apply only to the Counties of Craven, Dare, Forsyth, Gaston,

The provisions of this section shall not be interpreted to preempt the authority of

To determine if a violation of G.S. 20-219.2(a2) has occurred."

SECTION 3. This act becomes effective October 1, 2010, and applies to vehicles towed on or after that date.

S

1

2

3

4 5

6

7

8

9

10

11

12

13

14

15

16

17

18 19

20

21

22

23

24

25

26

27

28

29 30

31 32

33

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

SENATE BILL 1136

D

Transportation Committee Substitute Adopted 6/9/10 PROPOSED COMMITTEE SUBSTITUTE S1136-CSRW-93 [v.3]

6/28/2010 10:32:26 AM

Short Title:	Regulate Towing From Private Lots.	(Public)	
Sponsors:			
Referred to:			

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES FROM PRIVATE LOTS IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

'The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-219.2 reads as rewritten:

"§ 20-219.2. Removal of unauthorized vehicles from private lots.

- 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 spacespace; provided, that such if the private parking lot be is clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto thereto, displaying the name and phone number of the towing and storage company, and and, if individually owned or leased, the parking lot or spaces within the lot be-are clearly marked by signs setting forth the name of each individual lessee or owner; owner, a-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.
- (a1) Any vehicle removed pursuant to this section shall not be transported for storage more than 15 miles from the place of removal.
- (a2) Any person or company that tows or stores a vehicle subject to this section shall inform the owner in writing at the time of retrieval of the vehicle that the owner has the right to pay the amount of the lien asserted, request immediate possession, and contest the lien for towing charges pursuant to the provisions of G.S. 44A-4.
- (a3) Any person or company that tows or stores a vehicle subject to this section shall not require any person retrieving a vehicle to sign any waiver of rights or other similar document as a condition of the release of their vehicle, other than a form acknowledging the release and receipt of the vehicle.



1

- 6 7 8
- 9
- 10 11 12
- Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor-an infraction and upon conviction shall be only fined-penalized not more than ten dollars (\$10.00) one hundred dollars (\$100.00) in the discretion of the court.
- This section shall apply only to the Counties of Craven, Dare, Forsyth, Gaston, Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and municipalities in those counties, and to the Cities of Durham, Jacksonville, Charlotte and Fayetteville.
- (d) The provisions of this section shall not be interpreted to preempt the authority of any county or municipality to enact ordinances regulating towing from private lots, as authorized by general law."
- SECTION 2. This act becomes effective October 1, 2010, and applies to vehicles towed on or after that date.

S

SENATE BILL 1136

Transportation Committee Substitute Adopted 6/9/10 PROPOSED COMMITTEE SUBSTITUTE S1136-PCS85378-RW-93

Short Title:	Regulate Towing From Private Lots.	(Public)
Sponsors:		
Referred to:		

May 17, 2010

1 2 3

4 5

6 7

8

9

10

11

12

13

14

15

16

17

18

19 20

21

22

23

24

25

26

27

28 29

30

31

32 33

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES FROM PRIVATE LOTS IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-219.2 reads as rewritten:

"§ 20-219.2. Removal of unauthorized vehicles from private lots.

- 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 spacespace; provided, that such if the private parking lot be is clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto, displaying the name and phone number of the towing and storage company, and and, if individually owned or leased, the parking lot or spaces within the lot be are clearly marked by signs setting forth the name of each individual lessee or owner; owner. a-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.
- (a1) Any vehicle removed pursuant to this section shall not be transported for storage more than 15 miles from the place of removal.
- (a2) Any person who tows or stores a vehicle subject to this section shall inform the owner in writing at the time of retrieval of the vehicle that the owner has the right to pay the amount of the lien asserted, request immediate possession, and contest the lien for towing charges pursuant to the provisions of G.S. 44A-4.
- (a3) Any person who tows or stores a vehicle subject to this section shall not require any person retrieving a vehicle to sign any waiver of rights or other similar document as a condition of the release of the person's vehicle, other than a form acknowledging the release and receipt of the vehicle.



D

- 1 2 3 4
- 5 6
- 7
- 8 9
- 10
- 11 12

- Any person violating any of the provisions of this section shall be guilty of a Class 3 (b) misdemeanor an infraction and upon conviction shall be only fined penalized not more than ten dollars (\$10.00) one hundred dollars (\$100.00) in the discretion of the court.
- This section shall apply only to the Counties of Craven, Cumberland, Dare, Forsyth, Gaston, Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and municipalities in those counties, and to the Cities of Durham, Jacksonville, Charlotte and Fayetteville.
- (d) The provisions of this section shall not be interpreted to preempt the authority of any county or municipality to enact ordinances regulating towing from private lots, as authorized by general law."
- SECTION 2. This act becomes effective October 1, 2010, and applies to vehicles towed on or after that date.



SENATE BILL 1136: **Regulate Towing From Private Lots**

2009-2010 General Assembly

Committee: House Local Government II, if favorable, Date:

June 30, 2010

Finance

Introduced by: Sen. Rucho

Prepared by: Brad Krehely

Analysis of: **PCS** to Second Edition Committee Co-Counsel

S1136-CSRW-93

SUMMARY: The Proposed Committee Substitute (PCS) for Senate Bill 1136 amends State law governing towing from private lots. The PCS makes the following changes to the second edition of the bill: (1) deletes the requirement that towing and storage companies charge fees that cannot exceed the fee for other calls involving the same service, (2) provides that companies must inform the owner in writing at the time of retrieval of the right to pay the lien asserted, request immediate possession, and contest the lien, and (3) changes the penalty from a Class 3 misdemeanor to an infraction, but maintains the higher penalty of up to \$100.

As introduced, this bill was identical to H1866, as introduced by Reps. Carney, K. Alexander, Killian, Earle, which is currently in House Local Government II, if favorable, Finance.

CURRENT LAW: Under current G.S. 20-219.2, which applies to certain cites and counties, it is unlawful for any person, other than the owner of lessee of a privately owned or leased parking space, to rk a vehicle in the space without the express permission of the owner of lessee of the space. It islawful to tow a vehicle from a private parking space or lot unless the space or lot is clearly marked with a 24x24 sign stating that unauthorized parking is prohibited and providing the name of the lot or space owner. Vehicles properly towed under this section may be removed to a place of storage upon written request of the owner or lessee of the parking space. The registered owner of the vehicle is liable for removal and storage charges. Any person who removes a vehicle is not liable for damages for the removal of the vehicle. However, any person who intentionally or negligently damages a vehicle when removing it or intentionally or negligently inflicts injury upon a person in the removal of a vehicle may be liable for damages. A person who violates this section shall be guilty of a Class 3 misdemeanor, and upon conviction, shall be fined not more than \$10.00 in the discretion of the court.

In addition to G.S. 20-219.2, cities and counties may regulate towing by ordinance under their general police power.

BILL ANALYSIS: The PCS amends G.S. 20-219.2, which regulates towing from private lots and is applicable to the certain cites and counties, to:

- provide that the required sign at a private lot include the name and phone number of the towing and storage company.
- prohibit removal of vehicles more than 15 miles from the place of towing.
- provide that companies that tow or store must inform the owner in writing at the time of retrieval that the owner (1) has the right to pay the amount of the lien asserted, (2) request immediate possession, and (3) contest the lien for towing charges.
- prohibit towing companies from requiring vehicle owners to sign waivers of rights when retrieving vehicles, other than a form acknowledging the release and receipt of the vehicle.
- increase the penalty for the infraction violation to up to \$100.

Senate Bill 1136

Page 2

- extend applicability of G.S. 20-219.2 to Mecklenburg County and clarifies that it applies to municipalities in the listed counties; removes the City of Durham from coverage.
- clarify that G.S. 20-219.2 does not preempt the general authority of counties and municipalities to regulate towing by ordinance.

EFFECTIVE DATE: This act becomes effective October 1, 2010, and applies to vehicles towed on or after that date.

S1136-SMRN-129(CSRW-93) v3

Giles Perry, Counsel to Senate Transportation, contributed substantially to the drafting of this summary.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s)	trom standing committee(s) is/are presented:
By Representati	ve Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute	for
SB 1136	A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE
	E TOWING OF VEHICLES FROM PRIVATE LOTS IN CERTAIN
COUNTIES AND CITI	ES, AS RECOMMENDED BY THE JOINT LEGISLATIVE
	VERSIGHT COMMITTEE.
☑ With a favorable rep Committee Substitute B referred to the Committe	ort as to the House committee substitute bill, unfavorable as to Senate ill and recommendation that the House committee substitute bill be rese on FINANCE.
(FOR JOURNAL USE	ONLY)
Pursuant to R	ule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to R	ule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No.) is placed on	the Calendar of (The original bill resolution No)
is placed on the Unfavor	able Calendar.
Committee on (committee substitute bill/(joint) resolution (No) is re-referred to the The original bill/resolution) (House/Senate Committee Substitute o.) is placed on the Unfavorable Calendar.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

	EDITION No.	
	H. B. No	DATE June 30, 2010
	S. B. No. 136 - CSRW-1	Amendment No (to be filled in by
	COMMITTEE SUBSTITUTE	Principal Clerk)
	Sen.)	
1	moves to amend the bill on page	, line <u>2</u> 6
2	/ \WHICH CHANGES THE TITLE	
3	by <u>deleting the u</u>	ords "or company";
4		•
5	and on Pag	jel, lite 30,
6		· · · · · · · · · · · · · · · · · · ·
7	by deleting	te words "or company"
3		
9		
10		
11		
	•	
13		
14		
		•
	·	
19		SIGNED
	ADOPTED	FAILEDTABLED

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDI.	TION No								
Н. В	3. No				DATE	·	6/3	0/10	
6 B	. No.	1130				Amendment N	io.		
	MITTEE SUB	etiti ite					(to be	filled in by ipal Clerk)	_
CON					•		1 11110	ipai Oleik)	
	(Rep.) -	M	cas		<u>-</u> .				
	Sen.)								
1 mov	res to amend	the bill on	page	Q		, line_	4		
o / \	WHICH CH	ANCES TH	C TITI C						
3 by_	rewr	iting	the	- Une	- 70	read			
4			•				· · · · · · · · · · · · · · · · · · ·		
5((C) T	MS S	section	m sh	all	apply	only		
6	to	the	Count	nes of	_ U	raven,	<u>Cum</u>	berlar	24
7	Do	we.	Fory	5th,	Ga:	raven,	11		.
3	•								
9									
10				· ·- · · · · · · · · · · · · · · · · ·					
11									
12									
13									
14									
15				· · · · · · · · · · · · · · · · · · ·					
•									
	•								
		3	-	•	CIONE	:D~	<u>۱</u> م م	W PAL	e of
			/		SIGNE	:U_I		7 7 7 9	
ADO	OPTED	<i>V</i>		_FAILED			TABLED		

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

13

14

15

16 17

18

19

20

21 22

23

24 25

26

27

28 29

30

31 32

33

34

35

36

SENATE BILL 650 State and Local Government Committee Substitute Adopted 4/21/09

2

Short Title:	Regulation of Golf Carts by Local Governmts.	(Public)
Sponsors:		
Referred to:		
	March 19, 2009	
	A BILL TO BE ENTITLED	
AN ACT TO CARTS.	O ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGU	ILATE GOLF
The General	Assembly of North Carolina enacts:	
S	SECTION 1. Chapter 153A of the General Statutes is amended by	adding a new
section to re-	• · · · · · · · · · · · · · · · · · · ·	Ü
"§ 153A-245	5. Regulation of golf carts on streets, roads, and highways.	
	Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a co	ounty may, by
	egulate the operation of golf carts, as defined in G.S. 20-4.01(12a),	
	or highway where the speed limit is 35 miles per hour or less within t	
	any unincorporated areas of the county or on any property owned or	
county.		

- By ordinance, a county 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. No person less than 16 years of age may operate a golf cart on a public street or highway."
 - SECTION 2. G.S. 160A-300.5 is repealed.

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

"\$ 160A-300.6. Regulation of golf carts on streets, roads, and highways.

- Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, a city may, by ordinance, regulate the operation of golf carts, as defined in G.S. 20-4.01(12a), on any public street, road, or highway where the speed limit is 35 miles per hour or less within its municipal 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. No person less than 16 years of age may operate a golf cart on a public street or highway."

SECTION 4. Section 6 of S.L. 2001-356 is repealed.

SECTION 5. Section 1 of S.L. 2003-124, as amended by S.L. 2004-58, S.L. 2007-204, and S.L. 2007-259, 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, 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 earts and utility vehicles, specify the persons authorized to operate golf carts and utility



S

vehicles, and specify required equipment, load limits, and the hours and methods of operation of the golf earts and utility vehicles."

SECTION 6. Section 1 of S.L. 2005-11, as amended by S.L. 2007-18, is repealed. **SECTION 7.** Section 3 of S.L. 2005-11, as amended by S.L. 2006-149, S.L. 2006-152, and S.L. 2007-18, reads as rewritten:

"SECTION 3. Section 1 of this act applies only to the Towns of Benson, Bladenboro, Chadbourn, Clarkton, Elizabethtown, Four Oaks, Rose Hill and Tabor City. Section 2 of this This act applies only to Moore County."

SECTION 8. Section 9.4 of the Charter for the Town of Cary, as enacted by Section 1 of S.L. 2005-117, is repealed.

SECTION 9. S.L. 2006-27, S.L. 2006-149, S.L. 2006-152, S.L. 2007-18, S.L. 2007-72, S.L. 2007-336, and S.L. 2008-71 are repealed.

 SECTION 10. Section 5.2 of the Charter for the Town of Whispering Pines, as enacted by Section 1 of S.L. 2008-105, is repealed.

 SECTION 11. This act becomes effective October 1, 2009. A county may adopt an ordinance under G.S. 153A-245, and a city may adopt an ordinance under G.S. 160A-300.6 when this act becomes law, but the ordinances may not become effective prior to October 1, 2009. The repeal herein of any act does not affect the rights or liabilities of a local government that arose during the time the act was in effect, or under an ordinance adopted under such an act. If any county or city had adopted an ordinance under any act repealed by this act, and the ordinance would be permitted under G.S. 153A-245 or G.S. 160A-300.6 as enacted by this act, that ordinance shall remain in effect until amended or repealed by that county or city.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

D

SENATE BILL 650

State and Local Government Committee Substitute Adopted 4/21/09 PROPOSED HOUSE COMMITTEE SUBSTITUTE S650-PCS75408-ST-103

Short Title:	Chatham School Validation.	(Local)
Sponsors:		
Referred to:		

March 19, 2009

1 2

3

6

7

8

9

10

11

12

14

15 16

17

18

19

20

21 22

23

24

25

26

27

28

A BILL TO BE ENTITLED

AN ACT TO ALLOW A MEMBER OF THE CHATHAM COUNTY SCHOOL BOARD TO COMPLETE THE CURRENT TERM OF OFFICE DESPITE A MAPPING ERROR WHICH CAUSED HER TO BE ELECTED IN A DISTRICT WHERE SHE DID NOT RESIDE, AND TO VALIDATE ACTIONS OF THAT BOARD.

Whereas, Chapter 80 of the Session Laws of 1995 sets out the boundaries of the four districts for the Chatham County Board of Education; and

Whereas, when Abeyance Road, Ruby Red Road, and Altadore Crescent were laid out in the 1990s, Chatham County geocoded the addresses to be in District 3 when in fact those addresses are in District 2; and when Kathie Russell and 46 other current voters on those streets registered to vote, they were automatically placed in District 3 when their addresses were entered into the voter registration database; and

Whereas, in 2006 Kathie Russell ran for and was elected to the Chatham County Board of Education District 3 for a four-year term ending in December of 2010; and

Whereas, in late 2009, Chatham County examined its mapping database and discovered the error, and the 47 voters were moved by administrative action from District 3 to District 2; and

Whereas, this error is manifestly unfair to the residents of those three roads and calls into question actions of the Chatham County Board of Education the last three years and the continued eligibility of Kathie Russell to serve the remainder of her term, and the General Assembly desires to let her complete her term and validate actions of the board; Now, therefore.

The General Assembly of North Carolina enacts:

SECTION 1. All actions of the Chatham County Board of Education from the beginning of the terms of office in 2006 to the date this act becomes law are not affected by the place of residence of Kathie Russell, who may serve the remainder of her term as long as she continues as a resident at her current address.

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



SENATE BILL 650: Chatham School Validation

2009-2010 General Assembly

Committee:

House Local Government II, if favorable,

Date:

June 29, 2010

Finance Sen. Goss

Prepared by: R. Erika Churchill

Analysis of:

Introduced by:

PCS to Second Edition

Committee Counsel

S650-CSST-103

SUMMARY: The proposed committee substitute would validate actions taken by the Chatham County School Board since December 2006.

CURRENT LAW: S.L. 1995-80 sets for the districts for the Chatham County School Board elections, with three single-member districts and one two-member district. Candidates must reside in the district, but are voted on at large by all voters of the county.

In geocoding the roads in Chatham County during the 1990's, three roads (Abeyance, Ruby Red, and Altadore Crescent) were inadvertently placed in the wrong precinct, which then placed them in the wrong residency district for Chatham County School Board. In late 2009, Chatham County discovered the error, and administratively moved the 47 voters affected by the misplacement.

One of the 47 voters affected by the misplacement is Kathie Russell, member of the Chatham County School Board, elected in 2006 for a four year term ending December, 2010. Ms. Russell's address, during the 1990's geocoding, was placed in District 3 inadvertently. She was a registered voter of District 3 at the time of her election. The late 2009 administrative move to correct the geocoding misplaced resulted in Ms. Russell being a registered voter in District 2.

BILL ANALYSIS: Senate Bill 650 would state that Ms. Russell may continue to serve as a member of the Chatham County Board of Education until her term expires or she no longer resides at her current address. The bill would also clarify that actions taken by the Chatham County Board of Education since December 2006 are not affected.

EFFECTIVE DATE: Effective when it becomes law.

S650-SMST-91(CSST-103) v2

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Committee Substitute for
SB 650 A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS.
☑ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred-to-the Committee on FINANGE. No re-refusal
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No) is placed on the Calendar of (The original bill resolution No) is placed on the Unfavorable Calendar.
The (House) committee substitute bill/(joint) resolution (No) is re-referred to the Committee on (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No) is placed on the Unfavorable Calendar.

SENATE BILL 1357*

Short Title:	Expand Cabarrus County Tourism Authority.	(Local)
Sponsors:	Senator Hartsell.	
Referred to:	State and Local Government.	
	May 25, 2010	
	A BILL TO BE ENTITLED	
AN ACT TO	EXPAND THE CABARRUS COUNTY TOURISM AUTHORITY.	
	Assembly of North Carolina enacts:	
	ECTION 1. Section 2(a) of Chapter 658 of the 1989 Session Laws 1	eads as
rewritten:		
"(a) Es	stablishment and Membership. When the Cabarrus County Bo	ard of
Commissione	ers adopts a resolution levying a room occupancy tax pursuant to this act	it shall
	-create-the-The Cabarrus County Tourism Authority is composed of #	
members, wit	th seats on the Authority numbered one through-nine, 12, all of whom	shall be
appointed by	the board, Cabarrus County Board of Commissioners, selected as follows:	
(1)	, , , , , , , , , , , , , , , , , , , ,	
	not be limited to, at least one member of the board or the Cabarrus	County
	Manager; Manager.	
'(2)	· · · · · · · · · · · · · · · · · · ·	
	persons submitted by the Concord Cabarrus Chamber of Cor	nmerce;
	Cabarrus County Tourism Authority. and	
(3)		
	persons submitted to the board by the Kannapolis Chamber of Con	nmerce.
	Cabarrus Regional Chamber of Commerce.	
<u>(4</u>)		persons
~ -	submitted to the board by the Cabarrus County Tourism Authority."	
	ECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws	eads as
rewritten:		
"(b) To	erms of Office. Except as otherwise provided in the schedule set forth be	low, the
term of offic	the of each member of the Authority shall be three years. The terms	shall be
	that after the initial members of the Authority are appointed, three mem	bers are
appointed eac	th year, implemented as follows:	
(1)	Seats 1, 2, and 3 shall be appointed initially for one year, and there three years; years.	aner for
(2)	• • •	- A C-
(2)	Seats 4, 5, and 6 shall be appointed initially for two years, and there three years; and years.	aner for
(3)	· · · · · · · · · · · · · · · · · · ·	-
(5)	for three years.	creatter
<u>(4</u>)	▼ · · · · · · · · · · · · · · · · · · ·	or three
٠	years.	ninee
<u>(5</u>)	· · · · · · · · · · · · · · · · · · ·	or three
15.	years.	<u> </u>



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

1

2

3 4

5

6

7

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

D

SENATE BILL 1357* PROPOSED HOUSE COMMITTEE SUBSTITUTE S1357-CSTG-51 [v.6]

6/28/2010 4:34:13 PM

term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:	Short Title: Ex	xpand Cabarrus County Tourism Authority. (Loc	al)
A BILL TO BE ENTITLED AN ACT TO EXPAND THE CABARRUS COUNTY TOURISM AUTHORITY. The General Assembly of North Carolina enacts: SECTION 1. Section 2(a) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine 12 members, with seats on the Authority numbered one through nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the Cabarrus Regional Chamber of Commerce-Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be are appointed each year, implemented as follows:	Sponsors:		
A BILL TO BE ENTITLED AN ACT TO EXPAND THE CABARRUS COUNTY TOURISM AUTHORITY. The General Assembly of North Carolina enacts: SECTION 1. Section 2(a) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine-12 members, with seats on the Authority numbered one through-nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager: Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce-Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed,	Referred to:		
AN ACT TO EXPAND THE CABARRUS COUNTY TOURISM AUTHORITY. The General Assembly of North Carolina enacts: SECTION 1. Section 2(a) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine 12 members, with seats on the Authority numbered one through nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce-Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are		May 25, 2010	
AN ACT TO EXPAND THE CABARRUS COUNTY TOURISM AUTHORITY. The General Assembly of North Carolina enacts: SECTION 1. Section 2(a) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine 12 members, with seats on the Authority numbered one through nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce-Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are			
AN ACT TO EXPAND THE CABARRUS COUNTY TOURISM AUTHORITY. The General Assembly of North Carolina enacts: SECTION 1. Section 2(a) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine-12 members, with seats on the Authority numbered one through nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce-Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are	•	A RILL TO BE ENTITLED	
The General Assembly of North Carolina enacts: SECTION 1. Section 2(a) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine 12 members, with seats on the Authority numbered one through nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce. Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:	AN ACT TO EX		
SECTION 1. Section 2(a) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine_12 members, with seats on the Authority numbered one through nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce-Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			
by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine—12 members, with seats on the Authority numbered one through—nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce-Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:		· · · · · · · · · · · · · · · · · · ·	ed
"(a) Establishment and Membership. When the Cabarrus County Board of Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine—12 members, with seats on the Authority numbered one through—nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:		· · · · · · · · · · · · · · · · · · ·	
Commissioners adopts a resolution levying a room occupancy tax pursuant to this act, it shall establish and create the The Cabarrus County Tourism Authority is composed of nine 12 members, with seats on the Authority numbered one through nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce. Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			-of
establish and create the The Cabarrus County Tourism Authority is composed of nine 12 members, with seats on the Authority numbered one through nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce. Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			
members, with seats on the Authority numbered one through—nine, 12, all of whom shall be appointed by the board, Cabarrus County Board of Commissioners, selected as follows: (1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce-Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			
(1) Seats 1, 4, and 7 shall be selected by the board at large and shall include, but not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce-Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:		· · · · · · · · · · · · · · · · · · ·	
not be limited to, at least one member of the board or the Cabarrus County Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce. Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:	appointed by the	board, Cabarrus County Board of Commissioners, selected as follows:	
Manager; Manager and shall include one hotelier. (2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce. Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:	(1)	Seats 1, 4, and 7 shall be selected by the board at large and shall include, t	out
(2) Seats 2, 5, and 8 shall be appointed by the board from a list of at least three persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce. Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:		not be limited to, at least one member of the board or the Cabarrus Cour	ıty
persons submitted by the Cabarrus County Tourism Authority; Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:		Manager; Manager and shall include one hotelier.	
shall include one hotelier and at least one person currently active in the promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce.Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:	(2)	Seats 2, 5, and 8 shall be appointed by the board from a list of at least the	:ee
promotion of tourism in the county. (3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce. Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			-
(3) Seats 3, 6, and 9 shall be appointed by the board from a list of at least three persons submitted to the board by the Cabarrus Regional Chamber of Commerce. Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:		shall include one hotelier and at least one person currently active in t	<u>:he</u>
persons submitted to the board by the Cabarrus Regional Chamber of Commerce Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			
Commerce. Commerce and shall include one hotelier. (4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:	(3)	· · · · · · · · · · · · · · · · · · ·	
(4) Seats 10, 11, and 12 shall be appointed by the board from a list of persons submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:		•	of
submitted to the board by the Cabarrus County Tourism Authority and shall include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			
include one hotelier and at least one person currently active in the promotion of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:	<u>(4)</u>		
of tourism in the county." SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			
SECTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:		• • • • • • • • • • • • • • • • • • • •	<u>on</u>
by Section 1 of Chapter 97 of the 1999 Session Laws, reads as rewritten: "(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:	CTP CT	······································	امما
"(b) Terms of Office. Except as otherwise provided in the schedule set forth below, the term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			ea
term of office of each member of the Authority shall be three years. The terms shall be staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:			ha
staggered so that after the initial members of the Authority are appointed, three-four members are appointed each year, implemented as follows:	` '	•	
are appointed each year, implemented as follows:			
		• • • • • • • • • • • • • • • • • • • •	N1 2
(1) Seats 1 2 and 3 and 10 shall be appointed initially for one year and	(1)	Seats 1, 2, and 3, and 10 shall be appointed initially for one year, a	nd
thereafter for three years; years.	(1)		-14
(2) Seats 4, 5, and 6, and 11 shall be appointed initially for two years, and	(2)		nd

thereafter for three years; and years.

	General Assembly of North Carolina	Session 2009
1	(3) Seats 7, 8, and 9, and 12 shall be appointed ini	tially for three years, and
2	thereafter for three years."	
3	SECTION 3. Section 2 of Chapter 658 of the 1989 Ses	sion Laws, as amended by
4	Section 1 of Chapter 97 of the 1999 Session Laws, is amended to add	a new subsection to read:
5	"(b1) When any vacancy occurs, the organization responsible for	or nominating members for
6	full terms for the vacant seat shall submit a recommendation to the	<u>Cabarrus County Board of</u>
7	Commissioners."	
8	SECTION 4. This act is effective when it becomes law.	



SENATE BILL 1357: Expand Cabarrus County Tourism Authority

2009-2010 General Assembly

Committee:

House Local Government II

Introduced by: Sen. Hartsell

Analysis of:

PCS to First Edition

S1357-CSTG-51

Date:

June 28, 2010

Prepared by:

Bill Patterson

Committee Counsel

SUMMARY: Senate Bill 1357 would expand the membership of the Cabarrus County Tourism Authority from 9 members to 12, by adding three seats to be appointed by the Board of Commissioners from a list submitted by the Authority. The bill also provides for the filling of vacancies in the membership of the Authority.

The Proposed Committee Substitute requires Authority membership to include at least four hoteliers and at least two persons active in the promotion of tourism in the county, and makes technical and conforming changes to the bill.

[As introduced, this bill was identical to H2060, as introduced by Reps. Barnhart, Johnson, which is currently in House Local Government II.]

CURRENT LAW:

The Cabarrus County Tourism Authority currently comprises nine members appointed by the Cabarrus County Board of Commissioners for three year terms. Seats 1, 4, and 7 are appointed at large with one person being a county commissioner or the County Manager. Seats 2, 5, and 8 are appointed from a list submitted by the Authority. Seats 3, 6, and 9 are appointed from a list submitted by the Cabarrus Regional Chamber of Commerce. Members of the Authority serve staggered terms.

BILL ANALYSIS: Senate Bill 1357:

- increases the membership of the Authority from nine members to twelve, with the addition of seats 10, 11 and 12, to be appointed by the Board from a list submitted by the Authority
- requires that seats 1, 4, and 7 must include one hotelier
- requires that seats 2, 5, and 8 must include one hotelier and at least one person currently active in the promotion of tourism in the county
- requires that seats 3, 6, and 9 must include one hotelier
- requires that new seats 10, 11, and 12 must include one hotelier and at least one person currently active in the promotion of tourism in the county
- staggers the initial terms of new seats 10, 11 and 12 as one, two, and three years, respectively, with subsequent terms for each seat being three years
- provides that vacancies on the Authority are to be appointed from recommendations by the organization originally responsible for nominating candidates for the vacant seat

EFFECTIVE DATE:

The act is effective when it becomes law.

Barbara Riley, counsel to Senate State and Local Government, substantially contributed to this summary.

S1357-SMTG-96(CSTG-51) v1

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

SENATE BILL 1357* PROPOSED HOUSE COMMITTEE SUBSTITUTE \$1357-PC\$15414-TG-51

D

Short Title:	Expand Cabarrus County Tourism Authority. (Local)
Sponsors:	
Referred to:	
	May 25, 2010
437 4 GM MO	A BILL TO BE ENTITLED
	EXPAND THE CABARRUS COUNTY TOURISM AUTHORITY.
	Assembly of North Carolina enacts:
	CTION 1. Section 2(a) of Chapter 658 of the 1989 Session Laws, as amended of Chapter 97 of the 1999 Session Laws, reads as rewritten:
	tablishment and Membership. When the Cabarrus County Board of
	rs adopts a resolution levying a room occupancy tax pursuant to this act, it shall
	ereate the The Cabarrus County Tourism Authority is composed of nine 12
	h seats on the Authority numbered one through-nine, 12, all of whom shall be
•	the board, Cabarrus County Board of Commissioners, selected as follows:
(1)	
	not be limited to, at least one member of the board or the Cabarrus County
	Manager; Manager and shall include one hotelier.
(2)	Seats 2, 5, and 8 shall be appointed by the board from a list of at least three
	persons submitted by the Cabarrus County Tourism Authority; Authority and
	shall include one hotelier and at least one person currently active in the
40.1	promotion of tourism in the county.
(3)	
	persons submitted to the board by the Cabarrus Regional Chamber of
,	Commerce and shall include one hotelier.
<u>(4)</u>	
	submitted to the board by the Cabarrus County Tourism Authority and shall
	include one hotelier and at least one person currently active in the promotion of tourism in the county."
SE	CCTION 2. Section 2(b) of Chapter 658 of the 1989 Session Laws, as amended
	of Chapter 97 of the 1999 Session Laws, reads as rewritten:
	erms of Office. Except as otherwise provided in the schedule set forth below, the
	e of each member of the Authority shall be three years. The terms shall be
	hat after the initial members of the Authority are appointed, three-four members
	each year, implemented as follows:
(1)	Seats 1, 2, and 3, and 10 shall be appointed initially for one year, and
	thereafter for three years; years.
(2)	
	thereafter for three years, and years



6 7 8

1 2

3

4 5

"(b1) When any vacancy occurs, the organization responsible for nominating members for full terms for the vacant seat shall submit a recommendation to the Cabarrus County Board of Commissioners."

8 <u>C</u>

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 1444* Finance Committee Substitute Adopted 6/16/10

Short Title: Kannapolis/Concord Doughnut Hole Annexations.	(Local)
Sponsors:	·
Referred to:	
May 27, 2010	
A BILL TO BE ENTITLED	•
AN ACT TO AUTHORIZE THE CITIES OF CONCORD AND KANNAPOLIS TO	O ANNEX
CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED	BY THE
CORPORATE LIMITS.	
The General Assembly of North Carolina enacts:	
SECTION 1. Notwithstanding the provisions of G.S. 160A-48, a muni	cipality to
which that section applies may adopt ordinances annexing property completely er	
May 1, 2010, by the corporate limits of the municipality, if the ordinance makes a fi	
the total acreage being annexed is less than five percent (5%) of the total acreage	
corporate limits of the municipality prior to the annexation and also either:	
(1) Makes a finding based upon circumstances and evidence satisfact	tory to the
municipality that the annexation is necessary for the orderly g	•
development of the municipality; or	
(2) Makes a finding based upon circumstances and evidence satisfact	tory to the
municipality that the annexation improves the ability to provide pu	•
services.	one surety.
SECTION 2. The municipality shall fix a date for a public hearing	ng on the
annexation and publish notice of the public hearing at least 10 days before the	day of the
hearing.	lay of the
SECTION 3. The procedure for recording any annexation under this	act ic ac
provided in G.S. 160A-51.	act is as
SECTION 4. Any annexation ordinance adopted under this act shall be	a adamtad
before December 31, 2020.	e auopieu
	lia
SECTION 5. This act applies only to the Cities of Concord and Kannapo	115.



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



SENATE BILL 1444: Kannapolis/Concord Doughnut Hole Annexations

Date:

2009-2010 General Assembly

Committee: House Local Government II. if favorable.

Finance

Introduced by: Sen. Hartsell

Analysis of: Second Edition

n. Hartsell Prepared

Prepared by: Denise Huntley Adams

Committee Staff
R. Erika Churchill
Committee Co-counsel

June 30, 2010

SUMMARY: Senate Bill 1444 would authorize the cities of Kannapolis and Concord to annex certain properties that are completely surrounded by the property's respective municipal boundaries.

[As introduced, this bill was identical to H2061, as introduced by Reps. Barnhart, Johnson, which is currently in House Local Government II, if favorable, Finance.]

CURRENT LAW: G.S. 160A-48 lays out the statutory requirements for municipal governing bodies to annex property. The requirements generally ensure that the property being annexed is contiguous or adjacent to the municipality's boundaries, is not located within the corporate limits of another municipality, and is urban in nature.

Sometimes, as a result of a series of annexations, there may be parcels of property surrounded by the bundaries of a municipality but lying outside the municipality's jurisdiction. These parcels of property e often referred to as "doughnut holes." These so called doughnut holes often fall outside the statutory requirements for annexation because they may be vacant lots or property that is not developed. These parcels may be serviced by the city for police and fire protection even though the property owners do not pay taxes for these services.

BILL ANALYSIS: Senate Bill 1444 would give the cities of Kannapolis and Concord the authority to annex these so called doughnut holes, after notice and public hearing, if the respective city councils adopt an ordinance that meets the following requirements:

- The property was completely surrounded by the municipal limits on May 1, 2010.
- The ordinance makes a finding that the total acreage being annexed is less than 5% of the total acreage within the corporate limits of the municipality prior to the annexation.
- The annexation is necessary for the orderly growth and development of the municipality OR the annexation improves the ability to provide public safety services.

EFFECTIVE DATE: The act becomes effective when it becomes law. An annexation ordinance adopted under this act must be adopted before December 31, 2020.

S1444-SMTB-21(e2) v3

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

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is are presented.		
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.		
Committee Substitute for		
SB 1444 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES		
OF CONCORD AND KANNAPOLIS TO ANNEX CERTAIN PROPERTIES CURRENTLY		
TOTALLY SURROUNDED BY THE CORPORATE LIMITS.		
With a favorable report and recommendation that the bill be re-referred to the Committee on		
FINANCE.		
The second of th		
(FOR JOURNAL USE ONLY)		
D		
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on		
 '		
The bill/resolution is re-referred to the Committee on		
1110 0111111111111111111111111111111111		

HOUSE PAGES

NAME OF	COMMITTEE DATE 6/30/	10
1. Name:	Mikalah Shaw	
County:	Dwham	
Sponsor:	Lawy Hall	
	Charlotte Leadern	
County:	Orange	
	Hackney	
₹ .		
County:		
Sponsor:		
•		
		•
5. Name:		
County: _		
Sponsor:		
•		
. •	SGT-AT-ARM	
	MARVIN LEE	
	BOD ROSSI	
3. Name: <u>4</u>	DAVE SHEAROW	
4. Name:	·	

VISITOR REGISTRATION SHEET

LOCAL GOVERNMENT II

JUNE 30, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME '	FIRM OR AGENCY AND ADDRESS
David Anders	PFFPWC
Richard O'Brien	PFFPNC
Dave Factor	City of Chew 6 He
Allison Waller	Chamber
Josei Akyo	NC ABA
Rick Zechini	NC ASSOC of REALTORS
TreelBuggetto	Walt) me, wal
Maen Goff	mill Andorsi
Wark Ellis	Northeast anestheoidogists
Pat Gannon	· · · · · · · · · · · · · · · · · · ·
	J' ,
Pat Gannon	Wilmington Star News

VISITOR REGISTRATION SHEET

LOCAL	GOVER	NMENT	II '

JUNE 30, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jonet Farson	Rep. Lutke
Wick Tosco	NCLM
Andrew Lynch	NCLM
Penny Guffer	School 7 Hor.
Colleen Kodernek	Kochanek Law Group
LANCES BEAN	City of When aritim
KRISTI Tomey	Wilmington City Council Woman
Conne Wlow.	$C\omega C$
BID Nowe	NC Justice Centro
Chris Kulla	car
David No Govan	NC Realters

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the Committee on Local Government II will meet as follows:

TIME: 11:00 LOCATION:		bills added.
The following	bills will be considered:	
BILL NO. SB 1115	SHORT TITLE Carteret Schools May Administer Oath.	SPONSOR Senator Preston
	Respectfull Representa	ly, tive Braxton, Chair
• •	this notice was filed by the committee assi July 02, 2009.	istant at the following offices at
Principal C Reading Cl	lerk erk – House Chamber	
Barbara Hoc	utt (Committee Assistant)	

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND

BILL SPONSOR NOTIFICATION 2009-2010 SESSION

You are hereby notified that the	Committee on Local Government	t II will meet as follows
----------------------------------	-------------------------------	---------------------------

DAY & DATE: Wednesday, July 7, 2010

TIME: 11:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

•	BILL NO. HB 666	SHORT TITLE Electronic Payments by Local Governments.	SPONSOR Representative Martha B. Alexander
		Governments.	Representative Farmer- Butterfield
	SB 1115	Carteret Schools May Administer Oath.	Senator Preston
		Respectful Representa	ly, itive Braxton, Chair
		y this notice was filed by the committee ass July 06, 2009 .	istant at the following offices at
	Principal C	Clerk Ierk – House Chamber	

Barbara Hocutt (Committee Assistant)

LOCAL GOVERNMENT II AGENDA JULY 7, 2010

_	~		^ 1
I.	Call	tΛ	Order
1.	C411	···	O 1 00 1

II. Introductions

III. Bills

HB 666 Electronic payments by Local Senator Josh Stein

Governments
No re-referral

SB 1115 Carteret Schools May Administer Sen. Jean Preston

Oath

No re-referral

THE COMMITTEE ON LOCAL GOVERNMENT II

July 7, 2010 Minutes

The July 7, 2010, meeting of the Committee on Local Government II was called to order by Vice Chairman Russell Tucker at 11:05 a.m. He introduced the Pages: Vivlica Rodgers of Beaufort sponsored by Representative Williams, Victoria Peterson of Carteret County sponsored by Representative McElraft and Kristen Johnson of Wake County sponsored by Representative Gill. The Sergeants at- Arms were John Branson, Dusty Rhodes and Earl Coker. The following members were present: Representatives Braxton, Langdon, Tucker, Blackwell, Floyd, Guice, Lucas, McElraft, Spear, Stewart and Wiley.

Representative McElraft presented Senate Bill 1115, "A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PRINCIPALS IN THE CARTERET COUNTY PUBLIC SCHOOLS TO ADMINISTER OATHS FOR STUDENT ADMISSION," sponsored by Senator Preston. Representative McElraft reminded the members that they voted favorable on the house companion to this bill, House Bill 1728, when it came before the committee recently. The Senate bill is the same. Representative Floyd moved a favorable report. The motion was seconded and passed.

Representative Braxton assumed the chair and asked staff to begin the explanation of House Bill 666, "A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS AND PUBLIC AUTHORITIES TO PAY BILLS, INVOICES, SALARIES OR OTHER CLAIMS BY ELECTRONIC PAYMENT OR ELECTRONIC FUNDS TRANSFER" while the sergeant advised Sen. Stein who is in a nearby committee meeting that his bill is being considered. Bill Patterson explained what the bill does. Senator Stein said that the bill will modernize the way local entities handle payments, and he would appreciate the committee's approval. Representative Tucker moved a recommendation that the House concur. The motion was seconded and passed.

The meeting was adjourned at 11:15 a.m. by Chairman Van Braxton.

Representative Van Braxton, Chairman

Barbara Hocutt, Committee Assistant

3

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S

SENATE BILL 1115

Education/Higher Education Committee Substitute Adopted 6/23/10 Judiciary II Committee Substitute Adopted 6/29/10

	Short Title: Carteret Schools May Administer Oath.	(Local)
	Sponsors:	
	Referred to:	·
	May 13, 2010	
1	A BILL TO BE ENTITLED	
2.	AN ACT TO AUTHORIZE PRINCIPALS IN THE CARTERET COUNTY P	UBLIC
3	SCHOOLS TO ADMINISTER OATHS FOR STUDENT ADMISSION.	
4	The General Assembly of North Carolina enacts:	
5	SECTION 1. G.S. 115C-366 is amended by adding a new subsection to read	1 :
6	"(i) Principals and their designees are authorized to administer oaths to those	
7	giving affidavits, statements made under oath, or affirmations under this section. Princip	
8	their designees may not administer any other oath for any other purpose unless ot	
9	authorized by law. Each statement made under oath or affirmation to a principal	
10	principal's designee under this section shall be made under the penalty of per	
11	G.S. 14-209."	
12	SECTION 2. This act applies only to the Carteret County School System.	
13	SECTION 3. This act is effective when it becomes law.	





SENATE BILL 1115: Carteret Schools May Administer Oath

Date:

2009-2010 General Assembly

House Local Government II Committee:

July 7, 2010 **Brad Krehely** Introduced by: Sen. Preston Prepared by:

Committee Co-Counsel Analysis of: Third Edition

SUMMARY: SB 1115 is a local act that would authorize principals and their designees in Carteret County public schools to administer oaths or affirmations for student admission. Unless otherwise authorized by law, principals and designees may not administer other oaths.

CURRENT LAW: G.S. 115C-366 addresses the assignment of students to particular schools. That statute requires a parent, guardian, or legal custodian to sign an affidavit or provide a statement made under oath or affirmation under the following circumstances.

Admission of Non-Domiciled Student

Generally, a student must be domiciled in a local school administrative unit (LEA) to attend its public schools, free of tuition. The statute creates certain exceptions permitting a student to attend the public schools of an LEA where the student is not domiciled if a number of conditions apply:

- The student must reside with an adult who is a domiciliary of that unit as a result of one of seven situations related to the parent or legal guardian (i.e. death, illness, incarceration, abandonment, abuse or neglect, physical or mental condition of parent or legal guardian, relinquishment of custody, loss of home, or specified military duty of parent or legal guardian).
- The student must not be under a term of suspension or expulsion that could have led to suspension or expulsion from the LEA.
- The caregiver adult and the student's parent, guardian, or legal custodian must complete and sign separate affidavits that do all of the following:
 - o Confirm the qualifications establishing the student's residency.
 - o Attest that the student's claim of residency is not primarily related to attendance at a particular school.
 - o Attest that the caregiver adult has been given and accepts responsibility for educational decisions for the student.

If the student's parent, guardian, or legal custodian is unable or refuses to sign the affidavit, then the caregiver adult shall attest to that fact in the affidavit.

Upon receipt of the affidavits, the local board shall assign the student to an appropriate school as soon as practicable and pending the verification of eligibility. If the information contained in either or both affidavits is false, then the local board may remove the student from school unless the student is otherwise eligible for school attendance under other laws or local board policy.

If a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit ill be guilty of a Class 1 misdemeanor and will pay to the local board an amount equal to the cost of lucating the student during the period of enrollment. The affidavits must include, in large print, the penalty for providing false information.

Student Transfer

Senate Bill 1115

Page 2

When a student transfers into the public schools of a local school administrative unit, that local board must require the student's parent, guardian, or legal custodian to provide a statement made under oath or affirmation before a qualified official. The statement indicates whether the student is, at the time, (1) under suspension or expulsion from attendance at a private or public school in <u>any</u> state or (2) has been convicted of a felony in <u>any</u> state. This provision does not apply to the enrollment of a student who has never been enrolled in or attended a private or public school in any state.

Perjury is a Class F felony under G.S. 14-209.

BILL ANALYSIS: SB 1115 authorizes principals and their designees to administer oaths to those persons giving affidavits, statements made under oath, or affirmations under G.S. 115C-366. It also provides that each statement made under oath or affirmation to a principal or the principal's designee must be made under the penalty of perjury. This act applies only to the Carteret County School System.

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

BACKGROUND: Carteret County has 16 schools. Several of these schools do not have a notary public on staff. On March 3, 2010, the Carteret County Board of Education passed a resolution petitioning the North Carolina General Assembly to allow principals or their designees to administer oaths, statements made under oath, or affirmations in connection with the assignment of students.

As introduced, this bill was identical to H 1728. H 1728 received a favorable report in House Local Government II before passing 2nd and 3rd readings in the House of Representatives on June 30, 2010. H 1728 is currently in Senate State and Local Government.

S1115-SMRN-133(e3) v2

^{*}Kara McCraw and Kory Goldsmith, Staff Attorneys, contributed to this summary.

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
Senate Committee Substitute # 2 for
SB 1115 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PRINCIPALS
IN THE CARTERET COUNTY PUBLIC SCHOOLS TO ADMINISTER OATHS FOR
STUDENT ADMISSION.
With a favorable report.
(FOR JOURNAL USE ONLY)
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
· · · · · · · · · · · · · · · · · · ·
Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2009**

H

HOUSE BILL 666* Senate Judiciary I Committee Substitute Adopted 6/29/10

(Public)
invoice, sitory, a nt or an official finance or some nall take
process. finance required on June ent until official a signed

certificate.

As used in this subsection, the term "electronic payment" means payment by charge card, credit card, debit card, or by electronic funds transfer, and the term "electronic funds transfer" means a transfer of funds initiated by using an electronic terminal, a telephone, a computer, or magnetic tape to instruct or authorize a financial institution or its agent to credit or debit an account."

SECTION 2. This act becomes effective July 1, 2010.





HOUSE BILL 666: Electronic Payments by Local Governments

2009-2010 General Assembly

Committee: House Local Government II

Introduced by: Reps. M. Alexander, Farmer-Butterfield

Analysis of: Second Edition

Date:

July 7, 2010

Prepared by: Bill Patterson*

Committee Counsel

SUMMARY: House Bill 666 authorizes local governments and public authorities to pay obligations by electronic payment or electronic funds transfer.

CURRENT LAW: G.S. 159-28, a section in the Local Government Budget and Fiscal Control Act, includes procedures for incurring and paying local government and public authority obligations.

- G.S. 159-28(a) requires a "pre-audit" certificate for specified obligations, signed by the finance officer or deputy finance officer, in order to provide evidence of, and insure compliance with, the procedural safeguards of this section. The pre-audit includes certification that there was an appropriation, and an unencumbered balance remains, for the obligation.
- G.S. 159-28(d) limits the method of payment of a bill, invoice, salary, or other claim against a local government or public authority to checks, drafts on an official depository, or by a bank wire transfer from an official depository.

BILL ANALYSIS: House Bill 666:

- authorizes local governments or public authorities to pay obligations by electronic payment, defined as "payment by charge card, credit card, debit card, or by electronic funds transfer; or by electronic funds transfer, defined as "a transfer of funds initiated by using an electronic terminal, a telephone, a computer, or magnetic tape to instruct or authorize a financial institution or its agent to credit or debit an account."
- requires electronic payments to be subjected to the pre-audit process, and indicate that fact, as required by G.S. 159-28(a).

EFFECTIVE DATE: This act becomes effective July 1, 2009.

^{*} Giles Perry, counsel to Senate Judiciary I, substantially prepared this summary. H666-SMTG-101(e2) v2

2009 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Braxton (Chair) for the Committee on LOCAL GOVERNMENT II.
⊠ Senate Committee Substitute for
HB 666 A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS
AND PUBLIC AUTHORITIES TO PAY BILLS, INVOICES, SALARIES, OR OTHER
CLAIMS BY ELECTRONIC PAYMENT OR ELECTRONIC FUNDS TRANSFER.
With recommendation that the House concur.
(FOR JOURNAL USE ONLY)
<u> </u>
Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

VISITOR REGISTRATION SHEET

Name of Committee		Date	
LOCAL GOVERNMENT II	<u>.</u>	JULY 7, 2010	

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
A. SOLARI	DST
P. Stoch	NCBA
Kay Emanue	VNC Institute of Dov I
CHHULTH	TWC Institute of Box of
· .	
	•
-	
	·

VISITOR REGISTRATION SHEET

Τ.	OCAL.	GOVERNMENT	II
·		OO A DIG JIMBIAT	

JULY 7, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Anders	PFFPNC
DANIEL BAUM	TROUT MAN SANDERS
In Luke Stancia	John Locke
Mike Mclastle	Lt. Governors Offic
1	
•	
•	

HOUSE PAGES

	LIC TREY GOV. T	
NAME O	F COMMITTEE	date7- 7-10
1. Name:	Vivlica Rodgers	· · · · · · · · · · · · · · · · · · ·
County:	Beaufort	
Sponsor	: Williams	
2. Name:	Victoria Peterson	
County:	Carteret	
Sponsor:	McElraft	
3. Name:	Kristen Johnson	
County:	Wake	
Sponsor:	Gill	
4. Ņame:		
		<u> </u>
Sponsor:		
5. Name:		
County:		
Sponsor:		
•	SGT-AT-ARM	
	John BRANDON	·····
	Dusty Phodes	
3. Name:	EAR COILER	
4. Name:	_	